



**Notice of a public meeting of
Corporate and Scrutiny Management Policy and Scrutiny
Committee (Calling In)**

- To:** Councillors Levene (Chair), Fenton, Flinders, Galvin (Vice-Chair), Gates, Kramm, Lisle, Reid and Williams
- Date:** Tuesday, 14 July 2015
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Public Participation

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Monday 13 July 2015**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

- 3. Minutes** (Pages 1 - 4)
To approve and sign the minutes of the last meeting of the Committee held on 16 March 2015.

- 4. Called-In Item: New Council Housing and Approval for Development at Ordnance Lane** (Pages 5 - 26)
To consider the decisions made by the Executive at their meeting held on 25 June 2015 in relation to the above item, which has been called in by Councillors S Barnes, Boyce and Derbyshire in accordance with the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In) in relation to the call-in, together with the original report and the decisions of the Executive.

5. Called-In Item: Procurement of Council Security Services

(Pages 27 - 40)

To consider the decisions made by the Executive at their meeting held on 25 June 2015 in relation to the above item, which has been called in by Councillors D'Agorne, Craghill and Kramm in accordance with the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In) in relation to the call-in, together with the original report and the decisions of the Executive.

6. Called-In Item: Applications for Community Right to Bid under the Localism Act 2011 - Clementhorpe Malt House

(Pages 41 - 66)

To consider the decisions made by the Leader at his Decision Session held on 29 June 2015 in relation to the above item, which has been called in by Councillors Gunnell, Hayes and Kramm in accordance with the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In) in relation to the call-in, together with the original report and the decisions of the Executive Leader at his Decision Session.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name : Jill Pickering

Contact Details:

- Telephone : 01904 552061
- E-mail : jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Corporate and Scrutiny Management Committee (Calling In)
Date	16 March 2015
Present	Councillors Galvin (Chair), Burton, Fraser, Horton, King, Potter, McIlveen, Firth, Healey and Waller
Apologies	Councillors D'Agorne, Hyman, Runciman and Steward

30. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests not included on the register of interests, any prejudicial interests or any disclosable pecuniary interests which they might have in respect of the business on the agenda. None were declared.

31. Public Participation

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Dr Andrew Phillips, Deputy Chief Clinical Officer for the Vale of York Clinical Commissioning Group spoke to endorse the initiative to develop the care homes, care village and a community hub at the two sites. He stated the opportunity to develop a community and care hub aligns with the commissioning group's strategic clinical aims for improved health care outcomes for patients and integration between health & social and mental health care.

Mr George Wood representing the York Older People's Assembly spoke in support of the Council's modifications and fully endorsed the proposals. He expressed the Assembly's support for the different housing opportunities proposed for the elderly and the continued recognition for people with dementia. He suggested work moves forward at different stages and included the use of technology to allow older people to live independently for longer.

32. Minutes

Resolved: That the minutes of the last meeting of the Committee held on 23 February 2015 be approved and signed by the Chair as a correct record.

33. Called-In Item: The Council's Housing for Older People Programme

Members received a report which asked them to consider the decision made by the Cabinet on 3 March 2015, in relation to the Council's Housing for Older People Programme and proposals for an alternative approach to the provision of accommodation with care for older people, subject to agreement of a detailed business case.

Details of the Cabinet's decision were attached at Annex A to the report and the original report of the Director of Adult Social Care to the Cabinet, attached at Annex B.

The original decision had firstly been called in by Councillors Aspden, Runciman and Waller on the following grounds:

- A full assessment of the reasons for the failure of the EPH project, the decision-making timeline, and a detailed analysis of the costs incurred.
- A comprehensive explanation for why the Lowfield Care Village proposal had been abandoned.
- A commitment to investigate and publish a report on the governance and management of the overall project, including the suggestion that finances could be "fudged".
- A commitment to carry out a full consultation with local residents on the future of the Lowfields site (including the playing fields).
- Following this, a commitment to present to Members a range of options (with business cases) for the future of the site including an assessment of whether a different provider could deliver a Care Village at Lowfields.

The original decision had secondly been called in by Councillors Doughty, Douglas and Wiseman on the following grounds:

- More information was needed regarding the business case for the plan, including projections regarding the long-term economic viability of the proposal.
- Because the previous plans collapsed due to poor governance, poor financial planning and minimal project management arrangements CYC needs to properly understand what went wrong regarding the previous model and what was needed for the new plan to succeed before committing to further borrowing. As the Chief Executive intends to conduct a full review of the lack of governance on the last proposal it was sensible to wait until this had been reported before a final commitment to a new plan was undertaken.
- Clarification was needed regarding the sites selected for the new plan and whether these sites represented the best solution in terms of both achieving best value for residents and best use of the proposed sites.

Cllr Waller addressed the meeting on behalf of the first group of Calling In members. He highlighted their key issues regarding the transparency of decision making, confidence in the Council and resources spent so far on the project. He stated that ward residents over the last 5 years had welcomed the proposals for the Lowfields site and suggested that they now felt abandoned without further explanation.

Cllr Doughty also addressed the meeting on behalf of the second group of Calling In members. They had three areas of concern that centred around trust, transparency and accountability. He questioned the Cabinet Members input and why the financial implications were not reported earlier. He confirmed he had raised a series of questions on the EPH project, receiving unsatisfactory answers, but hoped the review conducted by the Chief Executive would provide clarification.

The Cabinet Member for Health and Community Engagement spoke in response to the points made for the call-in of the decision. She responded to questions from the Committee and commented that it appeared the Calling In members had misunderstood the procurement process. She explained it was a commercial process led by an officer Board which required a degree of sensitivity including the negotiations with bidders, which took place in private. She highlighted the financial implications that

were detailed in a previous Cabinet report dated 4 June 2013 to confirm that the risks were identified at the start of the process.

Some questions to the Cabinet Member raised issues regarding her priorities, the financial risks and the options available. She confirmed that a range of alternative proposals were available that would deliver high quality options for older residents in the City.

The Director of Adult Social Care and the Older Persons Accommodation Lead provided further information in answer to Members questions and in support of the Cabinet's decision. Officers explained how the risks highlighted at the start of the project would always change due to the competitive dialogue. They confirmed that the strategic position was set out in the 2011 Older Peoples Housing Strategy and they were still committed to providing the right provision for older people in the City. They highlighted the new proposals for the Lowfields site and the financial implications were discussed.

Following further questions and lengthy debate the options were considered and put to the vote and it was:

Resolved: That Option A be approved and that the decision of Cabinet be confirmed.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Cllr Galvin, Chair

[The meeting started at 5.02 pm and finished at 6.50 pm].



**Corporate and Scrutiny Management Policy and
Scrutiny Committee (Calling – In)****14 July 2015**

Report of the Assistant Director, Governance and ICT

**Called-in Item: New Council Housing and Approval for Development
at Ordnance Lane****Summary**

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 25 June 2015. The Executive firstly gave approval for the inclusion of new Council housing as part of the ongoing project to demolish and replace Ordnance Lane homeless hostel and secondly reported details of a number of sites identified for development as part of the first and second phase of new Council housing.

This cover report sets out the powers and role of the Corporate & Scrutiny Management Policy & Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive meeting on the called-in item is attached as Annex B to this report.
3. The Executive's decision has been called in by Councillors S Barnes, Boyce and Derbyshire for review by the Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMPSC) (Calling-In), in accordance with the constitutional requirements for call-in. The Members indicated that they specifically wished to call-in the decision to halt the process of developing new council housing on Newbury Avenue in Westfield ward, for the following reasons:

- That in halting the scheme the Executive has chosen to ignore the fact that a full consultation has already been undertaken where residents' views were listened to. Amendments were made to the proposal following objections received from four local residents and the local Residents Association, prior to the consideration of the planning application;
- The scheme has already been agreed for development following that same planning application. Executive councillors should not now be seeking to retrospectively bring political influence beyond the exercising of a quasi-judicial function of the council;
- The scheme delivers much needed affordable housing in a climate of ever increasing need and at a time when York continues to experience an affordable housing crisis that shows no signs of abating;
- That this decision directly contradicts both the council leader's expressed comments in the same meeting where he stated that the 'affordable housing challenge is massive, is one we will have to address and will address", and the Executive Member for the Environment's professed commitment to affordable housing through his comments at the same meeting;
- No consideration has been given to the impact of any permanent removal of the Newbury Avenue scheme on the commissioning process now the tender has been issued. The Executive Member responsible needs to be clear about the cost to York taxpayers of removing this scheme from the tender and whether the process will have to be restarted if this is what the Executive agrees to do.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMPSC (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the Executive on 25 June 2015 will be confirmed and will take effect from the date of the CSMPSC (Calling-In) meeting; or
 - b. To make specific recommendations to the Executive on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 23 July 2015.

Analysis

6. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations:

10. Members are asked to consider all the reasons for calling in this decision and decide whether they wish to confirm the decisions made

by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

Author:

Dawn Steel
Head of Civic &
Democratic Services
01904 551030

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director, Governance and ICT

**Report
Approved**



Date 6 July 2015

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Executive meeting on the called-in item.

Annex B – Report of the Director of Communities and Neighbourhoods, 25 June 2015

Background Papers

None

Executive

Thursday, 25 June 2015

Extract from Decisions Sheet

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 25 June 2015. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than **4.00pm on Monday 29 June 2015**.

If you have any queries about any matters referred to in this decision sheet please contact Jill Pickering, jill.pickering@york.gov.uk

13. New Council Housing and Approval for Development at Ordnance Lane

Resolved: That the Executive agree to:

- (i) Approve the development of new council housing at Ordnance Lane.
- (ii) Approve the appointment of the contractor who is selected from the OJEU compliant tender process to build the new temporary homeless accommodation at Ordnance Lane to also build up to 24 new council homes should:
 - the cost be within the anticipated budget for traditional build as identified in this report or;
 - if the benefits of a single contract and planning permission mitigate any additional cost

This decision to be delegated to the Directors of Communities and Neighbourhoods and Customer and Business Support.

- (iii) Delegate authority to the Director of Communities and Neighbourhoods in consultation with the Executive Member for Housing and Safer Neighbourhoods to agree the inclusion of an element of market housing should it be considered appropriate to cross fund the development or create mixed sustainable communities.
- (iv) Recommend a future report is brought to the Executive which considers options for a range of different delivery and funding models and potential land acquisitions for building new council housing.
- (v) Re-examine the proposals for the Newbury Avenue, Acomb site, listed at Table Two of the report, to allow full consultation with Ward Members and local residents.

- Reason:
- (i) To allow the council to add a significant number of homes to its existing asset base and help to alleviate the acute housing need in the city.
 - (ii) There is an on-going OJEU compliant tender process to appoint a contractor to design and build a new 39 unit temporary homeless accommodation scheme at Ordnance Lane (with returns due back in August). As part of this tender process, an alternative lot has been invited to build both the homeless accommodation and provide new council housing on the remainder of the site. Should the cost of building that new council housing through this route represent value for money it will allow the appointment of a single contractor to build both schemes with

associated advantages, such as a single planning application, reduced delivery timescale and minimising the disruption of a phased development.

- (iii) To ensure a mix of tenures to create a mixed and sustainable community and to provide cross subsidy to help fund the delivery of council homes.
- (iv) To ensure new council housing is delivered in the most effective way possible.
- (v) In order to allow a re-examination of the scheme in light of residents concerns.

This page is intentionally left blank

Executive**25th June 2015**

Report of the Director of Communities and Neighbourhoods

New Council Housing report and approval for development at Ordnance Lane**Summary**

1. The following report seeks approval to include new council housing as part of the ongoing project to demolish and replace Ordnance Lane homeless hostel. It identifies opportunities for potential cost savings by including a development of up to 24 new council flats as part of the contract to build the new temporary homeless accommodation.
2. The new council housing at Ordnance Lane would be the next stage in the council's house building programme. Phase one was approved in May 2013 and work is underway to build 71 new council houses across 7 sites (see paragraph 11, table 2). The first site is now complete (Beckfield Lane), two are currently on site and will complete in Autumn 2015, and a further four sites have full planning permission and are currently out to tender.
3. In December 2014 approval was given to use £3.56m to demolish the existing Ordnance Lane homeless hostel and replace this with a new 39 unit scheme of new temporary homeless accommodation. It is proposed to develop the site using a modular or off-site construction method in order to minimise the development period. This development is funded from the £20m Housing Revenue Account (HRA) Investment Fund identified in the HRA business plan.
4. Feasibility analysis of the site has shown that, in addition to the new temporary homeless scheme, the site could also accommodate a development of new council flats. This report seeks approval of funding for up to 24 new council flats and to appoint the same contractor to build both the temporary homeless accommodation and council flats under a single contract should this approach represent value for money. It is anticipated that this approach is likely to bring significant development and cost saving benefits.

5. An OJEU compliant tender process is currently underway and in order to assess the opportunities available for this site, the tender contains two lots:
- To develop the 39 unit temporary homeless accommodation;
 - To develop the 39 unit temporary homeless accommodation AND new council housing.
6. At present, funding approval is only in place to develop the homeless accommodation. Feasibility analysis estimates that the development of 24 new council flats on this site would cost approximately £3.6m.
7. The £3.6m would be funded through a mixture of Right to Buy receipts, affordable housing commuted sums, and the Housing Revenue Account Investment Fund; a £20m investment fund within the HRA identified for new council house building. Currently £8.4m of this fund has been allocated to ongoing projects (although could potentially rise due to increases in build costs – see para 12). Approval of the new council housing element of the Ordnance Lane scheme would increase the allocated spend to £10.4m, leaving £9.6m available for future projects. Table one summarises the anticipated costs and funding routes of already approved and proposed projects.

Table One – proposed funding for development schemes

Scheme	HRA Investment Fund	Commuted Sums	RtB receipts	HCA grant	Market sale receipts	Total
Phase one new council housing	£4,815,832	£1,226,443	£1,962,975	£403,000	£1,780,000	£10,188,250
Ordnance Lane temp homeless accommodation	£3,560,000					£3,560,000
Ordnance Lane council housing	£2,020,621	£500,000*	£1,080,266			£3,600,887
Total	£10,396,453	£1,726,443	£3,043,241	£403,000	£1,780,000	£17,349,137

NB – the schemes that are shaded grey already have approval

* Conservative estimate of the anticipated commuted sums expected by completion of the project

8. In addition to Ordnance Lane there were a further three site packages previously identified for potential development as part of a full second phase of new council housing:
 - Three small sites at Vernon Close, Bishopthorpe
 - Former Heworth Lighthouse site
 - Crombie House and Viking Road garage court
9. This second phase is now under review to assess the best way to deliver new council homes. A future report will be brought forward having considered new delivery models and land packages. Ordnance Lane has been brought forward now to access the opportunities that linking to the ongoing homeless accommodation project provides.

Recommendations

10. Executive are asked to:
 - a) Approve the development of new council housing at Ordnance Lane.

Reason: To allow the council to add a significant number of homes to its existing asset base and help to alleviate the acute housing need in the city.
 - b) Recommend to Full Council that a budget of up to £3,600,887 be approved to build up to 24 new homes on this site. 30% of this is to be funded from Right to Buy receipts with the remaining funds to come from the Housing Revenue Account Investment Fund and Section 106 commuted sums where available.

Reason: To allow the construction of new homes within an agreed budget whilst minimising the budget draw from the investment fund.
 - c) Approve the appointment of the contractor who is selected from the OJEU compliant tender process to build the new temporary homeless accommodation at Ordnance Lane to also build up to 24 new council homes should:
 - the cost be within the anticipated budget for traditional build as identified in this report or;
 - if the benefits of a single contract and planning permission mitigate any additional cost

The decision on the above to be delegated to the Directors of Communities and Neighbourhoods and Customer and Business Support.

Reason: *There is an on-going OJEU compliant tender process to appoint a contractor to design and build a new 39 unit temporary homeless accommodation scheme at Ordnance Lane (with returns due back in August). As part of this tender process, an alternative lot has been invited to build both the homeless accommodation and provide new council housing on the remainder of the site. Should the cost of building that new council housing through this route represent value for money it will allow the appointment of a single contractor to build both schemes with associated advantages, such as a single planning application, reduced delivery timescale and minimising the disruption of a phased development.*

- d) Delegate authority to the Director of Communities and Neighbourhoods in consultation with the Executive Member for Housing and Safer Neighbourhoods to agree the inclusion of an element of market housing should it be considered appropriate to cross fund the development or create mixed sustainable communities.

Reason: *To ensure a mix of tenures to create a mixed and sustainable community and to provide cross subsidy to help fund the delivery of council homes.*

- e) Recommend a future report is brought to the Executive which considers options for a range of different delivery and funding models and potential land acquisitions for building new council housing.

Reason: *To ensure new council housing is delivered in the most effective way possible.*

Background

11. **Phase 1** of the new council house building will deliver 71 new council homes and 9 for market sale by summer 2016. All of the homes within Phase 1 will achieve Lifetime Home standards and meet Code for Sustainable Homes level 4 to meet the changing and future needs of tenants and will be more affordable to heat and light. The seven sites are as follows:

Table two – new council housing sites in phase one

Site	Number of homes	Status
Beckfield Lane	27	Complete
Hewley Avenue	8	On site (complete October 2015)
Former Pack of Cards pub	14	On site (complete October 2015)
Chaloners Road	8	Full planning – out to tender
Fenwick Street	8	Full planning – out to tender
Newbury Avenue	9	Full planning – out to tender
Pottery Lane	6	Full planning – out to tender
Total	80	

12. The approved budget for phase one of new council house building is £10.2m, reported through capital monitoring in February 2015 (Capital Strategy report). This increased from the original budget approved in May 2013 of £7m due to the increase in the total number of homes being delivered from 59 to 80 homes and unforeseen remediation issues at several of the sites. The council's cost consultants have also advised that, due to recent significant increases in build costs of up to 10% per annum, there may be further increases in the tender returns for the 4 sites yet to be awarded a contract. Once the tender returns have been received additional approval will be sought for any consequent increase in the budget.
13. The approved demolition of Ordnance Lane hostel to be replaced with a 39 unit temporary homeless accommodation scheme has also provided an opportunity to build new council housing on the same site.

Consultation

14. The proposals for the site have been discussed with ward members who did not raise any major objections. Before a planning application is submitted a public information event will be arranged where the plans will be on display for members of the public and other interested parties to view should the development proceed. A further public information event will take place prior to start on site to introduce the local community to the contractor.

Options

15. Three options are available:

Option 1 – To approve the recommendations in this report for the use of £3.6m to develop up to 24 new council flats at Ordnance Lane to be built

as one scheme under a single contract with the temporary homeless accommodation.

Option 2 – To approve the use of £3.6m to develop up to 24 new council flats at Ordnance Lane as a separate phase to the temporary homeless accommodation

Option 3 – To not develop new council housing on the remainder of the Ordnance Lane site.

Analysis

16. **Option 1** – Approval was given in December 2014 to demolish and replace the existing Ordnance Lane hostel with temporary homeless accommodation, with the remainder of the site being used for new council housing. A budget was agreed for the construction of the replacement homeless accommodation but not the new council housing and road infrastructure works. An OJEU compliant tender exercise is currently underway with modular/off-site construction companies to minimise the timescale from demolition to the new facility being open.
17. Prices are currently being sought for two options - to build only the homeless accommodation; and to build the homeless accommodation and the new council housing as one contract. It is envisaged that the economies of scale associated with developing both the homeless accommodation and council housing will deliver the greatest value for money. In addition, a comprehensive site wide planning application can be submitted ensuring the whole project is delivered at the same time. This will reduce disruption to local residents and ensure part of this prominent site, on the edge of the conservation area, is not left redundant for a period of time. The two lot form of tendering allows the council housing to be separated out from the homeless accommodation and delivered separately if this represents better value for money.
18. Feasibility work has established the likely site area which will be available for new council housing and a formal pre-application submission has been made to the Planning Department. In principle support has been received, and the land is a brownfield site and therefore re-using this site for development is supported by the principles set out in the emerging local plan.
19. The surrounding area contains substantial buildings up to four storeys in height with a variety of building types from traditional terraces to more modern apartments and business uses. The immediate site frontage is within the Fulford Road Conservation Area and this area in particular

requires a well considered design which adds to the quality of the built environment in the area. Due to the central location of the site, height of nearby buildings, and site constraints it is believed that a development of apartments provides the greatest opportunity for maximising the potential of this site, and a scheme feasibility has been developed which shows 24 apartments over four floors. Each apartment is 2 bedroom 3 person in size.

20. Based on the information available a high level cost report has been produced by Turner and Townsend's quantity surveyors (QS) based on today's prices. The cost report is on the basis of the site being developed using traditional construction methods and as a single stand alone development. The estimated construction cost for the scheme of 24 apartments is £2,897,733. Added to this would be £175,090 to resurface Ordnance Lane, and an industry standard 15% for fees and on costs. It is anticipated that the tender returns will need to include an allowance for inflation given the estimated start on site date. QS advice is that residential construction inflation is likely to be 1.9% over the next six months. Therefore, the current total scheme cost budget estimate is £3,600,887, which equates to £150,037 per unit. This is based on a specification of Lifetime Home standards and an environmental standard equivalent to Code for Sustainable Homes Level 4. This is consistent with the standards being achieved within the Phase 1 council housing programme. This cost assumes no site abnormal costs such as land contamination or the need for a non-basic foundation solution. Further work will need to take place when the existing building is demolished to fully establish the ground conditions.
21. The construction of both the temporary homeless accommodation and the new council housing would be built under a single contract should the cost of building the council housing be within the above budget. This would mean that the project would be cheaper or equivalent to building through traditional build and therefore represent value for money. Should the tender returns, which are due back in August, show that the new council housing element can be delivered within the cost estimate above to a quality the council expect, the contract will be let to develop the whole site.

Delivery programme

22. The current anticipated programme for the new temporary homeless accommodation is to complete by Autumn 2016, although this is subject to the successful contractors proposals that will form part of their tender return. It is anticipated that including the new council housing within this contract would follow the same delivery programme.

Funding Route

23. Based on current information and design feasibilities the budget for the delivery of up to 24 new homes on this site is approximately £3.6m. 30% of this cost (approximately £1.08m) can be funded by monies from Right to Buy sales. The remaining £2.52m will be funded through the HRA Investment Fund and commuted sums. In order to reduce the resource ask from the investment fund, leaving more money for future schemes, it is proposed to use Section 106 commuted sums where possible. A number of substantial commuted sums totalling over £1m are anticipated to be received over the next two years.
24. Within Table One at paragraph 7 a conservative amount of £500k has been provisionally allocated to this development scheme as all commuted sums may not have been received by the completion of the development. The proposals also have the potential to minimise the use of the HRA investment fund if a mixed tenure scheme is created. Selling a number of apartments on the open market in this high value area will reduce the overall net ask of the investment fund leaving more money available for future schemes. However, it would result in a lower number of new council housing being achieved in this phase.
25. In summary, Option 1 takes advantage of opportunities available for the delivery of a comprehensive redevelopment of the Ordnance Lane site to create 24 new council houses alongside the replacement temporary homeless accommodation facility. This will add a number of homes to the councils existing asset base and help to alleviate the acute housing need in the city. The proposed procurement allows the new council housing to be built under the same contract as the homeless accommodation if it represents a cost saving from the estimates to build the new homes as a separate phase through traditional construction routes. A single contract would enable the development of the site with a single planning application and construction period, which would minimise disruption to the surrounding community. In addition this approach allows for a comprehensive joined up redevelopment of the site improving design and function of the developments.
26. **Option 2** – Option 2 will result in the development of much needed new council housing. However, this option misses the opportunity to package this development up with the development of the temporary homeless accommodation. It is considered that missing this opportunity is likely to result in:
 - Higher costs due to lost economies of scale and an inability to share site costs across a larger development;

- A delay in the delivery of council housing as a whole new development route will need to be determined and procured;
- Greater obstacles to achieving planning permission for the temporary homeless accommodation as a comprehensive site redevelopment proposal cannot be submitted;
- A less joined up development scheme;
- A greater period of time when the site will be under construction causing disruption to local residents;
- Additional resource implications for the Housing Development Team in managing two sites over a longer period of time.

27. **Option 3** – An opportunity is missed for providing much needed new council homes in a sustainable brownfield location.

Implications

28. The following implications have been identified:

- (a) **Financial** – A budget of approximately £3.6m is required in order to deliver up to 24 new council houses at Ordnance Lane. This will be funded through the HRA Investment Fund, Right to Buy Receipts, and commuted sums.
- (b) **Human Resources** – Director of Communities and Neighbourhoods is reviewing the resources of the Housing Strategy and Development Team given the increase in development projects.
- (c) **Equalities** – The development would create much need new housing available for social rent potentially housing some of the most vulnerable people in the city.
- (d) **Legal** – The Council has the power, under section 9(1) of the Housing Act 1985, to build new houses. If the Authority decide to sell any of the housing, the Secretary of State's consent will be required pursuant to s32. General consents have, however, been granted by the Secretary of State and are contained in the General Consents 2013. This allows disposals of vacant dwellings at market value to persons who will use the property as their principal home

If land is to be sold section 123 Local Government Act 1972 requires the Authority to obtain the best consideration reasonably obtainable for any disposal, but disposals at less than best consideration can be made pursuant to the Local Government Act 1972: General Disposal Consent (England) 2003, provided the Authority consider that the disposal is likely to contribute to the

achievement of the objective of promoting or improving the economic, social, or environmental well-being of its area or residents; and the difference between the unrestricted value of the land and the consideration does not exceed £2 million

European state aid rules must also be complied with in respect of any disposals for less than market value which might impact on trade between Members states. The appointment of the developer and the various technical consultants will need to be procured and contracts will be prepared by Legal Services

- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology** – All new homes will be developed to be fully broadband compatible. Information will be provided within the welcome pack for each property outlining how to get connected and how to search for the best deal.
- (g) **Property** – There are a number of issues associated with the site including the legal title, any restrictions on use, environmental and planning considerations which will need to be further investigated and dealt with to ensure the site is ready to be developed without delay once a contract is awarded. If this further investigation results in a matter which cannot be resolved and would as a result prevent the development of that site for housing then the scheme will need to be re-designed or alternative sites will need to be considered
- (h) **Other** – There are no other implications.

Risk Management

- 29. The project to deliver up to 24 new council homes carries a number of risks. It is a multi-million pound project that has a tight delivery timescale. The council will need to procure consultants and contractors, resolve issues affecting the development of the site, achieve full planning permission, and build a significant number of new homes. These all pose challenges to project delivery and the consequent impact on the reputation of the council.
- 30. To mitigate these risks the project must be properly resourced. Cross directorate support and commitment will be required to ensure each directorate meet their identified and agreed delivery timescales.

Contact Details

Author:

Michael Jones

Housing Development
Manager
Housing Strategy and
Development
Tel: 551 339

Chief Officer and Executive Member Responsible for the report:

Sally Burns

Director of Communities and
Neighbourhoods

Executive Member for Housing and Safer
Neighbourhoods – Cllr Carr

Andy Kerr

Housing Strategy Manager
Housing Strategy and
Development
Tel: 554 153

**Report
Approved**



Date 15th June 2015

Specialist Implications Officer(s) List information for all

Financial

Isabel Jones
Accountant
Tel: 551 799

Legal

Glen McCusker
Deputy Head of Legal Services
Tel: 551 048

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Cabinet Report - New Council House Building – Phase 2

Cabinet Report - Get York Building – A Case for Change

Cabinet Report - The replacement of Ordnance Lane Homeless Hostel

Annexes

Appendix A - Ordnance Lane site location plan

Glossary of abbreviations used in the report:

HRA – Housing Revenue Account

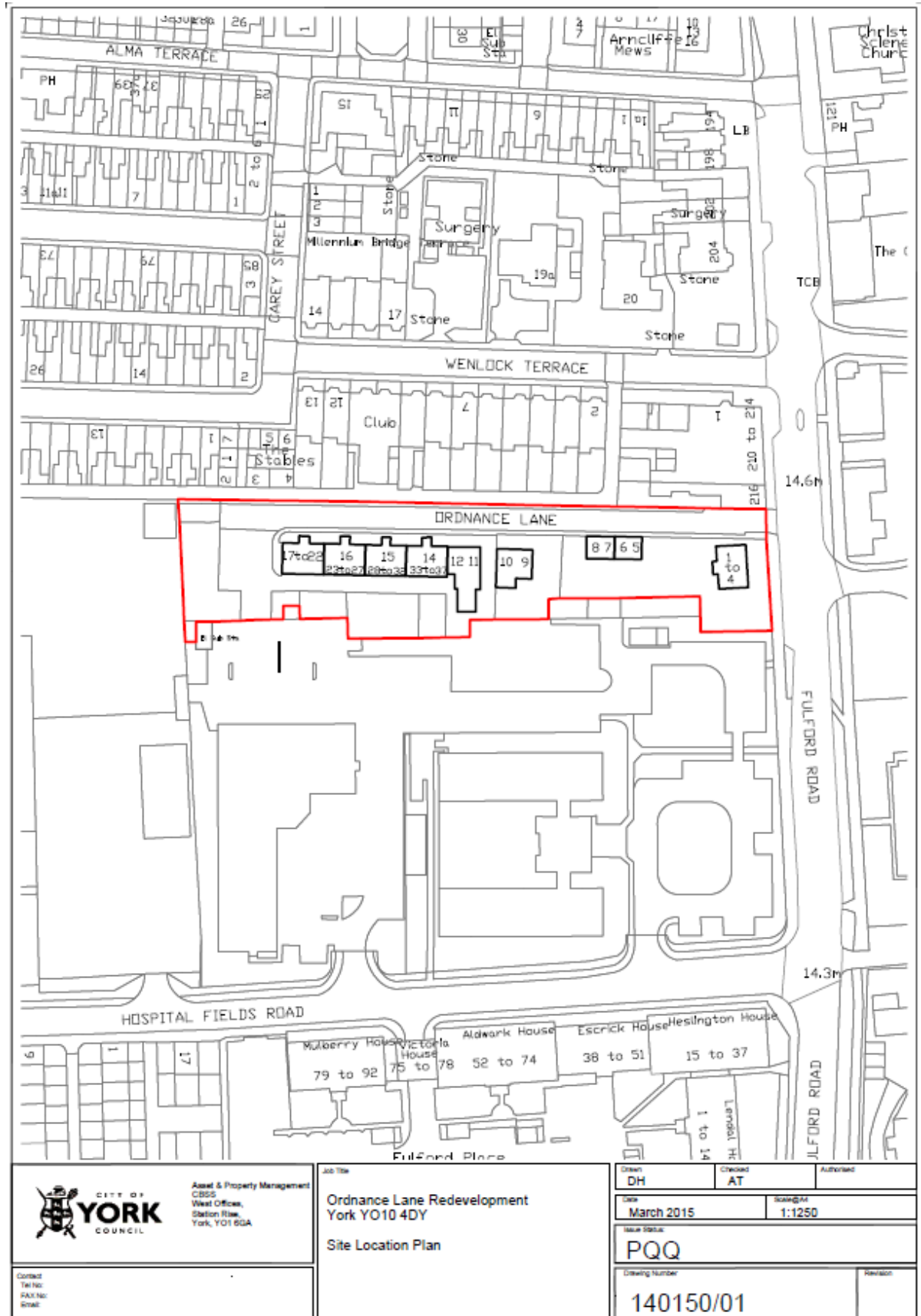
OJEU - Official Journal of the European Union

QS – Quantity Surveyors

RtB – Right to Buy

This page is intentionally left blank

Appendix A – Ordnance Lane site location plan



CITY OF YORK COUNCIL
 Asset & Property Management
 CBSS
 West Office,
 Station Road,
 York, YO1 6DA

Job Title
Ordnance Lane Redevelopment
 York YO10 4DY
Site Location Plan

Drawn DH	Checked AT	Authorised
Date March 2015	Scale 1:1250	
Issue Status PQQ		
Drawing Number		Revision

Contact
 Tel No:
 Fax No:
 Email:

140150/01

This page is intentionally left blank



**Corporate and Scrutiny Management Policy and
Scrutiny Committee (Calling – In)****14 July 2015**

Report of the Assistant Director, Governance and ICT

Called-in Item: Procurement of Council Security Services**Summary**

1. This report sets out the reasons for the call-in of the decisions made by the Executive on 25 June 2015 to commence a procurement exercise for a comprehensive set of council wide security services, to include on site security services in all council properties, fire alarm response and investigations and the provision of the Council's CCTV control room operation and ongoing maintenance.

This cover report sets out the powers and role of the Corporate & Scrutiny Management & Policy & Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive meeting on the called-in item is attached as Annex B to this report.
3. The Executive's decision has been called in by Councillors D'Agorne, Craghill and Kramm for review by the Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMPSC) (Calling-In), in accordance with the constitutional requirements for call-in. The Members indicated that they only wished to call in the element of the decision as it related to CCTV monitoring and the extension of security services to other council buildings. The following are the reasons given for the call-in:

- Full details of the scope of the Council buildings to be included have not been provided eg. does this include schools and community centres?
- No details of the scale of the extension of the contract from West Offices to all Council buildings have been provided ie how many posts will be affected and by how much will the value of the contract increase?
- There is no mention of the Council's commitment to protect the Living Wage for all staff and whether or not retention of the Living Wage will be required as part of the new contract.
- Regarding the option to include the CCTV operations centre in the contract, there is no evidence of consultation with Safer York Partnership, the Police or the unions prior to this decision, nor any assessment of the impact on public confidence from the city's CCTV cameras being managed and run by a private operator.
- There is no recognition that services such as the Mansion House are specialised with a special importance to the city and rely on experienced specialist staff.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMPSC (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the Executive on 25 June 2015 will be confirmed and will take effect from the date of the CSMPSC (Calling-In) meeting; or
 - b. To make specific recommendations to the Executive on the report, in light of the reasons given for the call-in. If this option

is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 23 July 2015.

Analysis

6. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations:

10. Members are asked to consider all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

Author:

Dawn Steel
Head of Civic &
Democratic Services

**Chief Officer Responsible for the
report:**

Andrew Docherty
Assistant Director, Governance and ICT

**Report
Approved**



Date 6 July 2015

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Executive meeting on the called-in item.

Annex B – Report of the Assistant Director of Finance, Asset Management & Procurement and the Assistant Director for Transport, Highways and Fleet, 25 June 2015

Background Papers

None

Executive**Thursday, 25 June 2015*****Extract from Decisions Sheet***

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 25 June 2015. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than **4.00pm on Monday 29 June 2015**.

If you have any queries about any matters referred to in this decision sheet please contact Jill Pickering, jill.pickering@york.gov.uk

15. Procurement Of Council Security Services

Resolved: That the Executive agree to the procurement of security services as a corporate contract through a single exercise containing lots, including exploring the possibility of outsourcing the current in house CCTV monitoring service.

Reason: To enable the Council to:

- achieve Best Value by maximising the available budget
- transfer risks and responsibilities for CCTV security to the appointed supplier(s) so it resides with an experienced, accredited and skilled supplier(s)
- ensure consistency of service provision across the council.

This page is intentionally left blank

Executive**25th June 2015**

Report of the Assistant Director of Finance, Asset Management & Procurement and the Assistant Director for Transport, Highways & Fleet

Procurement of Council Security Services

Summary

1. This report is seeking approval to commence a procurement exercise for a comprehensive set of council wide security services including;
 - On site security services in all council properties
 - Provision and support of access control system and other entry systems
 - Key holding services for identified council buildings
 - Fire alarm response / investigations
 - Supply of security consumables (i.e. ID badges, lanyards, key cabinets, locker keys)
 - All locks, padlocks and locking systems for council buildings and sites
 - Security guarding to be called upon as required for City of York Council one off public events
 - Provision of the Council's CCTV control room operation
 - CCTV system design, supply, installation and maintenance for all existing equipment and expansion of CCTV equipment on council premises and other locations as required during the contract period

Recommendation

2. This report asks Executive to agree to the procurement of security services as a corporate contract through a single exercise containing lots, including exploring the possibility to outsource the current in house CCTV monitoring service.

Reason: To enable the Council to:

- achieve Best Value by maximising the available budget

- transfer risks and responsibilities for CCTV security to the appointed supplier(s) so it resides with an experienced, accredited and skilled supplier(s)
- ensure consistency of service provision across the Council.

Background

3. Security services across the council have been procured by each service as and when required. There hasn't been an over arching approach to the procurement of this category of expenditure and historically all Facilities Management (FM) activity was undertaken by each directorate on the buildings that they occupied. Following the establishment of a corporate Facilities Management Service as part of the move to West Offices, an on site security presence was required for the first time and a Security Service was procured to provide:
 - On site security at West Offices
 - Associated services such as the support of the access control system and security passes at West Offices
 - Provision of some staff into the CCTV team
4. The security team are an essential part of the West Offices FM team and work alongside colleagues in the Customer Centre to ensure a safe and welcoming environment for customers, staff and business visitors. This contract is due to expire on 30th June 2015 but permits an extension to the contract term by agreement between the parties. In order to align the procurement of these services with the wider corporate security procurement described in this report we will seek an extension of the contract up to 29th February 2016. Due to the value of this extension we will be seeking a wavier to Council's Contract Procedure Rules, prior to agreeing the contract extension with the supplier.
5. The Procurement Strategy sets out a commitment to more effective aggregation of spend utilising a category approach, whereby we seek to bring together all linked and related types of spend and approach the market in a joined up and coherent manner. Therefore, all spend in the broader security category has been reviewed to inform this proposal.
6. In order for the council to ensure it receives consistency in the quality and costs of the security services provided, and value for money, it is proposed to aggregate spend across the Council by combining the majority of security service requirements within one procurement exercise that includes a number of lots. Due to the sums involved it needs to be an EU compliant procurement exercise using the restricted procedure.

7. Under this procedure we can either let the whole contract to one supplier (or consortia) or we can select different suppliers for the separate lots. This enables Small and Medium Enterprises (SMEs), consortia and groups of supplier(s) to potentially bid either for individual or all of the lots available.
8. The proposed lots are;
 - Lot 1 - On site security presence at Council buildings/sites, key holding services, security consumables, security/fire alarm investigations, access/entry systems
 - Lot 2 - Provision of CCTV control room operatives
 - Lot 3 - CCTV system design, supply, installation, maintenance of equipment and service development

Consultation

9. A Project Team was formed in order to create the Corporate Security Services Category Plan. The team included representatives from the Council's Facilities Management team, CCTV control room management, Asset & Property management, Civic buildings, Guildhall and Mansion House management.
10. Consultation with CCTV control room staff and Unions has been started by the Service Manager and will continue through the coming months.

Options

11. The options considered need to balance the key objectives of value for money and consistency of service delivery and quality, alongside compliance with public procurement legislation.
12. Option 1 - to procure security services as a corporate contract through a single exercise containing lots as described in paragraph 8, including exploring the possibility to outsource the current in house CCTV monitoring service. This is the recommended option.
13. Option 2 - to retain the current position whereby CCTV monitoring services are provided in house and procure a separate contract for the remaining security services.

Analysis

Option 1

14. The current CCTV monitoring service is mainly provided in house but is supplemented by staff from the current security provider. The service is delivered 24 hours a day, 7 days a week and historically it has been

difficult to staff up the team to accommodate this requirement. It is therefore proposed that the tender includes a lot that would give CYC the option to consider externalisation of the entire CCTV control room operation. This would enable us to both benchmark costs and assess quality delivery as well as assist with the development and expansion of the CCTV control room services to external third parties. The CCTV control room service has an inherent need to be flexible to respond to the varying security requirements of its customers. The ability to call on third party trained, licensed operatives as and when required has improved service delivery over the last 2 years.

15. The contract for the supply, installation and maintenance of CCTV equipment is due to expire on 1st December 2016 but the Council has the right to terminate the contract at any time by giving 3 months written notice. It is therefore considered sensible to include this within the broader procurement exercise. This would provide the opportunity to seek tenders that provide a full security solution and maximise the use of the budgets available.
16. The proposal to incorporate the CCTV control room operative requirements as part of the re-procurement exercise would provide the opportunity to seek tenders that provide a full security solution enhancing the opportunity for the Council to obtain financial savings and efficiencies and maximise the use of the budget. This would also provide the opportunity for the council, by subjecting the CCTV control room operative requirements to competition, to demonstrate Best Value has been obtained.
17. In addition, an overarching procurement of all security services would ensure consistency and enhanced flexibility of service provision.

Option 2

18. Under this option, it would be difficult to demonstrate that the Council were achieving best value from the current arrangements. It would also potentially limit interest from external suppliers.
19. Separate contracts would not support consistency in service delivery and could prevent opportunities to achieve operational efficiencies. It would also give rise to potentially costly contract management of multiple suppliers.

Council Plan

20. The actions set out in the report contribute to the following corporate priorities as set out in the Council Plan 2011-15:

Build strong communities by:

- The award of a corporate security services contract that incorporates the CCTV requirements of the council will assist the Council to tackle crime, antisocial behaviour, increase community safety and enhance our commitment to have effective arrangements in place to safeguard our communities against terrorism through a consistency in the quality of security services provided and achieving Best Value for the Council's budget.

Creation of jobs and grow the economy by:

- The inclusion of Lots in the re-procurement exercise would enable SME's to potentially bid for individual or all Lots available and contribute to the growth of the economy.

21. The Council's Plan 2011-15 also includes the core capability for the improvement of our procurement activity to create savings and focus the Council's spend on the delivery of our priorities. The inclusion of the CCTV control room operative's requirements as part of this re-procurement would further enhance the opportunity for the Council to obtain financial savings and efficiencies by its inclusion within this re-procurement.

Implications

22. The consideration of including the CCTV control room operatives within the scope of this re-procurement exercise is a significant out-sourcing consideration because the current service has a commitment to cover the monitoring of the cameras for 24hrs, 7 days a week for 365 days a year and the council need two staff on duty to ensure the control room is manned at all times. In order to ensure this commitment can be delivered there is currently a combination of five council staff working alongside staff employed by our current external security services provider.

- **Financial**

The proposed contract period for the Corporate Security Services contracts is for an initial six years with an option to extend the contracts for up to a further four years. Therefore the potential total

value of the contracts would approximately be £5.5m for the full contract period, including extensions.

The current council wide spend on security is set out in the table below although the spend is projected to vary from year to year to reflect variations arising from the planning, design and installation of CCTV equipment;

Service	Spend in 2014/15 £'000
Security services at Council building, including hostels and office accommodation	385
CCTV monitoring (combination of in house and external temporary staff)	260
Total	645

Under Option 1 it is expected that savings will be made through aggregation of our requirements and efficiency of management. Under option 2, no clear savings have been identified and there could be some additional costs in contract management, which cannot be quantified at this time.

- **Human Resources (HR)**

The inclusion of the CCTV control room operatives in this re-procurement exercise would include TUPE workforce implications for the Council staff employed in this service as well as the staff employed by the current security services supplier. The CCTV control room management have commenced the process of staff and Trade Union consultations in accordance with the requirements of TUPE.

- **Equalities**

There are no Equalities implications arising from this report

- **Legal** (*Contact – Head of Legal and Democratic Services*)

The extension to the current security contract may be treated as a “new contract” under the public procurement regulations. The value of the extension period is below the EU threshold and therefore does not require EU wide advertising but a waiver of the Council’s Contract Procedure Rules is required. The extension period must be agreed with the supplier prior to 30 June 2015.

The impact of TUPE on CYC staff and current supplier staff will need to be considered and provided for within any new contract.

- **Crime and Disorder** (*Contact - Senior Partnerships Support Officer, Community Planning & Partnerships*)

None

- **Information Technology (IT)** (*Contact – Head of IT*)

None

- **Property** (*Contact – Property*)

A wide range of security related services for CYC properties are currently provided by a large number of providers. A single contract would be easier to manage and provide improved quality of service.

Risk Management

23. A Risk Log has been developed for the re-procurement which the members of the Project Team will populate with the risks that will be monitored and managed throughout the re-procurement and also as part of the contract management process for the awarded contracts. The risks to highlight for the procurement of the corporate security services include:
- The transfer of risk and responsibilities by the council to the appointed supplier(s) for the CCTV system design, supply, maintenance, installation and future capital expenditure.
 - The amount of interest that this procurement would receive from the security services market and volume of bidders that are SME's.
 - The content and structure of the procurement documents and the contracts awarded to clearly define and support the Council's priorities to build safer communities by assisting to reduce crime, antisocial behaviour and increase community safety

Contact Details

Author:	Chief Officer and Executive Member Responsible for the report:		
Mark Woolford Category Manager (01904) 552237	Tracey Carter - Assistant Director of Finance, Asset Management & Procurement Neil Ferris - Assistant Director for Transport, Highways & Fleet Executive Leader, Finance & Performance – Cllr Steward		
	Report Approved	√	Date 12 June 2015
Specialist Implications Officer(s) <i>Financial</i> Debbie Mitchell x4161 <i>Legal</i> Emma Kerr x1036			
Wards Affected: <i>List wards or tick box to indicate all</i>			All <input checked="" type="checkbox"/>
For further information please contact the author of the report			

Annexes - None

Glossary of abbreviations used in the report:

CCTV – Closed Circuit Television

EU – European Union

FM – Facilities Management

HR – Human Resources

SMEs - Small and Medium Enterprises

TUPE- Transfer of Undertakings (Protection of Employment) Regulations 2006



Corporate and Scrutiny Management Policy and Scrutiny Committee (Calling – In)**14 July 2015**

Report of the Assistant Director, Governance and ICT

Called-in Item: Application for Community Right to Bid under the Localism Act 2011 – Clementhorpe Malt House**Summary**

1. This report sets out the reasons for the call-in of a decision made by the Leader (incorporating Finance and Performance) at a Decision Session on 29 June 2015 to reject an application from the Clementhorpe Community Association to list the Clementhorpe Malt House, 19/21 Lower Darnborough Street, York as an Asset of Community Value (ACV).

This cover report sets out the powers and role of the Corporate and Scrutiny Management Policy and Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Leader Decision Session is attached as Annex A to this report. This sets out the decision taken by the Leader on the called-in item. The original report to the Leader Decision Session on the called-in item is attached as Annex B to this report.
3. The Leader's decision has been called in by Councillors Kramm, Gunnell and Hayes for review by the Corporate and Scrutiny Management Policy and Scrutiny Committee (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:

“In the Decision Session the leader of City of York Council decided that the application to list the Clementhorpe Malthouse as an Asset of Community Value is rejected as the criteria have not been met for the reasons set out in the report.

Cllr Steward followed the officer's recommendation to dismiss the ACV application on just one ground, the previous usage of the building. The report to the leader states:

"It is considered that this application does not meet the criteria for the legislation to apply as the building has never been used for a use which furthers the well-being or social interests of the community and is therefore not eligible for listing as an asset of community value."

The Localism Act 2011 is not giving a clear definition of "social interest" and case law has not been widely established giving the local council a wider discretion in its interpretation. It is our belief that the social interest in the Malthouse has been well established on the local community. Clementhorpe Malthouse has been for years a silent and passive monument for the industrial heritage of Clementhorpe. Interest is the state of wanting to know or learn about something. Several residents stated in recent open viewings and public meetings that they for years were admiring the building from the outside wondering about its past and function. The high attendance in the open viewing showed that the interest of the local community is strong despite the council's idleness in the last years to build on it. The current ACV application is not just aiming to retain the current social interest but to develop it even further.

Additionally Section 88 of the Localism Act 2011 states that

"In order to be listed, the land or building must further the social wellbeing or social interest of the local community, or have been used in the recent past."

There is no case law supporting the interpretation that the condition "have been used in the recent past" is cumulative. Leaving the interpretation that the reason that the inside of the Malthouse has never been used as a cultural and historic heritage site as criterion for exclusion under Localism Act doubtful.

The Malt House has for much of the last 50 years been used by the Castle Museum. It was providing a community function and the community knew it was a part of the Museums Service for City of York Council. It was part of the heritage complex of buildings for the City. That its previous use was furthering the cultural and heritage needs of the community.

The Clementhorpe Community Association feel that they have always acted in the spirit of the law and will provide evidence of precedents in other parts of the UK to illustrate their case.

The CCA have argued their case to us and this is why the three Micklegate Councillors have decided to call in the ACV decision of 29th June".

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to Corporate and Scrutiny Management Policy and Scrutiny Committee (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the Leader on 29 June 2015 will be confirmed and will take effect from the date of the Corporate and Scrutiny Management Policy and Scrutiny Committee (Calling-In) meeting; or
 - b. To make specific recommendations to the Executive on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 23 July 2015.

Analysis

6. Members need to consider the reasons for call-in and the report to the Leader and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing

with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

- 9. There are no risk management implications associated with the call in of this matter.

Recommendations:

- 10. Members are asked to consider all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Leader or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Contact details:

Author:

Dawn Steel
Head of Civic &
Democratic Services
01904 551030

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director, Governance and ICT

Report Approved



Date 6 July 2015

Specialist Implications Officer(s) None

Wards Affected: Micklegate Ward

All

For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Leader Decision Session on the called-in item.

Annexes B, B1 and B2 – Report of the Assistant Director of Finance, Asset Management and Procurement of 29 June 2015 and annexes of the report relating to the Clementhorpe Malt House Application.

Annex C – written representation received in respect of the Leader
Decision Session

Background Papers

None

This page is intentionally left blank

DECISION SESSION - LEADER (INCORPORATING FINANCE AND PERFORMANCE)**MONDAY, 29 JUNE 2015****DECISIONS**

Set out below is a summary of the decisions taken at the Decision Session – Leader (incorporating Finance and Performance) held on Monday, 29 June 2015. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a key decision, notice must be given to Democratic Services no later than 4pm on the second working day after this meeting.

If you have any queries about any matters referred to in this decision sheet please contact Jayne Carr.

4. APPLICATIONS FOR COMMUNITY RIGHT TO BID UNDER THE LOCALISM ACT 2011

- Resolved:
- (i) That the application to list The Melbourne Public House, Cemetery Road as an Asset of Community Value be approved, as the criteria has been met for the reasons set out in the report.
 - (ii) That the application to list Holgate Allotments as an Asset of Community Value be approved, as the criteria has been met for the reasons set out in the report.
 - (iii) That the application to list the Clementhorpe Malthouse as an Asset of Community Value be rejected as the criteria have not been met for the reasons set out in the report.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

This page is intentionally left blank

29th June 2015

Leader (incorporating Finance and Performance) Decision Session

Report of the Assistant Director of Finance, Asset Management and Procurement

Applications for Community Right to Bid under the Localism Act 2011

Summary

1. This report presents applications to list the following asset as Assets of Community Value (ACV), for consideration by the Council
 - a. Melbourne Public House, 6 Cemetery Road, York (from Friends of Melbourne Public House)
 - b. Holgate Allotments, Ashton Lane, Holgate (from Holgate Allotment Association)
 - c. Clementhorpe Malt House, 19/21 Lower Darnborough Street, York (from Clementhorpe Community Association)

Background

2. On 6th March 2014 Cabinet Member approved the proposals for the implementation of a process for the Community Right to Bid legislation to ensure the Council has a process in place for dealing with any applications and the establishment and maintenance of a list of Assets of Community Value. Three applications have recently been received under this legislation, for a decision by the Cabinet member.
3. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.

4. The definition of 'community value' is set out in the regulations and can be summarised as
 - The actual current use of the building/land furthers social well being or the social interests of the local community
 - Realistically this use can continue for the next 5 years
 - There was a time in the recent past where actual use furthered these aims.
5. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

The process

6. The regulations set out how potential assets can be listed which in brief is as follows:
 - **Nomination** – this can be by a voluntary or community body with a local connection. Includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
 - **Consideration** – the local authority have 8 weeks to make the decision which is decided by an 'appropriate group'. The process adopted for CYC is an initial consideration by the Capital and Asset Board (CAB) which has cross-Council representation at a senior level (the Board is chaired by the Director of CBSS). A report is then written to the Executive Member for Finance Performance and Customer Service who will then formally take the decision. If the nomination is successful the asset details are entered onto the 'Community Value list' – see below – and also the local land charges register. If unsuccessful then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal.
 - **The 'Assets of Community Value' List** – this needs to be published and reviewed regularly and must be accessible in electronic and paper format.

- **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do then a 6 month period for that group to prepare it's bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of it's intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.
 - **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value). This compensation is determined by the local authority (it is suggested that this is carried out by the Capital Asset Board) and the owner can have the compensation reviewed within 8 weeks and appeal to a Tribunal if still not satisfied. It should be noted that compensation can only be claimed by private owners (no compensation for public authorities) and the government has not provided any funding for this compensation (or for any costs associated with any of these provisions). However this should not be a factor in determining any application for listing of a pub as an Asset of Community Value.
7. For nominated property to be included on the Council's ACV register the Council must consider that the property falls within the statutory definition of 'land of community value' which is that either:
- (i) A current principal use of the property furthers the social well-being or social interests of the local community and there is a realistic prospect of such use continuing

OR

- (ii) A principal use of the property in the recent past has furthered the social well-being or social interests of the local community and there is a realistic prospect of such use commencing again within the next 5 years

If the nominated property falls within either (i) or (ii) and the nominators are a group entitled to submit the nomination then the local authority must list the asset as an ACV.

- 8. It should also be noted that changes to the General Permitted Development Order have been made with effect from the 6th April 2015, which means that where a pub is listed as an asset of community value a planning application is required for a change of use or demolition of the pub building. However this should not be a factor in determining any application for listing of a pub as an Asset of Community Value

The Melbourne Public House, Cemetery Road, York

- 9. The freehold of The Melbourne is owned by Enterprise Inns. The nomination is being made on the basis that The Melbourne is a popular public house used by all sectors of the local community as a place to get together for social events. There are a number of groups who meet in the building and there the pub hosts teams, such as dominos and pool, who play in the local leagues. It has large rooms which is sub-divided and is suitable for wide variety of uses including live music. A copy of the nomination form is included at Annex 1. The nominators have specifically stated that with 'the recent and ongoing improvements being implemented by the landlord and landlady this is a pub which has been turned round and now appears to be a viable business'.
- 10. There is significant precedent set elsewhere in the country from other authorities who have accepted pubs onto the list even where they are currently run as commercial businesses.
- 11. Enterprise Inns are currently in discussion with Changing Lives, a national, registered charity which provides specialist support services for thousands of vulnerable people and their families, every month. They work with people experiencing homelessness, addiction and a range of other problems by reaching out in to communities. They offer specialist support services for women and families and provide employment opportunities for their clients. A number of public meetings have been held by the organization with local residents to explain their proposals for the use of this building as a centre for supporting people in transition with

the type of issues detailed above, rebuilding lives and integrating them back into the community.

12. Enterprise Inns have sent a response to the nomination which is included at Annex 2 which states
 - a. The company approved the disposal of this site in January 2015 as despite investment in the property it is considered not sustainable due to it's restricted trading area and no opportunity to provide catering facilities
 - b. A marketing campaign over 18 months only attracted 6 applicants to take over as manager of the pub and none of these progressed to a substantive agreement
 - c. CBRE have marketed the pub for sale since January 2015 and there has been no interest.
 - d. The company are therefore pursuing alternative uses for the site
 - e. They therefore consider that the nominator has not given evidence that there is a realistic prospect of a use continuing which furthers the social well-being or social interest (a requirement of section 88 (1) of the Localism Act.
13. Enterprise Inns therefore request that the application be rejected.
14. If the decision is taken to include this application on the list of assets of community value, the owner has the right to request the Council to review its decision. The deadline is eight weeks from the date written notice of listing was given, or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out. Enterprise have indicated that they will consider this review.
15. The application appears to meet the first criteria for listing set out at 7(i) in that it is currently used for community amenity but it is arguable that it does not meet the second criteria set out at 7(ii) in that it is not realistic to think that a community use can continue given the evidence from the owner that its current use is not commercially viability. The legislation does not require the same use to continue, merely any other principal use which would further the social well-being of the community. The applicant has not provided any detail of any other use apart from the current use which might enable an assessment of the realistic potential for future community use. It is therefore impossible to make a hard and fast judgement on its eligibility from the information included in the application and if the listing were to be agreed it is possible that an appeal might be made on these grounds. However on balance it is considered that the minimum criteria for listing have been met.

Holgate Allotments, Ashton Lane, Holgate Road, York.

16. The freehold of Holgate Allotments is owned by City of York Council. The nomination is being made on the basis that the allotments provide growing/green space for people who would otherwise not have access to outdoor space, benefits to physical and mental wellbeing, an educational resource for adults and children of all abilities, a place of social inclusion, enhancing community pride and involvement, contributing to biodiversity and benefitting the environment. In addition the allotments fulfil the aims of the City of York Council's 'A community vision for Holgate'.
17. The asset is eligible for listing and comes under the responsibility of Parks and Open Spaces. And the Head of this Service has confirmed that he has no objection to the proposed listing.

Clementhorpe Malt House, 19/21 Lower Darnborough Street, York

18. The freehold of Clementhorpe Malt House is owned by City of York Council. It has been vacant for many years and was previously used by the Council for storage of museum and other archives although this use ceased in 2007. When the Council acquired this property in 1963 it had been vacant then and its previous use had been as a malthouse since its construction in the mid-to-late 19th century. Many of the original features and equipment remain in the building and it is listed (Grade II). It therefore has never been used by or for the community and there is no continuing community use in the building or adjoining land.
19. The application by the Clementhorpe Community Association states that this building could be used by the community with the aim of turning the space into a community hub that would express the history and cultural significance of the area and demonstrate the Victorian legacy in the building. In addition the provision of artists' studios, a micro-brewery and a cafe would be investigated
20. It is considered that this application does not meet the criteria for the legislation to apply as the building has never been used for a use which furthers the well-being or social interests of the community and is therefore not eligible for listing as an asset of community value.
21. City of York Council, as owners of this building, have responded to this nomination by stating

- a. The building has been vacant for many years and various attempts have been made to find a viable use for it, including the inclusion of it in the Genius consultation project of January 2012. Following interest shown by a number of developers a public report was submitted to Cabinet.
- b. In January 2014 the Council's Cabinet approved the sale of the building to Northminster properties for conversion to 6 town houses. The sale was subject to obtaining planning consent, which was submitted and consulted upon in early 2015 and in June 2015 this consent was approved and Northminster are ready to complete the sale contract and proceed with the conversion.
- c. Because this contract has already been signed even if the property were listed it would be exempt from the owner giving notice of its intention to sell.
- d. If the Council were to consider withdrawing from the sale then Northminster could either require the Council to proceed to completion or to seek compensation which would be substantial based on the amount of work done and funds committed so far.

Implications.

22. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – Organisations falling within any of the following categories are eligible to submit an ACV nomination relating to property within their local area:

- (i) a parish council
- (ii) a charity, non-profit making company or community interest company with a local connection to the nominated property

- (iii) an unincorporated association which has at least 21 members registered to vote in the local area

The organisations who have submitted the nominations covered by this report fall within the above criteria and are therefore entitled to submit their ACV nominations.

Paragraph 7 of the report contains the statutory definition of 'land of community value'. If the listing authority considers that a nominated property falls within that definition then it must include the property on its ACV register.

Property – All property issues included in the report

Other – none

Risk Management

- 23. There are no significant risks to this application.

Recommendations

- 24. The Leader is asked to:
 - a. Agree to the application to list The Melbourne Public House, Cemetery Road as an Asset of Community Value as the criteria have been met for the reasons set out above.
 - b. Agree to the application to list Holgate Allotments as an Asset of Community Value as the criteria have been met for the reasons set out above.
 - c. Reject the application to list the Clementhorpe Malthouse as an Asset of Community Value as the criteria have not been met for the reasons set out above.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

Contact Details**Author:**

Philip Callow
 Head of Asset and Property
 Management
 Asset and Property Management
 Tel No.553360

Chief Officer Responsible for the report:

Tracey Carter
 Title - AD Finance Property
 Procurement

**Report
 Approved**

Date 19 June
 2015

Specialist Implications Officer(s)

Implication Legal
 Name Andy Docherty
 AD Governance and ICT
 Tel No. 551004

All

Wards Affected: Fishergate, Micklegate and Holgate

For further information please contact the author of the report

Annexes

Annex 1 – The Melbourne PH, Cemetery Road – Application to add to the List of community assets

Annex 2 – Letter from Enterprise Inns

Annex 3 – Holgate Allotments – Application to add to the List of community assets

Annex 4 – The Clementhorpe Malthouse – Application to add to the List of Community Assets

Annex 5 – Current list of assets of community value

This page is intentionally left blank



ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1

About the property to be nominated

Name of Property:	Clementhorpe Malt House
Address of Property:	Lower Darnborough Street York
Postcode:	YO23 1AR

Property Owner's Name:	York City Council
Address:	West Offices Station Rise
Postcode:	YO1 6GA
Telephone Number:	01904 551550
Current Occupier's Name:	N/A

Section 2

About your community organisation

Name of Organisation:	Clementhorpe Community Association (Registered Charity No. 517051)
Title:	Mr
First Name:	Andy
Surname:	Johnson
Position in Organisation:	Chairman
Email Address:	andy@clementhorpe.com
Address:	Clementhorpe Community Centre Lower Ebor Street
Postcode:	YO23 1AY
Telephone Number:	07817 257022

Organisation type:

Click in field for options

Community Association

Organisation size

How many members do you have?

9*

*There are 9 members of the Committee. The area of benefit that we represent comprises of 500+ households.

Section 3**Supporting information for nomination**

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

There is an intense desire to retain this building for community use. Over 75 people attended the open viewing of the building & more than 60 people came to the public meetings. All present voted for the Association to apply for an ACV. The ACV is designed to allow communities to put together a bid that might further the cultural, historic or sporting aspirations of that community. The proximity of the building to the small Community Centre opposite would make this an ideal link to provide a whole range of activities, events and exhibitions that would bring the property to life and display the listed contents to the public. The aim would be to turn the space into a community hub that would express the history & cultural significance of the area and demonstrate the Victorian legacy in the building. We would also look at provision for artist studios. There is interest in setting up a micro brewery and a café. The community firmly believe that, given time, they could secure funds to make this unique space a viable and self sustaining enterprise (continued over leaf)

Section 4**Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.


Please see attached plan. The boundary of the property encompasses the building itself and a yard at the rear of the property. The building is accessible via Lower Darnborough Street which leads to the yard area and Lower Ebor Street (front of property).

Section 5**Attachment checklist**

- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

Section 6**Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed: 

Dated: 8th June 2015

Please e-mail your completed form to property.services@york.gov.uk or post to:

Asset and Property Management
City of York Council
West Offices
Station Rise
York
YO1 6GA

The Malt House is a unique case, being one of the only remaining Malt Houses in the country. This building has been left empty for 50 years with no access being allowed. We believe that an ACV would apply to this building because of the potential to the Community. We cannot claim extensive previous use because the community has until recently not been granted any access to the property. However in the short time periods that local people have recently been allowed to visit, they have been enthusiastic in their use of it as a heritage site to visit and enjoy. It's true potential has been seen for the first time.

There are precedents for ACV listing being given in different parts of the country where buildings have been inaccessible to a community, and not had prior community use, but have been listed on the basis of their historical interest and potential. The most celebrated being the Greenham Common Observation Tower. This has been listed as an ACV by West Berkshire County Council. There had been no prior access to the building by the general public, as it had been owned by the USAF and left empty for some years. The ACV was granted, and subsequently the building was successfully purchased by the Parish council, who have had planning permission approved to create a similar type of community resource to that envisaged in our application.

We believe that The Clementhorpe Maltings is a unique case that is worthy of being listed. It is a building of exceptional historic and cultural significance right in the heart of the community and adjoining the Clementhorpe Community Centre. Section 88 of the Localism Act 2011 states that

“In order to be listed, the land or building must further the social wellbeing or social interest of the local community, or have been used in the recent past.”

Our proposal for future use clearly embodies this statement. There was a lack of consultation with residents prior to the planning proposal being submitted and when the community were granted access, they immediately felt passionate about keeping this for community use.

Clementhorpe has been recognized as a centre that has a particularly strong community. Bishopthorpe Road is its local parade that reached the Final of the Great British High Streets Awards in 2014. Earlier that year it was listed in the Times cool list as in the top 20 hip communities in Britain. Bishopthorpe Road won the Community Pride Award for 2014 for the strength of community and the relationship between community and the local retail outlets. The city council's assessment of the community value of this building has completely misjudged the strength of the local community and the ability to mobilize support for a project like this. Clementhorpe is a vibrant and popular place to live and work, and we believe that developing the building as a community hub would further enhance the local area and benefit the residents therein.

This page is intentionally left blank

List of names of those supporting the nomination of Clementhorpe Maltings, Lower Darnborough Street, York to be listed as an Asset of Community Value.

No	Name	Address	Signature
1	LUCY TAYLOR		
2	Andrea Ford		
3	PAUL CROSSMAN		
4	JOHNNY HAYES		
5	ANDY JOHNSON		
6	M. J. L. Jone		
7	Catherine Bell		
8	Catherine Price		
9	Michael		
10	N. S. A. V. E		
11	JILLIE FARRON		
12	Matt Rumm		
13	Sarah Burt		
14	Man B...		
15	K. F. V. E. E.		
16	N. J. B. U.		
17	J. Watt		
18	I. BANFORS		
19	P. W. D. L. E.		
20	J. Clegg		
21	J. POWER		

This page is intentionally left blank

Additional submission of information for decision meeting 29th June, Item 4

I am providing this information on behalf of Clementhorpe Community Association, and would like to address and expand upon the points raised in the council officer report for Item 4: Applications for Community Right to Bid under the Localism Act 2011.

Point 18 states that this building has never been used by or for the community. It is true to say that the council has, until recently, not granted any public access for a number of years and that this building has been effectively locked away from the community. However, as stated in our original application, in the short time periods that local people have recently been allowed to visit, they have been enthusiastic in their use of the building as a heritage site, as highlighted by recent coverage in the York Evening Press. We believe that this constitutes a recent use of the building which furthers the social interests of the local community in relation to culture and heritage. It is a use that would then realistically be continued if the building is allowed to be preserved and bbc restored for community use. In addition the site had been used by York Museums Trust to store items of heritage. Although this was not widely known, further investigation has found that some of those living in the immediate vicinity of the Maltings were aware of this, and were proud of the local association with the museum. They saw the building as an extension of the museum and thought that there was a possibility that at some point in the future it might itself be renovated and opened up for public display. At the very least, they felt that it was in safe hands, and preserved as a heritage site for future generations. This represented a wider use that furthered the social interests of the wider York community, by providing valuable storage for museum artefacts. Finally, there is the cultural importance, heritage and impact of this building. As an important feature of the local landscape, the curiosity in which it has been held as a listed building is an important part of the cultural capital of the local area. We believe that this makes the Maltings a unique case, . Whereby the community's association with and value of the building extends far beyond their opportunities to enter inside it.

Further to Point 19, which discusses the possible community uses for the building as presented in the acv application, we would like to draw your attention to existing examples of malthouses which have been renovated and are now used to perform similar functions to those suggested. This illustrates that such uses are viable options for a building such as this:



1. The 18th century malt house at Harvington Hall in Worcestershire was restored and turned into a visitor and education centre, after gaining a heritage lottery grant. The architects involved won an award for their work on this project.

2. The Malthouse Project in Elsey's Yard, Bury St Edmonds, consists of a 17th century former Malt House which now provides a heritage centre and cafe, as well as rooms which can be hired by the community. It also provides volunteering opportunities to the local community and any income generated funds the social objectives of the project.

3. The Town Mill Trust in Lyme Regis acquired a disused malt house adjacent to their town mill site, and restored it as a gallery and community space.

We have had recent correspondence with English Heritage (Historic England) who have supported the existing development plans for this building, as they believe them to be a financially viable option. However, they do say that they "recognise your association's concerns about loss of intactness and preference for a use which does not involve alteration (which would be ideal if funding was demonstrably available for such an option)". We are asking City of York Council to allow the opportunity for such an option to be further explored, so that this building has a chance of being preserved in it's intact form, before aspects of its heritage are irrevocably alerted.

With reference to Point 20, we think that both as a historic and iconic site and in its recent use as a visitor attraction the building has done much to further the well-being and social interests of the community, and is therefore eligible for listing as an asset of community value.

In response to the representations provided by City of York Council, as landowners, in point 21, we wish to raise the following:

Re. Point 21a. We do not believe that there was sufficient community consultation regarding the pending sale of this building. We have seen little evidence of any full exploration of viable alternatives to residential accommodation, and believe this information to be inaccurate. The three examples given above illustrate that there are in fact clearly other viable options bringing a malt house back into public use.

Re. Points 21 b to d. The current contract negotiations of the council should not be considered directly relevant to the decision as to whether the building can be listed as an Asset of community value. However, there are many aspects of the process of this sale and the predetermination of decisions, relating to it, which are of concern to the Clementhorpe Community Association. We are currently raising these concerns via other avenues. Most recently, It was asked that the planning decision, in particular, be deferred until after a decision was made on the acv, but this request was denied.

We genuinely believe that there is a strong case for the potential for future community use of this building and a reasonable case for the building as a site which currently furthers the social interests of the local community. We respectfully ask that you consider the additional information in this document in relation to our application for Clementhorpe Maltings to be listed as an Asset of Community Value.

Regards,

Lucy Taylor
Vice Chair
Clementhorpe Community Association