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Meeting	Executive
Date	28 April 2016
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillors Fenton, Kramm and Richardson

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## **Part A - Matters Dealt With Under Delegated Powers**

### **134. 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.

Cllr Waller declared a personal interest in relation to agenda item 8 – Review of Provision of Home to School Transport as a communicant Anglican on the electoral roll at St Olave's Church.

Cllr Brooks also declared a personal interest, in relation to the same agenda item, as a member of the Church of England and on the electoral role for St Nicholas Church Dunnington and a member of Dunnington Parochial Church Council.

Cllr Runciman also declared a personal interest, in relation to the same agenda item, as a member of the Church of England and on the electoral role for York Minster.

Cllr D'Agorne also declared a personal interest, in relation to the same agenda item, as an employee of York College although not involved in direct support to pupils using school transport and as a Chair of School Governors as the outcome could affect residents in his Ward.

### **135. Minutes**

Resolved: That the minutes of the last meeting of the Executive held on 17 March 2016 be approved and signed by the Chair as a correct record.

### **136. Public Participation**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, and that two Members of Council had requested to speak on the following items:

#### Public Interest Report – City of York Trading (CYT)

Gwen Swinburn spoke to highlight a number of points in relation to the report and its findings. She referred to the need for adequate checks and balances via the Audit & Governance Committee rather than the Executive and felt the report failed to address a number of the issues raised.

Martin Whitely also spoke in relation to this report and to his earlier work with the Council's Audit and Governance Committee and to the Committee's consideration of technical breaches.

#### Review of Provision of Home to School Transport

Jen Dungy spoke to thank the Executive and Officers for acknowledging parents concerns regarding proposed changes to the home to school transport provision to Manor C of E Academy. She asked the Executive to consider a fairer system of imposing charges for all pupils in receipt of home to school transport.

Councillor Stephen Fenton also spoke to thank the Executive and Officers on behalf of children in the Woodthorpe area for agreeing to continue the provision of home to school transport in order to allow time to consider alternative arrangements. He made reference to possible alternative bus services which were also currently under review and he requested a holistic review transport provision in the city.

## Letting of Red Tower, Foss Islands Road

Councillor Keith Myers spoke to express his full support for the proposed letting and reuse of a building which had been vacant for a number of years. As part of the lease he requested that the building was opened on York Residents Weekends, Heritage days and for heritage visits.

### **137. Forward Plan**

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

### **138. Goose Management Scrutiny Review Final Report**

Consideration was given to the final report and recommendations from the Goose Management Scrutiny Review. A review undertaken to improve the experience of residents and visitors to public parks, gardens and open spaces by examining the geese and other water fowl related problems affecting Rowntree Park, the University and other sites.

Councillor Kramm as Chair of the Task Group presented the report, giving a comprehensive review of the work undertaken, evidence received and findings which had led to the recommendations which they felt would assist in the development of a long term strategy for the management of geese in the city. He thanked Task Group member and all those who had provided evidence to support the production of the report.

The Chair highlighted that the majority of the geese problems impacted on a small number of wards in the city and he questioned the benefits of a survey of the goose population and nesting sites. Members went on to thank the Task Group for their work but raised concerns regarding the resourcing and Officer time in relation to the production of an integrated goose management strategy.

The Executive Member confirmed that, whilst not supporting the full report recommendations, Officers would continue to trial various measures in an effort to alleviate the problems detailed in the report.

Following further discussion it was

Resolved: That having considered the Goose Management Scrutiny Review Task Groups final report, the Executive agrees to refer back the report and recommendations listed at paragraph 2 (i to v) to the Communities and Environment Policy & Scrutiny Committee for further examination in order to refine the recommendations, in line with budget constraints, prior to consideration by the Executive Member for Culture, Leisure & Tourism. <sup>1</sup>.

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

Action Required

1. Refer back the report and recommendations to the C & E Policy & Scrutiny Committee for further examination in order to refine the recommendations, in line with budget constraints. MC

**139. York Museums Trust Scrutiny Review Final Report**

Members considered the final report and draft recommendations of the York Museums Trust (YMT) Scrutiny Review undertaken to consider the Council's financial contribution to YMT, to identify the most appropriate custodianship arrangements and to enable the Trust to operate effectively as a business-like charity.

Consideration was given to the following recommendations:

In regard to the Council's financial contribution to YMT that:

- i. A Funding Agreement be developed and maintained consisting of four elements: *Common Partnership Objectives for Museums Provision; Reporting Mechanisms; A Long-Term Financial Plan; A Projected Capital Development Plan*, as set out in paragraph 19 of the final report
- ii. YMT provide a 5 year rolling financial plan with commentary (at the level of detail given in Annex B of the final report) to support the Council in its consideration of its contribution to maintaining YMT's core business.

- iii. YMT provide a long-term capital development plan to inform the Council's consideration of its support of YMT's capital development programme.

In regard to future custodianship arrangements:

- iv. A consistent charitable framework to be implemented for all assets and collections, which addresses the objectives set out at paragraph 23 of the review final report, and which together with the proposed Funding Agreement, replaces the various current legal agreements.

To ensure YMT can operate as an effective business-like charity:

- v. The *Common Partnership Objectives for Museums Provision* at paragraph 6 be endorsed as the partnership's long- term shared intentions
- vi. The reporting arrangements set out in the final report at paragraph 19 ii to be adopted, and the Learning & Culture Policy & Scrutiny Committee to receive bi-annual reports on developments and challenges with respect to the Common Partnership Objectives, the Financial Plan and the Capital Development Plan as the basis for discussion on shared opportunities for the partnership between the Council and YMT. <sup>2</sup>.

Councillor Looker as Task Group Chair presented the report and recommendations which examined ways in which long term security could be provided for the Trust whilst accessing other sources of funding and providing a coherent charitable framework. She referred to the significant support received from all concerned and work undertaken to meet the review objectives.

The Executive Member highlighted the management risks to the Council without a renewed funding agreement with YMT, as set out at paragraph 9 of the report, and expressed his full support for the review recommendations.

Resolved: That, having considered the York Museums Trust Scrutiny Review Task Groups final report and annexes, the Executive approves the

recommendations listed at paragraph 2 (i to vi) of the report. <sup>1</sup>.

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

Action Required

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| 1. Implement YMT Scrutiny Review recommendations.  | CC |
| 2. Note receipt of bi-annual YMT reports in L&C Policy & Scrutiny Committee's work plan. | MC |

**140. Public Interest Report - City of York Trading (CYT)**

*[See also Part B minute]*

Consideration was given to a report which provided a summary of the actions the Council had either taken or were planning to take in order to address the recommendations in the Public Interest Report; this followed the reports agreement at Council on 24 March 2016.

The Chief Executive presented the report highlighting the changes proposed in relation to Council approval of the payments made, the governance arrangements, the Officer's Register of Interests, the Council Procedure Rules and the Council's Webcasting Protocol. He confirmed that further reports on a governance structure for external bodies would be brought to the Executive's meeting in June and that the Audit and Governance Committee would be asked to consider changes to the Council's Constitution in the interests of transparency and consistency.

The Chair expressed his support for the proposed changes, in particular the wording of the Council Procedure Rules, to reflect the balance between freedom of speech and effective management of the meeting.

Resolved: That the Executive note and agree the actions the Council is taking and proposes to take in order to address the Auditor's recommendations in their report, as set out in paragraph 9 onwards.

Reason: In order to address the recommendations highlighted in the Public Interest Report.

## 141. Review of Provision of Home to School Transport

Consideration was given to a report which presented proposals for revision of home to school transport to:

- Manor CE Academy
- St Wilfrid's RC Primary School and
- Withdrawal of post 16 and 19-25 SEN transport

Officers referred to the report recommendations, in particular, to (i) - the withdrawal of dedicated home to school bus services to and from Manor CE Academy. In view of representations received and discussions undertaken, since publication of the agenda, it was proposed to continue to provide a dedicated home to school transport service for eligible pupils until 2017 in order allow parents and the school to consider alternative arrangements.

The Executive Member thanked Officers and the Head of Manor Academy for work on the revised recommendation. With regard to earlier speakers comments she highlighted the authorities statutory duty to provide free home to school transport for eligible pupils.

In answer to Members questions Officers confirmed that full consultation would be undertaken with parents/carers of those eligible for a Personalised Transport Budget and that any changes in their circumstance would result in a review of the arrangements. Officers also confirmed that timescales in relation to the implementation of the new arrangements would be provided.

Resolved: That Executive approve:

- (i) Paragraph 11 (b) of the report, to continue to provide a dedicated home to school transport service to Manor CE Academy for eligible pupils until July 2017, with non-eligible pupils having the option to purchase a concessionary seat at the current cost of £380.  
and :
  - That Manor CE Academy will contribute £13,280 (50% of the shortfall between the cost of the seat and the concessionary fare for non-eligible pupils) towards this service;

- That from September 2017 City of York Council will no longer provide dedicated home to school bus services to Manor CE Academy;
- That parent/carers and the school will have 16 months to consider alternative arrangements to get pupils to and from school. The Local Authority will provide advice and support in this process. <sup>1</sup>.

(ii) The option as set out in paragraph 18(a) of the report - to continue to provide a dedicated home to school bus service to St Wilfrid's RC Primary School for both eligible and non eligible pupils (who will pay a concessionary fare) for 2016/17 but withdraw the dedicated home to school bus service from July 2017, replacing it with the offer of a mileage allowance to parent/carers of eligible pupils. <sup>2</sup>.

(iii) The option as set out in paragraph 24 (b) of the report - To begin consultation on implementing Personalised Transport Budgets (PTB's) at an enhanced rate for all Special Educational Need Post -16 and 19-25 young people who are eligible for assistance with transport, on a rolling programme from September 2016 onwards. This would achieve savings of £32,812 for the 2016/17 financial year, based on 50% of eligible young people being transferred to PTB's from September 2016. <sup>3</sup>.

- Reason:
- (i) This option will provide savings of £24,346 for the 2016/17 financial year and will maintain the current provision of the dedicated home to school bus services for both eligible and non-eligible pupils.
  - (ii) This will ensure provision of transport for eligible pupils but will achieve a saving of £5,220 for the 2016/17 financial year and £16,000 for the 2017/18 financial year.



- (iii) To maintain support for transport for these students but enable a reduction in expenditure.

Action Required

- 1. Continue provision of home to school transport for eligible pupils to Manor CE Academy until July 2017. ME, SK
- 2. Continue provision of home to school transport service to St Wilfrid's RC Primary School for 2016/17. ME, SK
- 3. Commence consultation on implementing PTB's for all SEN eligible young people. ME, SK

**142. Community Wellbeing and Support (Housing Related Support)**

Consideration was given to a report which looked at the commissioning of an alternative service model for Community Support and Wellbeing (Early Interventions and Prevention) involving a radical approach of co-design and partnership working which included the reduction of the number of service contracts from over forty to eleven.

Officers presented the report, providing the background to the development of the new “whole” service approach including the required efficiency savings and contract projections. In particular, Officers highlighted the proposed Government cap on Housing Benefits and the possible implications on Local Authority Housing Allowance. They also confirmed that it was proposed that the implementation date of the new service delivery model would be February 2017.

Members thanked Officers for their work on the development of the new services and referred to the importance of monitoring so as not to lose sight of the individuals involved.

Consideration was then given to the following options:

Option A - The Council to commission an alternative service model for Community Support and Wellbeing (Early Interventions and Prevention). This will involve a radical approach, one of co-design and partnership working and proposes reducing the number of service contracts from over 40

to approximately 11 but with only 3 new commissioned service contracts/areas.

Option B – Retain the existing programme in its existing format but change the name to Community Wellbeing & Support. If Members adopt this recommendation, the £750K required efficiencies will have to be found from elsewhere in the Council budget.

Resolved: That Executive approve Option A to commission an alternative service model, paragraphs 40-46 of the report, and note the implications of the recent proposals regarding Local Housing Allowance, which is under review, and the impact that this may pose to the proposals within the report. <sup>1</sup>.

Reason: To deliver a new model of delivering Housing Related Support Services to residents of York and ensure continuation of a Housing Related Support programme.

#### Action Required

1. Proceed with commissioning of alternative service model.

GB

### **143. Letting of Red Tower, Foss Islands Road**

Members considered a report which set out details of a request received from The Incredible Movement in York (TIM), a voluntary community involvement group, to lease the Red Tower and adjacent land, to provide a residents meeting place and to engage with the community to promote improvement of the neighbourhood.

Officers reported on consultation undertaken and the refurbishment proposals for the building via Government funding received by TIM. In answer to the earlier speakers comments Officers also confirmed that, subject to funding, TIM intended to appoint a manager which would enable the Tower to be opened as often as possible for use and visits by the community and heritage groups.

Members expressed their support for the letting of the tower to bring a vacant building back into use for community led projects.

Consideration was given to the following options:

Option 1- Let the premises on a long lease to TIM

Option 2 – Decline to let the premises

Resolved: That Executive agree to let the Red Tower and part of the adjacent land to The Incredible Movement in York for a term of 30 years at a peppercorn rent.<sup>1</sup>

Reason: To enable an unused council building to be utilised and improved and thereby provide a resource which will benefit the local community.

Action Required

1. Proceed with letting of Tower to TIM in accordance with the agreed terms.

PF

**Part B - Matters Referred to Audit & Governance Committee**

**144. Public Interest Report - City of York Trading (CYT)**

*[See also Part A minute]*

Consideration was given to a report which provided a summary of the actions the Council had either taken or were planning to take in order to address the recommendations in the Public Interest Report; this followed the reports agreement at Council on 24 March 2016.

The Chief Executive presented the report highlighting the changes proposed in relation to the Council approval of the payments made, the governance arrangements, the Officer's Register of Interests, the Council Procedure Rules and the Council's Webcasting Protocol. He confirmed that further reports on a governance structure for external bodies would be brought to the Executive's meeting in June and that the Audit and Governance Committee would be asked to consider changes to the Council's Constitution in the interests of transparency and consistency.

The Chair expressed his support for the proposed changes, in particular the wording of the Council Procedure Rules, to reflect

the balance between freedom of speech and effective management of the meeting.

Recommended: That the Audit & Governance Committee consider the changes, suggested in paragraph 23 of the Executive report, to both the Council Procedures Rules and the Council's Webcasting Protocol.

Reason: In the interests of clarity and transparency of approach.

Action Required

1. Refer to Audit & Governance Committee.

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.30 pm].