

# Selby District Council



## Minutes

### Executive

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Thursday, 1 September 2022

Time: 4.00 pm

Present: Councillors M Crane (Chair), R Musgrave (Vice-Chair), C Lunn, D Buckle and T Grogan

Also Present: Councillors S Shaw-Wright and M Jordan

Officers Present: Suzan Harrington, Director of Corporate Services and Commissioning, Alison Hartley, Solicitor to the Council, Drew Fussey, Operational Service Manager, Peter Williams, Head of Finance, Keith Cadman, Head of Commissioning, Contracts and Procurement, Stephanie Hiscott, TCF Project Delivery Lead (Consultant), Victoria Foreman, Democratic Services Officer

Public: 0

Press: 0

NOTE: Only minute numbers 28 to 34 are subject to call-in arrangements. The deadline for call-in is 5pm on Thursday 15 September 2022. Decisions not called in may be implemented from Friday 16 September 2022.

**25 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**26 MINUTES**

The Committee considered the minutes of the meeting held on Thursday 4 August 2022.

**RESOLVED:**

**To approve the minutes of the meeting held on Thursday 4 August 2022.**

**27 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**28 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, SECTION 65 - INCREASE OF HACKNEY CARRIAGE MAXIMUM FARES (FUEL CAP) (E/22/14)**

The Lead Executive Member for Health and Culture presented the report which asked Members to consider and agree one of the options set out in paragraph 3, and if agreed, to increase fares and give permission to carry out a legally required public consultation.

The Executive noted that the consultation would run from the 8 to 22 September 2022, a copy of the notice would be placed in the Selby Times and on the Licensing webpages and a copy of the notice would be emailed individually to all licensed Hackney Carriage Proprietors for their comments. At the end of the legal consultation, if there were no objections the new fare (fuel cap) would commence on 1 October 2022. If objections were received and not withdrawn, a further Executive meeting would be needed to consider the objections and agree a way forward.

Members discussed the views of the district's taxi drivers and how low the responses to previous consultations on the matter had been. The Executive also noted the varying levels of rates across the county.

It was suggested that Officers contact the drivers once more and invite them to the offices for discussions.

The Executive Member for Health and Culture commended the report to the Executive and recommended Option B as set out at paragraph 3 of the report.

**RESOLVED:**

Executive  
Thursday, 1 September 2022

## **The Executive**

- 1. considered and agreed Option B as set out in the report (to endorse Appendix A to potentially align with future local government reorganisation (LGR) proposals); and**
- 2. gave permission for the legally required public consultation to be carried out.**

### **REASON FOR DECISION:**

Due to the rising fuel costs and the need to align the taxi fares with the other districts within North Yorkshire under Local Government reorganisation, any changes to the table of fares must be decided by the Executive Committee and published in accordance with Section 65, for a period of not less than fourteen days to allow for objections to be made.

## **29 FINANCIAL RESULTS AND BUDGET EXCEPTIONS REPORT QUARTER 1 2022-23 (E/22/15)**

The Lead Executive Member for Finance and Resource presented the report which asked Members to endorse the actions of Officers, note the contents of the report and approve re-profiled capital programmes and Programme for Growth and approve a permanent virement of £2,000 per annum from the LEP and Partnership budget, to facilitate the additional maintenance costs resulting from the proposed improvement works to the Sherburn in Elmet, Low Street site.

The Executive noted that at the end of Q1 the estimated full year revenue outturn indicated surpluses of (£382k) for the General Fund (GF) and a £28k deficit for the Housing Revenue Account (HRA) before pay award. Should the pay award offer which was currently under consideration by the unions be accepted, it was anticipated that this will reduce the GF surplus to (£45k) and increase the HRA deficit to £184k.

The Executive Member explained that all new general fund savings had been delayed to 2024/25, post Local Government reorganisation (LGR). The £195k saving in the Housing Revenue Account for the housing system would be aligned to delivery of phase 2 of the project, which was anticipated to be in September 2022, although savings could not be realised until future years, and resource requirements for local government reorganisation could impact on delivery timescales.

Members were aware that the capital programme was currently underspent by (£26k) at the end of quarter 1; both the GF and HRA

forecasted their programmes to be spent by year end except for the housing acquisition and development programme, which has been spread over two years. Programme for Growth projects spend was £658k in quarter 1 including £224k on staffing costs, £165k on the Transforming Cities Fund project and £122k on the Tadcaster business flood grant scheme.

Members acknowledged that ongoing inflation would continue to affect all local authorities across the country.

The Executive Member for Finance and Resources commended the report.

**RESOLVED:**

**The Executive**

- 1. endorsed the actions of Officers and noted the contents of the report;**
- 2. approved re-profiled capital programmes and Programme for Growth; and**
- 3. approved a permanent virement of £2,000 per annum from the LEP and Partnership budget, to facilitate the additional maintenance costs resulting from the proposed improvement works to the Sherburn in Elmet, Low Street site.**

**REASON FOR DECISION:**

To ensure that budget exceptions are brought to the attention of the Executive in order to approve remedial action where necessary and to ensure that the project at Low Street, Tadcaster could progress.

**30 TREASURY MANAGEMENT - QUARTERLY UPDATE QUARTER 1 2022/23 (E/22/16)**

The Lead Executive Member for Finance and Resource presented the report which asked Members to endorse the actions of Officers on the Council's treasury activities for Quarter 1 2022/23 and approve the report. The report reviewed the Council's borrowing and investment activity (Treasury Management) for the period 1 April 2022 to 30 June 2022 and presented performance against the Prudential Indicators.

Members noted that on average the Council's investments held in the NYCC Investment pool totalled £83.5m over the quarter at an average rate of 0.78% and earned interest of £161.7k (£116.6k allocated to the General Fund; £45.0k allocated to the HRA) which

was £123.5k above the year-to-date budget. Current performance trends indicated that forecast returns for the year could be in the region of £871.8k (£628.9k GF, £243.0k HRA) a total budget surplus of £719.4k. For the General Fund, any interest earned above a £350k threshold was to be transferred to the Contingency Reserve. This figure was currently forecast to be £278.9k.

The Executive Member explained that return on council investments had performed positively when compared to budgets for the year, as a result of the regular and sustained rises in Bank of England base rate that had been experienced over the course of the year, in an effort to combat inflationary increases. Base Rate had accordingly risen from 0.25% at the equivalent point last year when budgets were initially set, to their current level of 1.25%. The forecasted return for the year took into account the tapering effect of the rises, as older investments at lower rates matured and were replaced by newer investments at higher rates. The position remained fluid as further Base Rate rises, currently anticipated by the market, would serve to further increase potential returns against budget.

The Executive were aware that in addition to investments held in the pool, the Council had £5.63m invested in property funds as at 30 June 2022. The funds had achieved a 2.93% revenue return and 3.13% capital gain over the course of the quarter. This had resulted in revenue income of £40.5k to the end of Q1 and an 'unrealised' capital gain of £170.8k. The funds were long term investments and changes in capital values were realised when the units in the funds were sold.

Officers confirmed that long-term borrowing totalled £52.833m at 30 June 2022, (£1.6m relating to the General Fund; £51.233m relating to the HRA), interest payments of £1.917m were forecast to be paid in 2022/23, a saving of £59k against budget. The Council had no plans for any short-term borrowing for the year. With regards to prudential indicators the Council's affordable limits for borrowing were not breached during this period.

The Executive Member went on to inform the meeting that, looking ahead to 2022/23, investment returns were expected to continue to rise due to the recent increases in Bank Base Rate. Base Rate was expected to continue to rise over the course of the year, with latest estimates showing an increase to 2.75% by March 2023.

Members were pleased that the Council's borrowing rates had been fixed.

The Executive Member for Finance and Resources commended the report.

**RESOLVED:**

**The Executive endorsed the actions of Officers on the Council's treasury activities for Quarter 1 2022/23 and approved the report.**

**REASON FOR DECISION:**

To comply with the Treasury Management Code of Practice, the Executive are required to receive and review regular treasury management monitoring reports.

**31 ENVIRONMENTAL SERVICES CONTRACT SUCCESSION STRATEGY (E/22/17)**

The Lead Executive Member for Health and Culture presented the report which summarised the business case for new operating model for waste services for North Yorkshire, and the contract succession strategy for Selby District Council as a key decision in delivering the new model.

The current Environmental Services contract was procured in 2008 and commenced October 2009 for an initial period of 7.5 years. After taking up the 7-year extension the contract was due to expire on 31 March 2024. Contract expiry was 12 months after vesting day for North Yorkshire but a decision regarding a contract succession was required a minimum of 18 months prior to contract expiry. The contract included a contract notice period of 18 months to allow a smooth exit plan and mobilisation plan for the new provider. Therefore, a contract termination notice could be served in October 2022 and to instigate exit planning and mobilisation planning to ensure a smooth service transfer.

Members noted that the waste vehicles were, and would continue to be, owned by the Council.

The Executive acknowledged that due to circumstances there was no alternative option that could be taken by the Council; the decision to be taken was no reflection on the performance of the current contractors, whose service delivery had been very good and ensured that Selby District's collection rates were above any others in the county.

Members accepted that following LGR there were likely to be charges for green waste collection going forward.

The Executive Member for Health and Culture commended the report.

**RESOLVED:**

**The Executive agreed not to re-procure a**

**replacement contract for Selby and serve any necessary contract notices in accordance with contractual terms to ensure a smooth service transfer to North Yorkshire from 1 April 2024.**

**REASON FOR DECISION:**

The majority of services provided under the current contract were statutory services and as such Selby District Council (North Yorkshire Council) required an approved robust contract succession plan that supported the business case for a new operating model for waste services for North Yorkshire.

**32 PRIVATE SESSION - EXCLUSION OF PRESS AND PUBLIC**

It was proposed and seconded that the Executive sit in private session for the following business due to the nature of the business to be transacted.

**RESOLVED:**

**That, in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of business to be transacted the meeting be not open to the press and public during discussion of the following items as there will be disclosure of exempt information as described in paragraph 3 of Schedule 12(A) of the Act.**

**33 LEISURE FACILITIES AND SERVICES CONTRACT SUCCESSION STRATEGY (E/22/18)**

The Leader of the Council presented the report.

The report set out the current service delivery models for leisure services across North Yorkshire, contract periods for contracted services and the requirement for NYC to commission a strategic review of leisure. Within this broader context there was a requirement for interim service delivery for Selby due to contract expiry. The report recommended the preferred interim service model for Selby services.

Members expressed their support for the recommendations and agreed the recommendation set out in the report.

**RESOLVED:**

**The Executive**

- 1. supported the proposed Selby interim service option, which was the transfer to a Teckal company;**

2. **undertook not to instigate a re-procurement exercise; and**
3. **engaged with any future proposals that were considered by North Yorkshire's Executive later in the autumn, in relation to a countywide Strategic Leisure Review.**

**REASON FOR DECISION:**

To determine whether to re-procure the Selby leisure service or seek alternative arrangements for the continuation of leisure services in the District, pending any outcomes of the North Yorkshire Review, as Selby District Council's (SDC) current Leisure contract was due to expire in August 2024. A decision was required to ensure continuity of service provision in Selby for a period from 2024 up to 2027.

**34 SELBY STATION GATEWAY TRANSFORMING CITIES FUND SCOPE AND LAND ACQUISITION (E/22/19)**

The Executive Lead Member for Communities and Economic Development presented the report.

The report updated the Executive on the scope of the Selby Station Gateway Transforming Cities Fund Project and sought authorisations for actions relating to the delivery of the project including additional due diligence, land acquisitions, variations to access rights and associated budget approvals.

In attendance at the meeting for the item were Councillors S Shaw-Wright and M Jordan; the Members were invited to comment on the item by the Leader.

Members expressed their support for the recommendations and agreed the recommendation set out in the report.

**RESOLVED: The Executive**

1. **endorsed revisions to the TCF project scope;**
2. **agreed to purchase or otherwise facilitate the transfer of land west of Cowie Drive owned by Arriva, so that Viking Shipping became the ultimate owner of this;**
3. **supported the Council entering into a legal agreement to extend the rights over the land coloured purple on the Plan at Appendix B for**



**the benefit of the Viking Shipping land;**

- 4. supported the Council entering into a legal agreement with Arriva to create rights of access for the general public for the benefit of the Selby railway station land. Such rights being over the land coloured purple on the Plan at Annex B were to allow the general public to pass from Ousegate, over Cowie Drive and into Selby Railway Station via a new eastern access;**
- 5. agreed to use £131.5k of funding that was previously allocated by the Council to purchase land owned by BDW and the Malt Shovel at Ousegate Wharf to:**
  - a. cover the cost of transferring land west of Cowie Drive to the Viking Shipping land, including legal fees, together with the cost of making the above changes to access rights;**
  - b. cover legal, advisory and monitoring costs associated with acquisition of the Cowie Drive access from Viking Shipping;**
  - c. cover any abortive legal costs incurred by the Malt Shovel; and**
  - d. contribute to potential landscaping enhancements on privately-owned land at Ousegate Wharf;**
- 6. supported negotiations to acquire the Arriva Bus Depot site (using funding allocated for this purpose within the MTFs), with a business case and report to be considered at a future meeting of the Executive.**

**REASON FOR DECISION:**

To authorise actions relating to the delivery of the project including additional due diligence, land acquisitions, variations to access rights and associated budget approvals.

The meeting closed at 5.00 pm.