

Cabinet

23rd November, 2015

PRESENT:-

Councillor S. Brady (Chair), Councillor D. R. Hale (Deputy Chair), Councillor S. Bayes, Councillor J. Black, Councillor A. Clark, Councillor T. Geraghty, Councillor M. C. Mancey, Councillor R. Nicola, Councillor H. J. Spencer and Councillor P. J. Webster.

IN ATTENDANCE:-

M. Jukes (Chief Executive), T. Dalby (Deputy Chief Executive), J. Weldon (Director of Public Health and Adults Services), M. Jones (Director of Regeneration), I. Anderson (Town Clerk), D. Bell (Assistant City Treasurer, Corporate Finance) and L. Scholes (Senior Democratic Services Officer).

A. Codd (Assistant City Manager, Planning Services) – minute 67, M. Budd (Environment and Climate Change Strategic Advisor) – minute 68, M. Armstrong (Principal Finance Officer) – minute 69-70, D. Sunman (Principal Finance Officer) – minute 71, N. Harne (Assistant City Manager, Housing Strategy and Renewal) – minute 72' L. Buttery (Assistant City Manager, Customer Services) – minute 73.

APOLOGIES:-

None

Minute No.	Description/Decision	Action By/Deadline
PROCEDURAL ITEMS		
64	DECLARATIONS OF INTEREST No declarations of interest were made in respect of the items that follow below.	
65	PUBLIC QUESTIONS No public questions were received.	
66	MINUTES OF THE MEETING HELD ON MONDAY, 26th OCTOBER, 2015 Agreed – that the minutes of the meeting held on Monday, 26 th October, 2015, be taken as read and correctly recorded and be signed by the Chair.	

NON-EXEMPT ITEMS

Key Decisions

67

KINGSWOOD AREA ACTION PLAN – SUBMISSION

The Assistant City Manager, City Planning submitted a report which set out the responses from the consultation on the published Kingswood Area Action Plan, minor proposed changes and the Council's responses.

The comments of the People and Communities Overview and Scrutiny Commission and Planning Committee when this matter was considered, were submitted for consideration, and were detailed at minute 74.

Members discussed the traffic and parking issues on the Kingswood Retail Park as well as the impact of any future additional retail, it was important for any future developments to include measures to mitigate any impact on these issues. The officer explained that some of the current issues were on the retail site which would need to be resolved by the site owner, the Council was working with them to try to resolve it.

Members also raised concerns about the potential impact of development across the City such as Siemens on the already congested mini roundabout junction in Sutton from people commuting from Kingswood. The highways actions contained in the plan related to the immediate area within the Kingswood boundary. The officer explained that the plan could only include issues within its boundary but the issue of the mini roundabout in Sutton could be brought back to Cabinet in a separate report.

Members also discussed the recent Next store application for the Kingswood site, the developers had recognised the problem and were prepared to work with the retail site owners and the Council to resolve the problem.

Members also supported the additional recommendation from Planning Committee.

Moved by Councillor Brady and seconded by Councillor Hale -

(a) That the Kingswood AAP, the consultation responses (and their summary), the proposed minor changes and other supporting documents be submitted to the Secretary of State for examination;

(b) That the Assistant City Manager, City Planning, in consultation with the Portfolio Holder for Energy City, is authorised to make any minor drafting changes and layout

(a-c) Assistant City Manager, City Planning

	<p>amendments prior to submission to the Secretary of State, and</p> <p>(c) That representations be included that attention, and priority should be given to the resolution of the highways issues around the Kingswood Retail Park.</p> <p>Motion carried.</p> <p><u>Reasons for recommendations</u></p> <ul style="list-style-type: none"> • This will enable the AAP process to progress towards adoption without delay, and thus meet the targets as set out in the Council's Local Development Scheme, a work programme of plan production. 	
68	<p>UNCONVENTIONAL OIL AND GAS EXTRACTION POLICY</p> <p>The City Regeneration and Policy Manager submitted a report which set out the Council's position for the opposition of the extraction of unconventional oil and gas using extraction techniques generally referred to as 'fracking'. The Policy set out the parameters for the Council opposing proposals for the exploration and commercial operation of unconventional oil and gas extraction using fracking techniques.</p> <p>The comments of the Planning Committee when this matter was considered, were submitted for consideration, and were detailed at minute 74.</p> <p>Members discussed how another Council had banned fracking, the officer explained that the Council would not be able to enforce a policy banning it.</p> <p>Members also discussed the risks in terms of planning and whether the Local Government Act would be breached, the officer explained that the policy had been worded so that it did not predetermine the Planning Committee.</p> <p>Agreed –</p> <ol style="list-style-type: none"> a) The Cabinet approve the Policy at Appendix 1, and b) That the Council will monitor with appropriate agencies, such as the Environment Agency and Yorkshire Water, to ensure that if test drilling assessment or commercial operation is undertaken that all health and safety, operational permit requirements and planning conditions are complied with. 	(b) City Regeneration and Policy Manager

	<p><u>Reasons for recommendations</u></p> <ul style="list-style-type: none"> • The decision of Full Council on the 20th November 2014 (Minute 87) called for the Council to: “develop a Council policy on shale gas and coal bed methane extraction by referring this motion for a full scrutiny inquiry into the issue of ‘fracking’ including the evidence of ecological, geological and pollution associated with this method.” • The proposed policy addresses the issues in relation to the use of fracking as an extraction technique and its potential impact upon existing water resources for the City which lie outside of the City in the East Riding, both from contamination of underground aquifers as well as the amount of water that will be required by any extraction process. • In addition the Policy addresses potential concerns related to seismic activity, road traffic numbers, fracked liquid transportation and disposal. • The policy also responds to the concern that fracking will increase the availability of carbon based fuel and therefore that available for consumption. Scientific evidence on climate change has drawn a direct link between increasing carbon emissions and changes to the climate¹. Further, to achieve existing carbon reduction targets we will need to leave a significant amount of known carbon resources in the ground to avoid run away climate change and stay within the 2°c target in the Kyoto Protocol and the basis of the Paris Summit in December 2015. • The Recommendations will enable the Council to adopt a position that provides clear grounds for the Council to make informed judgements in relation to fracking activity. It will enable the Council to take appropriate steps to protect the City, its residents and business from any potential adverse impacts of the fracking process. 	
69	<p>TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY – MID YEAR REVIEW REPORT 2015-16</p> <p>The Director of Resources and City Treasurer submitted a report which provided an update on Treasury Management activity and performance in the first half of the financial year 2015-16 as required by the Council’s Treasury Management Policy Statement.</p> <p>The comments of the Finance and Value for Money Overview and</p>	

	<p>Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 74.</p> <p>Agreed –</p> <p>(a) That the report be noted; the investment returns achieved during 2015-16 and performance against the prudential indicators as stated at Appendix 1, and</p> <p>(b) That Cabinet confirms that they remain content with the approved investment strategy as shown at Appendices 2 to 4.</p> <p><u>Reasons for recommendations</u></p> <ul style="list-style-type: none"> As required by the Treasury Management Strategy Statement 2015/16, approved by Council in February 2015, delegation for considering the Mid-Year Review Report is to Cabinet. 	(a-b) Director of Resources and City Treasurer
--	--	--

70	<p>2015/16 CAPITAL MONITORING REPORT - QUARTER 2</p> <p>The Director of Resources and City Treasurer submitted a report which provided an updated overview of progress against budget and planned activity for the 2015/16 capital programme.</p> <p>The comments of the Finance and Value for Money Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 74.</p> <p>Members discussed whether the remainder of the programme would be delivered on target. This was money that could be spent locally to fuel the economy, Members wished to see an additional update in January.</p> <p>Moved by Councillor Hale and seconded by Councillor Brady –</p> <p>(a) that the monitoring information provided at section 8 of the report is noted and the proposed re-profiling of budgets for specific schemes at section 9 of the report is approved.</p> <p>(b) That Cabinet approves the amendments to the programme detailed at section 10, summarised below as:</p> <table border="1" data-bbox="240 1753 1220 2031"> <thead> <tr> <th></th> <th>£m</th> <th>£m</th> </tr> </thead> <tbody> <tr> <td>Current Approved Programme (Cabinet 28/09/15)</td> <td></td> <td>362.396</td> </tr> <tr> <td>Amendments to resources:</td> <td></td> <td></td> </tr> <tr> <td>Additional External Grant Funding</td> <td>0.500</td> <td></td> </tr> <tr> <td>Additional Spend to Save (Self Funded Scheme)</td> <td>0.125</td> <td>0.625</td> </tr> </tbody> </table>		£m	£m	Current Approved Programme (Cabinet 28/09/15)		362.396	Amendments to resources:			Additional External Grant Funding	0.500		Additional Spend to Save (Self Funded Scheme)	0.125	0.625	(a-d) Director of Resources and City Treasurer
	£m	£m															
Current Approved Programme (Cabinet 28/09/15)		362.396															
Amendments to resources:																	
Additional External Grant Funding	0.500																
Additional Spend to Save (Self Funded Scheme)	0.125	0.625															

	<table border="1" data-bbox="240 197 1220 271"> <tr> <td data-bbox="240 197 906 232"></td> <td data-bbox="906 197 1053 232"></td> <td data-bbox="1053 197 1220 232"></td> </tr> <tr> <td data-bbox="240 232 906 271">Proposed Revised Programme</td> <td data-bbox="906 232 1053 271"></td> <td data-bbox="1053 232 1220 271">363.021</td> </tr> </table> <p data-bbox="240 309 1220 488">(c) That the forecast outturn as detailed at Appendix A of the report be noted and the revised capital programme for 2015/16 to 2017/18 be approved, incorporating the proposed amendments (sections 9 and 10), as detailed at Appendix B, and</p> <p data-bbox="240 533 1220 600">(d) That an additional report be considered in January looking at whether the target spend will be achieved.</p> <p data-bbox="240 645 1220 678">Motion carried.</p> <p data-bbox="240 723 1220 757"><u>Reasons for recommendations</u></p> <ul data-bbox="288 790 1220 902" style="list-style-type: none"> • Enables Members to consider the progress and delivery of the approved Capital Programme within the approved funding envelope. 				Proposed Revised Programme		363.021	
Proposed Revised Programme		363.021						
71	<p data-bbox="240 947 1220 1059">2015-16 REVENUE BUDGET AND PERFORMANCE MONITORING REPORT SECOND REPORTED POSITION (END SEPTEMBER 2015)</p> <p data-bbox="240 1104 1220 1205">The Director of Resources and City Treasurer submitted a report which provided an update on the revenue budget monitoring position at the end of September 2015.</p> <p data-bbox="240 1249 1220 1350">The comments of the Finance and Value for Money Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 74.</p> <p data-bbox="240 1395 1220 1686">Members discussed the Portfolio Holder comments which had not been included in the report, the Portfolio Holder commented that he recognised that year on year there was less money available and the overspends needed to be adjusted. All non-essential spends had been eliminated, the non-pay group had been re-instigated, it was possible that there would be a reduction in the use of agency staff and there needed to be a reduction in the number of days of sickness absence across the authority.</p> <p data-bbox="240 1731 1220 1765">Move by Councillor Hale and seconded by Councillor Brady –</p> <p data-bbox="240 1798 1220 1865">that Cabinet notes the forecast position being reported and the related performance issues and expects improvements to be made.</p> <p data-bbox="240 1910 1220 1944">Motion carried.</p>							

	<p><u>Reasons for recommendations</u></p> <ul style="list-style-type: none"> • Containing the Council's 2015/16 revenue expenditure within budget would represent a significant achievement for the Authority and ensures reserves remain at a level deemed adequate. 	
72	<p>USE OF COMPULSORY PURCHASE ORDERS WHERE LAND CANNOT BE ACQUIRED BY VOLUNTARY AGREEMENT PRESTON ROAD RENEWAL AREA SEPTEMBER 2015)</p> <p>This item was discussed in conjunction with minute 76.</p> <p>The City Neighbourhoods and Housing Manager submitted a report which established the potential need to use Compulsory Purchase Order (CPO) powers to secure ownership of properties/titles to deliver the regeneration aspirations of the Council within the Preston Road renewal area in East Hull.</p> <p>Members discussed how this scheme was much needed and those holding out were impacting on others as well as put an additional strain on the Housing Revenue Account.</p> <p>Agreed –</p> <ul style="list-style-type: none"> (a) That Cabinet support the making of a Compulsory Purchase Order (CPO) to acquire the final remaining property, holdings and rights needed for the scheme shown on the plan in Appendix 1 known as Phase 1A Preston Road; (a) That subject to the grant of Outline Planning Consent for the Renewal Programme, that Cabinet provide, in principle support for the making of CPOs to facilitate the acquisition of properties within the Preston Road Renewal Area identified at Appendix 2, in support of Council's regeneration priorities; (b) That negotiations commence or continue with all those having interests in the properties affected by the CPOs in order to secure acquisition by agreement; (c) That the timing and making of all CPOs approved under 2.1 be delegated to the City Manager Neighbourhoods and Housing in consultation with the Town Clerk, Portfolio Holder for Housing and Ward Councillors (or subsequent post holders); (d) The Town Clerk be authorised to withdraw properties or land from any of the CPOs where agreement has been reached to acquire all interests, and 	

	<p>(e) The Town Clerk be authorised to confirm any CPO where directed by the Secretary of State.</p> <p><u>Reasons for recommendations</u></p> <ul style="list-style-type: none"> Without the option to use compulsory purchase powers for interests that cannot be secured through voluntary agreement the Council will be left with an incomplete area of clearance. The Council would therefore not be able to deliver its contractual obligations as part of the Council's Lead Developer Partnership. 	
73	<p>ANTI-POVERTY TASK AND FINISH PANEL RECOMMENDATIONS PROGRESS REPORT</p> <p>The City Customer Services Manager submitted a report which set out the progress being made on the recommendations of the Anti-Poverty Task and Finish Group.</p> <p>The comments of the People and Communities Overview and Scrutiny Commission when this matter was considered, were submitted for consideration, and were detailed at minute 74.</p> <p>Agreed –</p> <p>(a) That members note the progress made against the anti poverty Task and Finish Panel's recommendations;</p> <p>(b) That the action matrix is reviewed to produce a more prioritised, concise and focused plan of anti poverty work in keeping with available resources, in consultation with the Portfolio Holder (Communities and Neighbourhoods) and input from People and Communities Scrutiny Commission, and the Health and Wellbeing Board, and</p> <p>(c) That when completed the revised anti poverty action plan be submitted to Cabinet for final approval.</p> <p><u>Reasons for recommendations</u></p> <ul style="list-style-type: none"> It is recommended to review the action matrix to produce a more prioritised, focused, plan that avoids duplication and takes account of changes to available anti poverty resources to ensure available resources are used to best effect. The recommendation that the Portfolio Holder (Neighbourhoods and Communities), People and Communities Overview and Scrutiny Commission and the 	

	Health and Wellbeing Board are consulted on any proposed changes to the anti poverty action plan is made to ensure that the broad range of interests, priorities and service linkages in anti poverty work are recognised.	
74	<p>COMMENTS OF COMMITTEES AND COMMISSIONS</p> <p>The Democratic Services Officer submitted comments in relation to minutes 67, 68, 69, 70, 71 and 73 from the Council's committees and scrutiny commissions that had considered the reports following the circulation of the agenda for this meeting.</p> <p>Agreed – That the comments be noted.</p>	
75	<p>EXCLUSION OF THE PRESS AND PUBLIC</p> <p>Agreed - That, in accordance with the provisions of Section 100(A)(4) of the Local Government Act, 1972, the public (including the Press) be excluded from the meeting for the following item of business, minute 76, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act information relating to an individual and the public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information relating to an individual.</p>	
76	<p>APPENDIX 3 – TIMELINE 7 HOLMPTON</p> <p>This item was discussed in conjunction with minute 72.</p>	

Start: 9.30 a.m.
Finish: 10.00 a.m.

The above Executive Decisions will come into force and may be implemented on expiry of five working days after the publication of the decisions i.e 3rd December, 2015, unless called in by the Overview and Scrutiny Management Committee.

Published 25th November, 2015