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MEETING	ECONOMIC & CITY DEVELOPMENT OVERVIEW & SCRUTINY COMMITTEE
DATE	14 JULY 2009
PRESENT	COUNCILLORS PIERCE (CHAIR), HUDSON (VICE-CHAIR), HYMAN, HOLVEY, KIRK, SCOTT AND D'AGORNE
APOLOGIES	COUNCILLOR POTTER

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### **1. DECLARATIONS OF INTEREST**

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

Councillor Holvey declared a standing personal non prejudicial interest as an Economic Policy Advisor for Leeds City Council.

Councillor D'Agorne declared a standing personal non prejudicial interest noted, particularly in relation to training matters, as an employee of York College.

### **2. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **3. NEW ARRANGEMENTS FOR OVERVIEW AND SCRUTINY IN YORK**

Members considered a report which highlighted the agreed changes to the Overview and Scrutiny function in York.

RESOLVED: That the report be noted

REASON: To inform Members of the new Scrutiny arrangements.

### **4. 2008/09 OUTTURN REPORT- FINANCE AND PERFORMANCE**

Members considered a report providing details of the 2008/09 outturn position for both finance and performance in City Strategy, Housing Services and Licensing and Regulation within Neighbourhood Services.

There were discussions between Members and Officers on the following issues:

- Housing Revenue
- Bus passenger numbers and how this has affected fares
- Newgate Market; particularly in relation to the income this was currently generating and the number of empty stalls
- Standards of Council properties
- Housing developers' plans in light of the recession

The Chair suggested in relation to the discussion on Newgate Market that the committee might wish to add this to their ongoing work plan, and that this would be decided on when the work plan item was discussed later in the meeting.

In relation to the required standards that Council properties needed to attain, an Officer circulated a paper with printed definitions on measuring the standards.

In response to a Member's question on whether the age of a property would make a difference in the standards it had to achieve, the Officer replied that more information would be made available to answer this after the meeting.

RESOLVED: That the report be noted.

REASON: To update the Scrutiny Committee of the outturn position.

## **5. CORPORATE STRATEGY-RELEVANT KEY PERFORMANCE INDICATORS AND ACTIONS**

Members received a report that presented the Corporate Strategy key performance indicators and actions relevant to the remit of the Committee.

Officers circulated an amended version of the chart of possible performance indicator links to Scrutiny Committees which explained with the help of directional arrows the performance of certain indicators over the past year. This is attached as an annex to these minutes.

Members suggested that to provide a clearer overall picture future Monitoring and Key Performance Indicator reports should be amalgamated with a focus on under performance along with a comparison to national data.

In reference to Annex A to the report (Relevant Council Performance Indicators and Key Actions for 2009/10). Members asked for an extra explanatory sentence to be added under each indicator for clarity.

RESOLVED: I) That the report be noted.

- ii) That the Monitoring & Key Performance Indicator Reports be amalgamated for future meetings.<sup>1</sup>
- iii) That an explanatory sentence be added under each indicator for clarity.<sup>2</sup>

REASON: To inform the work of this Committee.

Action Required

- 1. Merge Monitoring and Key Performance Reports for future meetings TW
- 2. Add explanatory sentences to indicators in merged Monitoring and Key Performance Indicator reports. TW

**6. FEASIBILITY REPORT-PLANNING CONDITIONS**

Members considered a feasibility report which related to a topic regarding the implementation of planning conditions along with the completion and difficulties related to the adoption of new estates. The topic had originally been registered by Councillor Simpson-Laing. Members also considered a written submission by Councillor Simpson-Laing in support of her topic. This is attached as an Annex to these minutes.

Discussions between Members and Officers related to several issues:

- Problems with some developers not fulfilling all the requirements of their planning conditions. This had a knock on effect when it came to implementing adoption processes.
- The need for a greater focus on adoption rather than enforcement.

Members of the Committee requested the Assistant Director(City Development & Transport) provide further information on adoption processes and this briefing should provide a focus to identify whether there would be any scope or merit in proceeding with a review on this matter.

RESOLVED: That the decision be deferred until a future meeting when Officers would present Members with further information.<sup>1</sup>

REASON: To better inform the work of the Committee and to not duplicate work already being undertaken.

Action Required

- 1.Officers to provide further information on adoption processes TW

## **7. ECONOMIC DEVELOPMENT PROGRAMME REPORT**

Members received a report which provided an overview of the Council's approach to economic development in order that the Committee could determine their work plan in relation to this.

Councillor D'Agorne submitted an open letter from the York Environment Forum on Implementing the Sustainable Community Strategy and it was decided that a representative from the York Environment Forum should be invited to address the committee at the next meeting on its contents. This letter is attached as an annex to these minutes.

Discussions between Members and Officers included:

- The Sustainable Community Strategy and issues relating to planned sustainable developments around the city area.
- The links between the work of the Economic Development Department and the Local Development Framework.
- Newgate Market

Annex B of the Assistant Director's(Economic Development and Partnerships) report was the result of an externally commissioned study by the Centre for Cities. The Assistant Director highlighted the following points:

- York's relationship with the Leeds City Region.
- York's low rates of new business formation and perceived lack of enterprising spirit amongst inhabitants, perhaps due to lack of ethnic diversity or loss of old industries.
- Green jobs.

The Committee invited the Assistant Director(Economic Development and Partnerships) to their September meeting to discuss the Economic Development Strategy and Action Programme 2008/09(Annex A of the report) further.

RESOLVED: That the report be noted.

REASON: To give more information to the Committee on these specific economic development issues.

## **8. WORK PLAN 2009-2010**

Members considered the work plan for the Economic and City Development Overview & Scrutiny Committee for 2009-10.

Members agreed that the following work areas be added to the work plan:

- Further information on adoption processes to enable Members to make an informed decision on whether to proceed with the scrutiny

topic regarding planning conditions and adoption of new estates(minute 6 refers).

- Closer examination of the Economic Development Programme report with an invite to the Assistant Director(Economic Development and Partnerships) to present the results to the Committee's meeting in September.
- A focus on Newgate Market, in relation to the Economic Development Programme's remit.

RESOLVED: That the work areas detailed above be added to the work plan of this Committee.

REASON: To assist in the planning of work for this Committee.

Councillor R Pierce, Chair

[The meeting started at 5.35 pm and finished at 7.45 pm].

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## Possible performance indicator links to Scrutiny Committees

Code	Lead for Collection	Indicator definition	LAA indicator (35? local? Education NPI?)	Direction of Travel (2008/09 compared with 2007/08)
NPI 6	City Strategy	Participation in regular volunteering	35	↑
NPI 7	City Strategy	Environment for a thriving third sector	35	New Indicator
NPI 12	HASS	Refused and deferred Houses in Multiple Occupation (HMO) license applications leading to immigration enforcement activity	No	New Indicator
NPI 46	LCCS	Young offenders access to suitable accommodation	No	↓
NPI 151	City Strategy	Local economy - Overall employment rate	No	↓
NPI 152	City Strategy	Working age people on out of work benefits	35	↓
NPI 154	City Strategy	Net additional homes provided	No	↓
NPI 155	HASS	Number of affordable homes delivered (gross)	35	↑
NPI 156	HASS	Number of households living in Temporary Accommodation	35	↑
NPI 157a	City Strategy	Processing of planning applications - major applications completed within 13 weeks	No	↑
NPI 157b	City Strategy	Processing of planning applications - minor applications completed within 8 weeks	No	↓
NPI 157c	City Strategy	Processing of planning applications - other applications completed within 8 weeks	No	Stable
NPI 158	HASS	% of decent council homes	No	↑
NPI 159	City Strategy	Supply of ready to develop housing sites	No	New Indicator
NPI 160	HASS	Local Authority tenants' satisfaction with landlord services	No	↓
NPI 166	City Strategy	Average earnings of employees in the area	35	↑
NPI 167	City Strategy	Congestion – average journey time per mile during the morning peak	35	Not comparable - New data set used
NPI 168	Neighbourhood	Principal roads where maintenance should be considered	No	↑
NPI 169	Neighbourhood	Non-principal roads where maintenance should be considered	No	↑

## Possible performance indicator links to Scrutiny Committees

Code	Lead for Collection	Indicator definition	LAA indicator (35? local? Education NPI?)	Direction of Travel (2008/09 compared with 2007/08)
NPI 170	City Strategy	Previously developed land that has been vacant or derelict for more than 5 years	No	New Indicator
NPI 171	City Strategy	VAT registration rate	35	↓
NPI 172	City Strategy	VAT registered businesses in the area showing growth	No	↓
NPI 173	Corporate Services	People falling out of work and on to incapacity benefits (supplied by Job Centre Plus)	No	New Indicator
NPI 174	City Strategy	Skills gaps in the current workforce reported by employers	No	New Indicator
NPI 175	City Strategy	Access to services and facilities by public transport, walking and cycling	No	↑
NPI 176	City Strategy	Working age people with access to employment by public transport (and other specified modes)	No	New Indicator
NPI 177	City Strategy	Local bus passenger journeys originating in the authority area	No	↑
NPI 178	City Strategy	Bus services running on time	No	New Indicator
NPI 179	Corporate Services	Value for money – total net value of on-going cash-releasing value for money gains that have impacted since the start of the 2008-9 financial year	No	New Indicator
NPI 180	Corporate Services	Changes in Housing Benefit/ Council Tax Benefit entitlements within the year	No	New Indicator
NPI 182	Neighbourhood	Satisfaction of businesses with local authority regulation services	No	New Indicator
NPI 183	Neighbourhood	Impact of local authority regulatory services on the fair trading environment	No	New Indicator
NPI 184	Neighbourhood	Food establishments in the area which are broadly compliant with food hygiene law	No	New Indicator
NPI 185	City Strategy	CO2 reduction from Local Authority operations	No	Data available Autumn 2009
NPI 186	City Strategy	Per capita CO2 emissions in the LA area	35	Data available Autumn 2009
NPI 187	HASS	Tackling fuel poverty – people receiving income based benefits living in homes with a low energy efficiency rating	35	New Indicator
NPI 188	City Strategy	Adapting to climate change	Local	Stable
NPI 189	City Strategy	Flood and coastal erosion risk management	No	New Indicator



## Possible performance indicator links to Scrutiny Committees

Code	Lead for Collection	Indicator definition	LAA indicator (35? local? Education NPI?)	Direction of Travel (2008/09 compared with 2007/08)
<b>NPI 194</b>	City Strategy	Level of air quality – reduction in NOx and primary PM10 emissions through local authority's estate and operations.	No	Data available Autumn 2009
<b>NPI 197</b>	City Strategy	Improved local biodiversity – active management of local sites	35	↑
<b>BVPI 219b</b>	City Strategy	% of conservation areas in local authority area with an up-to-date character appraisal	Local	↑
<b>BV 212</b>	HASS	Average time taken to re-let local authority housing	No	↓
<b>EDE1.4</b>	City Strategy	Av. gross weekly earnings	Local	↓
<b>H4</b>	HASS	Urgent repairs completed within Government timescales	No	↑
<b>H5</b>	HASS	Average time taken to complete non-urgent repairs	No	↑
<b>LTP9ai</b>	City Strategy	Park and Ride usage - total passengers	No	↑
<b>VJ15a</b>	City Strategy	York's unemployment rate below the regional rate	No	↓
<b>VJ15b</b>	City Strategy	York's unemployment rate below the national rate	No	↓
<b>VJ15c</b>	City Strategy	Business confidence: the balance of firms expecting turnover to rise in the future rather than fall	No	↓
<b>VJ15d</b>	City Strategy	Balance of firms where turnover has grown rather than fallen	No	↓

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**Written Submission from Cllr Tracey Simspon-Laing – 12<sup>th</sup> July 2009.****Economic & City Development Overview & Scrutiny Committee****Agenda Item 6: Feasibility Report – Planning Conditions: Their implementation, completion and difficulties relating to adoption of news estates.**

Due to a prior engagement with my daughter I am unable to attend the meeting. However I would like to make this written submission in support of the suggested Scrutiny Topic as I feel that Officers have not fully understood the topic and why it is needed.

**The Scrutiny Topic has been registered due to the 4 year fight to get a development in the Acomb Ward built to plan, and which is still ongoing in relation to a number of issues. Councillors, Officers and residents have spent hundreds of hours trying to ensure that the developers undertake their duties as laid out in the planning permission both at 'Outline' and 'Reserved Matters' stages.**

Para 9: I believe it is inappropriate for Officers to bring into consideration staffing when considering a Scrutiny Topic. Scrutiny is a 'requirement' of Councils and Councils should ensure that it is taken by Officers as a serious Council function.

Paras 10 & 11: There is no duplication. Also training of and for Councillors is not an issue as the whole point of this registration is related to Officers ability to discharge their duties in relation to planning permissions. **This topic is only about CYC's ability to carry out its job not Councillors understanding**

Para 12: It would have felt that it would have been sensible for the Scrutiny register to have been contacted over this issue. The 'Topic' concerns all aspects of 'new' developments, not individual planning permissions, but large-scale developments.

Para 15

- *Legal status of 'Conditions'* – this needs reviewing, as CYC seem unable to either monitor or manage, as it is often Councillors that bring issues to 'light'. The Scrutiny should look at the resources of the Planning Enforcement Team, their work plans (is the department staffed at levels to meet the work undertaken) and their ability to take immediate action.
- *Management of Conditions, including their signing off at each stage before work is allowed to continue* – Councillors, and in the long term residents, needs to investigate why this does not seem to happen on large scale developments.
- *Monitoring of developments and the ability to stop developments* – is this done to local practice or are each applications monitored on a weekly basis. Also are each stages signed off as work completed. How quick is action taken when

breaches are noticed. It would be interesting to see when CYC used 'Stop' conditions on large developments compared with individual units

- *Ability of Council Officers to change planning conditions without members knowledge* – It has come to members knowledge on a number of occasions that 'Conditions' they have requested have been removed or altered. This often leads to concern from both 'Members' and residents who believe that there is protection against certain circumstances, etc.
- *The legality of developers not undertaking 'Conditions'* – what penalties can be used and when did CYC last stop a development due to not developing to the plans.
- *The ability of CYC to ensure developers complete developments to enable adoption* – there is a very well known new estate in the City where the developers did not complete the development to the 'Conditions' of the planning application. Councillors need to understand why actions which should have been taken in previous bullet points leads to months and years of stand off's between Councillors, residents and CYC Officers and developers.

On the whole residents are dissatisfied when they buy a house and then find that they are not receiving the services they expect of the Council because their 'estate' have not been adopted due to not being built to standard such as landscaping, roads and 'Secure by Design'. They ask why the Council did not monitor the development and why it allowed them to move into their homes when 'Conditions' say that they should not.

When estates are not adopted it also means that Ward Committee money cannot be spent in the location, as it is private land. This can lead to problems when residents request bins, trees or improved play equipment.

It would also be of interest to speak to the House Builders Federation to understand why their members do not built to plan or undertake 'Conditions'. It would also be useful to see if any other Councils actually stop work on developments when they are not being built to plan.

**It is currently an ideal time, with the 'slow down' and 'mothballing' of sites in the City, to look at the problems that have occurred in the 6 years of building boom in York. Councillors and the public need to feel that CYC has the ability to 'manage' developments and developers when the building trade picks up again, which it seem not to have had previously.**

## **An open letter from members of the York Environment Forum**

April 2009 *[draft for approval at the YEF meeting on 7 April]*

>> Councillors and Senior Officers of City of York Council

>> Chair and Members of the Without Walls Board and its constituent partnerships

Dear colleagues

### **Implementing the Sustainable Community Strategy**

The York Environment Forum contributed to the preparation of the Sustainable Community Strategy [SCS] and wishes to play a constructive role in its implementation. Yet documents and policies repeatedly ignore our arguments and evidence and the commitments to which they led, without even reasoned rejection following proper debate. We are therefore once again forced into taking a critical stance – to our great frustration.

The latest example is the Report *Prioritising Prosperity* prepared for the Council by the Centre for Cities. Like the earlier Future York Report [FYR] we believe it to be fundamentally flawed and inconsistent with the SCS (and references to FYR are arguable since it has never been formally endorsed by the City Council). We hope that this time the serious and difficult issues regarding the future of the City will be addressed in true partnership. If this does not happen we shall have to conclude that the sustainability commitments in the SCS were empty gestures.

*Prioritising Prosperity* analyses features of the York economy. Its central thesis is that present economic troubles are merely temporary and that conventional growth will shortly resume on much the same path as before. Given that assumption it then details various measures that the consultants believe the City should pursue. We have many reservations about the analysis but stress here our profound reservations about the assumption – and about what is not discussed.

### **multiple global problems**

In our critique of Future York we drew attention to the contrast between its business-as-usual scenarios and the fragility of an economic system built on excessive credit and financial manipulation. Our worst fears are now being realised. It is alarming that the new Report does not discuss the probability that the model of lightly-regulated capitalism, unquestioning reliance on market forces and over-stimulated demand is dead. The Council must explore the implications of very different models, including more emphasis on people and their welfare and less on globalisation, new collaborative types of business and a rediscovery of local economic relations.

We were surprised that FYR did not mention climate change or the low-carbon economy. Some eighteen months on it is extraordinary that *Prioritising Prosperity* does not mention them either. The scientific consensus is that if drastic actions to cut emissions are not taken immediately then catastrophic consequences are likely. If the City Council does not accept that warning it should say so and thus enable people to draw their own conclusions. To proceed as though the warning

had never been given is irresponsible and a dereliction of its duty to protect its citizens.

The same point applies to the likelihood of a scarcity of many of life's essentials and of rising prices for food, energy and minerals as the human population presses up against the absolute limits of the earth's physical capacity – and we have to avoid the fallacy that, because the rich West is so dependent on consumption, resources and technologies will somehow turn up to prolong it. The idea that 'prosperity' based on maximising throughput can be expanded indefinitely is absurd, yet this new Report, like FYR before it, promotes this concept. We note that the Report fails, like so many others of its kind, to define the word 'growth': we have therefore to assume that it means growth as traditionally measured by GDP or GVA and hence that it ignores the busy debate about less materially-oriented and now more appropriate metrics which emphasise well-being.

### **the unresolved inconsistency at the heart of the Sustainable Community Strategy**

These points illustrate the unresolved inconsistency at the heart of the SCS. On the one hand its economic assumptions are conventional, on the other the Sustainable City chapter proposes to drastically reduce York's carbon emissions and ecological footprint. *Prioritising Prosperity* explicitly focuses exclusively on the Thriving City chapter and blithely ignores the others. The argument that their concerns will be attended to later is unacceptable. This confusion cannot go on.

We would start with clarification of the meaning of 'sustainable'. It is apparent, not for the first time, that what the *Prosperity* Report's authors mean is 'that which can be sustained'. This yields the oxymoron 'sustainable economic growth'. It may be intended only to imply continuity, but in practice it perpetuates the misconception that growth can go on as before. It cannot. A Sustainable Community Strategy must plan for life within the immutable constraints of one planet.

The age of cheap energy, easy consumption, short-life goods, disregard for natural limits and a sort of prosperity for the few while the many suffer is over. And the sooner York starts adjusting to the new reality the more resilient it will be to survive in the coming steady-state economy.

### **a different dream**

The facts facing the human race are the stuff of nightmares. However, as Hilary Benn recently pointed out, Martin Luther King did not talk of a nightmare. He had a dream. That is what we have, a dream of transition to a different way of living. It may be imperative but it is also desirable.

*The Forum's vision is a society that is fairer within and between nations and to future generations, that promotes collective values over the pursuit of individual interest, that honours good work, active leisure and a better balance between them, and that accepts fundamental responsibility for stewardship of the earth.*

In economic terms a robust strategy for the City must therefore include policies such as these:

- maximising local food production;

- insulating buildings in mass programmes and installing small-scale renewable energy plant that yields direct financial rewards for communities;
- encouraging local companies to find alternatives to oil-derived plastics in all their products;
- helping organisations not to squander resources such as heat, food, water and paper;
- developing businesses which repair clothes and equipment or recycle goods for reuse so that the community rediscovers the virtues and resource-efficiency of long-life products;
- seeking out local replacements for products whose manufacture abroad and transport over long distances cannot be justified in energy or carbon terms;
- discouraging the use of cars, reducing the volume of travel by shortening and cutting out journeys as relocation decisions are taken, and building up communal systems (living streets, buses, trams, trains) of outstanding quality for the journeys that continue to be made;
- promoting light-impact tourism based only on land travel;
- protecting and enhancing biodiversity, landscape and green open space and shunning development that uses green field sites when brown field sites remain available;
- educating citizens about the energy and carbon implications of their behaviour in preparation for the inevitable introduction of some form of rationing;
- promulgating the idea of sharing equipment of all kinds to get away from the obsolete notion that every household must have everything; and
- examining what the Council could achieve under the well-being powers in the Local Government Act 2000 and under the Sustainable Communities Act 2007.

We do not expect that all of these can be implemented at once. It is the absence of any discussion of the need for them that alarms us (and other environmental groups), together with the presumption that economic growth self-justifies expanding the City. Unless we choose to emphasise human development over material objectives the Climate Change Strategy and the Sustainable City chapter of the SCS will be meaningless words whose disregard future generations will not forgive. It is time for some tough debate and hard decisions, and especially over the options for the design of York North West.

The same analysis should also be applied to the specific issues that *Prioritising Prosperity* addresses. We give two examples where wise discrimination is called for

First, the Report discusses the City's strength in its science and technology cluster and proposes ways in which to foster it. We have no difficulty with the principle, but we are unhappy with the implication that *any* science or *any* technology is equally valid. In our view the world situation is such that effort expended on corporation-dominated bioscience, military research, resource-wasteful products or the more frivolous media projects must be transferred to urgent endeavours to improve organic agriculture (including carbon-beneficial bio-fuels), restore damaged ecosystems, find sustainable substitutes for plastics, maximise the efficiency of renewable energy and our use of scarce resources, and redesign land-use and transport for an energy-scarce and less mobile world.

Second, we note the suggestion that business entrepreneurship should be introduced into schools. This should not be from the perspective that all business is

good business, for that is no longer tenable. It is essential that all new businesses should be truly sustainable, community-oriented and imbued with a sense of responsibility. They should focus on the science described in the previous paragraph and on the objectives in the list of points above. We believe that a generation of children that is acutely aware of the world they are inheriting would respond to that agenda.

Finally we make a crucial point about democracy. It is clear that many, particularly younger people are losing patience with a political system that appears incapable of responding to patent and huge threats. At the least that perception is driving an undemocratic battle between radical, 'nimby' and corporate interest groups. It may increasingly precipitate direct action. The Council must show that it can act on big challenges if it hopes to foster the responsible participation of its citizens in creating a fairer, more secure and happier community.

**We look forward to open constructive debate about these issues. We would particularly welcome the opportunity to discuss them with the Economic Development Board. Because of their seriousness we decided that members of the Forum would individually signify that they endorse this letter.**

A copy of the York Environment Forum's critique of the Future York Report is also attached.

*"The clearest message from the financial crisis is that our current model of economic success is fundamentally flawed. For the advanced economies of the western world, prosperity without growth is no longer a utopian dream. It is a financial and ecological necessity."* The Sustainable Development Commission, March 2009.

Steve Carney [Origin Energy]

John Cossham [...]

Philip Crowe {York Tomorrow}

Carole Green [Bishopthorpe Parish Council]

Richard Hampton [North Energy (?)]

Ron Healey [CTC – national cyclists' organisation]

Barry Otley ??

Mick Phythian [York Natural Environment Trust]

Barry Potter [...]

Sara Robin ??

June Tranmer [The Healing Clinic]

Jonathan Tyler [Passenger Transport Networks]

Karin de Vries

Isobel Waddington [Murton Parish Council]

Bryony Wilford [York in Transition]

Guy Woolley [Campaign to Protect Rural England]