
MEETING	CABINET
DATE	4 OCTOBER 2011
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, FRASER, GUNNELL, MERRETT, POTTER AND SIMPSON-LAING (VICE- CHAIR)
APOLOGIES	COUNCILLOR LOOKER

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**41. 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.

Cllr Fraser declared a personal interest in:

- agenda items 6 (Establishment and Governance of the Local Authority Trading Company) and 10 (Access to Customer Reception Service in Acomb), as a member of the retired sections of UNISON and Unite (TGWU/ACTS sections) and
- agenda item 8 (Establishing York's Health & Wellbeing Board), as an appointed member of the Governors of York Hospital Trust.

Cllr Simpson-Laing declared a personal interest in agenda items 6 and 10, as a member of UNISON

Cllr Crisp declared a personal interest in agenda items 6 and 10, as a retired member of UNISON.

Cllr Alexander declared a personal interest in agenda items 6 and 10, as a member of the GMB.

Cllr Merrett declared a personal interest in agenda item 11 (Review of Severe Weather Response and the Winter Maintenance Policy), as a member of York Cycle Campaign and honorary member of the Cyclists Touring Club.

42. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during any discussion on Annex C to agenda item 10 (Access to Customer Reception Services in Acomb), on the grounds that it contains information relating to the financial or business affairs of particular persons, which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

43. MINUTES

RESOLVED: That the minutes of the Cabinet meeting held on 6 September 2011 be approved and signed by the Chair as a correct record.

44. PUBLIC PARTICIPATION / OTHER SPEAKERS

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme, and one request to speak from a Council Member.

Rev Paul Wordsworth spoke in relation to agenda item 12 (City of Sanctuary). He stressed the grass-roots nature of the initiative and expressed the hope that Members would support the proposal to seek City of Sanctuary status for York.

With the consent of the Chair, Cllr Warters spoke in relation to agenda item 5 (Forward Plan) and, later on in the proceedings, in relation to agenda item 7 (Comments on the draft National Planning Policy Framework). He expressed concern about the repeated slippage of the item on the Article 4 Direction on Houses in Multiple Occupation and sought assurances that this would come forward to Cabinet soon. On the NPPF, he expressed the view that the Council's proposed comments on Local Green Space and Green Belt designations were at odds with the development previously approved by Members on greenfield sites such as Derwenthorpe.

45. FORWARD PLAN

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

46. ESTABLISHMENT AND GOVERNANCE OF THE LOCAL AUTHORITY TRADING COMPANY

Members considered a report which sought approval to take forward arrangements for the establishment and governance of a Local Authority Trading Company (LATC).

The former Executive had agreed on 15 February 2011 to establish an LATC, focused primarily on the services currently provided by the CBSS Directorate (Minute 163 of that meeting refers). Since then, it had become clear that a range of other services could also be traded and steps had been taken towards establishing the company as a legal entity. Cabinet approval was now required for the establishment of the LATC as a vehicle for any Council service to be potentially traded and for the governance structures under which it would operate.

Results of a survey conducted by APSE indicated that 72% of authorities returned an income from trading, the average annual income being just over £3 million. Paragraphs 20-22 of the report provided further information on the potential benefits of an LATC to the Council, its staff and customers. Details of the proposed structure and mandate of the new company were set out in paragraphs 23-35, with further information on governance and management structures in paragraphs 36-38 and annexes 1-5. It was stressed that the Council would retain control and ownership of the company as the sole shareholder, the company directors being responsible to the Shareholder Committee.

RESOLVED: (i) That approval be given for:

- a) the establishment of the local authority company (called City of York Trading, or CYT Limited)
- b) the Business Case at Annex 5 to the report and
- c) the general principles of governance and operation as set out in the report, including

the appointment of the Cabinet Member for Corporate Services as a non-executive director to act as Chairman of the Board.¹

REASON: To allow the company to be established.

(ii) That authority be delegated to the Cabinet Member for Corporate Services to approve the final Articles of Association.²

REASON: So that the detailed Articles of Association can be formally agreed.

(iii) That authority be delegated to the Leader of the Council to formally agree and sign off the Shareholder Agreement.³

REASON: To enable the establishment of a Shareholder Committee that will regularly review the activities of CYT Ltd and monitor its performance.

(iv) That a Shareholder Committee be established, comprising the Leader of the Council (who will chair the committee) and two other Council Members, as chosen by the Leader.⁴

REASON: In order properly to exercise the Council's powers and responsibilities as the sole shareholder of the LATC.

(v) That the Director of CBSS prepare proposals on which *current* activities provided to external organisations should be considered for trading through CYT Ltd.; all such instances to be subject to business case approval by the Council Management Team, the Board of Directors and the Shareholder Committee.⁵

REASON: To allow a mechanism for existing trading activity with external organisations to move into the company.

Action Required

1. Establish the company CYT Ltd as agreed PK
2. Make arrangements for Cabinet Member for Corporate Services to approve Articles of Association PK
3. Make arrangements for Cabinet Leader to agree and sign off Shareholder Agreement PK
4. Establish a Shareholder Committee, as agreed PK
5. Prepare proposals for provision of current activities to external organisations IF

47. ESTABLISHING YORK'S HEALTH AND WELLBEING BOARD (LISTED ON THE FORWARD PLAN AS 'LOCAL IMPLICATIONS TO CHANGES IN THE NHS')

Members considered a report which set out proposals for the establishment of a shadow Health and Wellbeing Board (H&WB) for York, to meet the requirements of the White Paper *Equity and Excellence: Liberating the NHS* and the Health and Social Care Bill 2011, expected to achieve Royal Assent later this year.

These Government reforms meant that, from 2013, local authorities would have direct responsibilities for health improvement and for ensuring the 'joined up' commissioning of health and social care. As a pathfinder area, York was expected to have many components of the new arrangements in place in 'shadow' form from April 2012. The report presented the recommendations of the multi-agency Transition Board, which had been overseeing preparations for these arrangements, and provided an update on other components of the proposed reforms.

Key principles to consider in establishing the H&WB included the size of the Board, its strategic position and whether it should include provider representatives. It was recommended that York's H&WB be kept relatively small and strategic and have a total membership of 13, comprising 6 representatives from City of York Council, 2 from the Clinical Commissioning Group, 3 from health service providers, 2 from partners and patient groups, plus the CEO of NHS North Yorkshire (until 2013) and NHS Commissioning Board representatives on an ad hoc basis. Further details of membership were set out in paragraph 18 of the report and a draft constitution was attached at Annex C. The H&WB would replace the Healthy City Board and the

YorOK Children's Trust, as a key overarching strategic body under the Local Strategic Partnership.

With reference to the comments of the Health Overview & Scrutiny Committee (OSC), which had considered the proposals at their last meeting, Members noted the important role that the OSC would continue to play in delivery of the strategy, and the need for the H&WB to focus on wellbeing as well as health.

RESOLVED: That the arrangements set out in the report for the establishment of a shadow Health and Wellbeing Board (H&WB) for York be approved; in particular:

- the proposed membership in paragraph 18
- the draft constitution at Annex C
- the principle that, from April 2012, meetings of the H&WB should be held in public.¹

REASON: To discharge the Council's new obligations under the Health and Social Care Bill 2011 (expected to receive Royal Assent shortly) and to further the Council's corporate objectives.

Action Required

1. Take action to set up the shadow H&WB, as approved PM

48. CHANGES TO THE WELFARE SYSTEM AND THEIR IMPACT ON CITY OF YORK COUNCIL

Members considered a report which outlined the changes to the Welfare system introduced and proposed by the Government, and their potential impact on City of York Council.

Changes introduced to date, and their impact in York, included:

- Ending the £15 excess Local Housing Allowance (LHA) payment – high impact, around 800 customers, total £413k
- LHA rates based on lowest 30% rents rather than 50% - high impact, 91% customers to lose out, total £1.28m
- Increased levels of non-dependent deductions for Housing Benefit and Council Tax Benefit – medium impact, affecting approx 600 customers, total £128k
- Cap on LHA weekly rate – low impact, total £5k

- Re-assessment of incapacity benefits – impact currently unknown.

Changes due to take full effect in April 2013 and their likely impact in York were set out in paragraphs 9 to 12 of the report. They included the introduction of Universal Credit, which could have a significant effect on the incomes of disabled people, and further changes to Housing Benefit, which could result in rent arrears and homelessness, putting pressure on the Council's Housing team and on housing stock. Replacement of Council Tax Benefit by local 'support' schemes would require a 10% reduction in expenditure; it was not yet clear how this would be found. Other possible changes in the future were highlighted in paragraphs 13 to 17. These related to the provisions of the Localism Bill, changes to Legal Aid, and the current consultation on supported housing, a suggested response to which was attached as Annex D.

RESOLVED: (i) That the cumulative impact of these changes on the City of York Council and the need to make best use of existing resources to support those affected, be noted.

(ii) That the Council lobby government as part of a regional response, and also write to York's local MPs to express opposition to the proposed changes.¹

(iii) That the response to the DWP consultation document on proposals to amend Housing Benefit for supported housing, as set out in Annex D to the report, be endorsed.²

REASON: In order to respond to government changes to welfare legislation.

Action Required

1. Draft a letter to MPs on behalf of Council in the terms HN agreed
2. Submit agreed response to consultation HN

49. ACCESS TO CUSTOMER RECEPTION SERVICE IN ACOMB

Members considered a report which suggested options to improve access to Housing and Benefits services in Acomb and across the City through the provision of services in a community setting.

Acomb was the only area in the city to have a stand alone Council reception service. Most of the staff occupying the current Acomb Office were due to vacate the building in the near future; the Asset Management team to join the building works team at the Eco Depot, and other Housing staff as part of the planned move to West Offices. A review was also under way to look at delivery of the whole housing service, including consideration of more flexible ways of working, such as key staff working within communities from existing community buildings.

Consultation with customers at Acomb Office and Acomb Explore had indicated a strong preference for a retained face to face service. Members were invited to consider the following options as to how this should be delivered:

Option 1 – continue to provide reception services at the existing office and use the back office space for other council services.

Option 2 – provide the same face to face services more locally in other community based buildings and / or by appointment.

Option 3- provide alternative and different channels to accessing services, with face to face services provided in/from the city centre.

Option 2 was recommended, as it would provide face to face neighbourhood based services, as preferred by residents, whilst enabling cost savings by terminating the lease on the Acomb Office building. Financial implications of all three options were detailed in paragraph 39 of the report.

RESOLVED: (i) That Option 2 be approved and that customer access to services be provided more locally in a community setting, with a view to ensuring that alternative face to face facilities are in place prior to vacating the Acomb Office.¹

(ii) That approval be given to:
a) use the venture fund reserve to fund 25% of the dilapidation / relocation

costs attributable to the general fund;
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- b) use the existing general fund budget of £28k no longer required at Acomb Office to fund community based services to a maximum of £15k;²
- c) use the remaining balance on the general fund budget, after funding alternative community based services, to repay the venture fund and then contribute to the overall savings of the administrative accommodation project;²
- d) use the existing HRA budget no longer required for Acomb Office accommodation to fund the 75% dilapidation / relocation costs;²

(iii) That the Director of City Strategy be authorised to serve the lease Break Clause and to negotiate the dilapidations settlement with the Landlord up to the maximum amount listed in exempt Annex C.³

REASON: To ensure that services continue to be delivered locally to customers and to secure cost savings related costs through the vacation of the back office.

Action Required

- 1 Take any action necessary to implement Option 2 SW
- 2. Make the agreed changes to the venture fund, general PS
fund and HRA budgets
- 3. Serve the lease Break Clause on Acomb Office and BW
negotiate dilapidations settlement

50. REVIEW OF SEVERE WEATHER RESPONSE AND THE WINTER MAINTENANCE POLICY

Members considered a report which informed them of the work undertaken to review the Council's severe weather response and winter maintenance policy in preparation for winter 2011/12, and outlined the changes proposed as a result of the review.

After the difficulties caused last winter by the worst weather conditions for 25-30 years, improvements had been made to the customer contact centre, opening hours, out of hours cover, e-mail handling and engagement with vulnerable groups. Additional equipment, including gritting vehicles, snow plough attachments, footpath snow blowers and salt spreaders, would be hired on trial for evaluating and testing this winter before making a recommendation for 2012/13.

Other plans included:

- Inclusion in the Winter Maintenance Manual (WMM) the designated secondary road routes for salting, using information from last winter
- Treatment of designated footpaths on the first day of a predicated period of three or more days below freezing
- Inclusion in the WMM of a full list of elderly persons' homes to receive treatment in heavy snow
- Use of the same trigger as footpaths to determine treatments for off-road cycle tracks
- Replacement of self-help salt bags with 50 extra standard salt bins
- Introduction of a Snow Warden Scheme (detailed in Annex 1)
- Trialling of an electronic stock control system for salt stocks.

RESOLVED: (i) That the improvements made to service delivery, the introduction of the Snow Warden scheme and the equipment trial be noted.

(ii) That a report back on these changes be brought to Cabinet during the summer of 2012.
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REASON: To ensure that the proposed equipment is capable of meeting expectations, that the effectiveness of the Snow Wardens is reviewed and that the response to heavy snow is effective.

Action Required

1. Schedule an update report on Cabinet Forward Plan for a MH meeting in summer 2012

51. CITY OF SANCTUARY

Members considered a report which asked them to support proposals for York to become a City of Sanctuary.

City of Sanctuary was a movement to build a culture of hospitality for people seeking sanctuary in the UK. The organising committee aimed to gather pledges of support from all sectors of the city and then to ask the council to seek recognition from the national organisers of City of Sanctuary for official receipt of that status. A number of cities had already been so recognised, including Sheffield, Bradford, Coventry, Bristol and Swansea.

At a meeting in September 2010, representatives from a large number of organisations in York had declared their support for the movement and a small working group had subsequently been set up. It was now suggested that Members formally support that initiative on behalf of City of York Council, enabling York to become a place of welcome, safety and security and building on the City's history of providing help and support to those in need of sanctuary.

- RESOLVED: (i) That Cabinet, on behalf of the City of York Council, pledges its support for the City of Sanctuary initiative and in doing so:
- Recognises the contribution of refugees, asylum seekers, migrants and all seeking sanctuary in York;
 - Resolves to welcome and include them in our activities;
 - Supports York in seeking recognised status as a City of Sanctuary;
 - Agrees to support the kind of practical initiatives set out in paragraph 10 of the report.¹

REASON: So that York may become a City of Sanctuary.

Action Required

1. Take any action necessary to enable CYC to support the CC City of Sanctuary initiative

52. CHAIR'S REMARKS

The Chair thanked York Housing Association for providing the venue for the meeting, at Auden House. He also noted the attendance at the meeting of Dan Bean from The Press and wished him luck in his forthcoming examinations.

PART B - MATTERS REFERRED TO COUNCIL

53. CITY OF YORK COUNCIL: COMMENTS ON THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Members considered a report which informed them of the content of the draft National Planning Policy Framework (NPPF) and asked them to consider a potential response to consultation thereon.

The NPPF was intended to replace current extensive planning policy guidance in a single, succinct document. It would also incorporate the new planning policy on traveller sites, previously issued as a separate document for consultation in August. The Council's response to that consultation (attached at Annex B) would be submitted alongside its response to consultation on the NPPF. The NPPF itself had been made available on the Council's website as Annex A to the report.

Key objectives of the NPPF, as identified in the Foreword to the document, included a presumption in favour of sustainable development as the basis for every plan. Three levels of plan making were identified; National planning policies as set out in the NPPF, Local Plans prepared by councils in consultation with the community and Neighbourhood plans prepared by communities themselves.

The Council's draft response to consultation, as set out in Annex C and summarised in paragraphs 52-75 of the report, welcomed in principle the NPPF's commitment to sustainable development but expressed concerns around the definition of that term, suggesting that more clarity was needed on this and on the issue of transitional arrangements. Further concerns were expressed with regard to the policies on town centres, transport, minerals planning, climate change / flooding, nature conservation and protection of the historic environment. The draft response had been considered by the Local Development

Framework Working Group, whose comments were circulated at the meeting.

RECOMMENDED: (i) That Council approve the attached response to the consultation on the National Planning Policy Framework, as amended by the changes recommended by the LDF Working Group at their meeting on 3 October 2011, for submission to the Department of Communities & Local Government.

(ii) That Council delegate to the Director of City Strategy, in consultation with the Cabinet Member for City Strategy, authority to make any changes to the submission that are necessary as a result of the above recommendation.

REASON: So that representations on the NPPF can be made within an appropriate timescale.

J Alexander, Chair

[The meeting started at 5.30 pm and finished at 6.55 pm].