

Meeting	Executive
Date	7 December 2017
Present	Councillors Carr (Chair), Gillies, Lisle, Orrell, Rawlings, Reid, Runciman and Waller
In Attendance	Councillors D'Agorne and Looker

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### **88. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they might have in respect of business on the agenda.

Cllr Waller declared a prejudicial interest in Agenda Item 8 (Minute 95 refers), as Treasurer for Chapelfields Community Association. He left the room during consideration of that item and took no part in the discussion or decision thereon.

### **89. Minutes**

Resolved: That the minutes of the Executive meeting held on 15 November 2017, and the minutes of the Executive (Calling In) meeting held on 23 November 2017, be approved and then signed by the Chair as correct records of those meetings.

### **90. Public Participation**

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

Josh Wong spoke in relation to Agenda Item 12 (Minute 99 refers). As Club Secretary of Bishopthorpe White Rose Football Club, he supported the proposal to lease land at the Askham site to the Club, which had outgrown its current site and included both boys and girls from a wide age range across the city in its 33 teams, as well as supporting 2 teams of disabled players.

Gwen Swinburn spoke in relation to Agenda Items 4 (Forward Plan) and 9 (Review of Fees and Charges). She suggested that the Forward Plan item should include a section on items withdrawn from the Plan and expressed disappointment that the audit of fees and charges discussed at Audit & Governance Committee had not been mentioned in the report to Executive.

Written representations had been received from the Save Lowfields Playing Field Action Group in respect of Agenda Item 12 (as above) and Agenda Item 14 (Minute 101 refers), opposing the plans for Lowfield and disputing some of the facts in the reports. These had been circulated to Members before the meeting, together with a written response prepared by Officers.

#### **91. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

#### **92. Purple Flag**

The Assistant Director for Housing & Community Safety presented a report which set out details of the Association of Town and City Management (ATCM) Purple Flag Scheme and asked Executive to consider embedding its principles within higher level strategic plans.

Purple Flag was an accreditation process, similar to the Green Flag for parks and the Blue Flag for beaches. Purple Flag status was awarded by the ATCM to town or city centres that met or surpassed standards of excellence in managing the evening and night time economy. The aim was to reduce crime and alcohol misuse, increase choice and enjoyment for consumers and improve business volume and value.

The following options were considered:

Option 1- continue the multi-agency work on safety and economic growth in the city and ensure that the Purple Flag principles were embedded in relevant high level strategies. This was the recommended option, given the success of the current approach .

Option 2 – meet key organisations with an interest in the city centre to submit an application for Purple Flag status, at a cost of £3,150 with an annual renewal fee of £1,250. This was not recommended, as it was felt that such status would not add sufficient value in terms of improving community safety in York.

Resolved That Option 1 be approved and that:

- (i) the multi-agency work aligned to addressing issues relating to safety and economic growth within the city be continued, with a view to strengthening the relationship between Make It York, York BID, Safer York Partnership and the Health & Wellbeing Board and;
- (ii) the principles of the Purple Flag accreditation be embedded within relevant high level strategies, including the Community Safety Plan.

Reason: Embedding the principles of the Purple Flag in the partners' higher level strategies will boost the city's economy and ensure that the city centre is safe.

### **93. Procurement of ICT Managed Services**

The Assistant Director, Customer & Digital Services presented a report which sought approval for a proposed approach to procure a technology provider, to deliver the council's essential managed network services following expiry of the current contract in August 2018.

This network connectivity was a vital requirement, enabling all the council's other Information & Communications Technology (ICT) services to be fit for purpose. The new contract would seek to extend the reach of the fibre network and ensure that City of York Council (CYC) continued to exploit its position as one of the best connected councils in the country, within a leading digital city. It was also proposed to adopt a collaborative procurement approach with Harrogate Borough Council (HBC), in view of CYC and HBC's similarities, geographical proximity and existing joint ICT management service. This approach had been agreed by HBC's Cabinet on 19 October 2017.

Given the value of the project, the procurement would be conducted under the Public Contracts Regulations 2015. A Prior Information Notice (PIN) would be issued and funding from external sources explored.

Resolved: (i) That the proposed approach, outlined in the report, to explore options to procure a technology provider to deliver the managed infrastructure services, be approved.

(ii) That the proposed approach, outlined in the report, to explore options to work in collaboration with Harrogate Borough Council, as part of developing the benefits and opportunities of the existing shared Head of ICT Services arrangements, be approved.

(iii) That the council be authorised to act as the Accountable Body for the Local Full Fibre Network (LFFN) funding regime identified in paragraph 17 of the report, and for any other relevant grant schemes that may become available in the future.

(iv) That authority be delegated to the Deputy Chief Executive / Director of Customer & Corporate Services to approve the procurement process, to approve the terms of relevant legal agreements and to award the resulting contract to the successful bidder, following the conclusion of the process to secure a technology partner to deliver the managed infrastructure service.

(v) That authority be delegated to the Deputy Chief Executive / Director of Customer & Corporate Services to determine the final terms in relation to the LFFN grant and any other relevant grant schemes that may become available in the future, and to give approval to the acceptance of such grants.

Reason: To comply with the council's procurement rules and to ensure transparency around the strategic direction and spend relating to technology infrastructure.

**94. Application for 100% Business Rates Retention Pilot in 2018-19**

The Deputy Chief Executive / Director of Customer and Corporate Services presented a report which sought approval for the council's inclusion in the 100% business rates retention pilot, subject to the success of the application submitted jointly with the other current members of the Leeds City Region (LCR) business rates pool in October 2017.

Under the pilot scheme, which would run for one year, the council and the LCR would each retain 50% of growth in business rates income, compared to 27% and 23% under the current scheme. There would also be additional benefits for the region and for member authorities, as outlined in paragraph 16 of the report.

Members had the option to approve or reject the council's inclusion in the pilot; however, should they reject it the current LCR pool arrangements would be revoked and there would be no opportunity to reinstate them for 2018/19.

Resolved: That City of York Council's inclusion in the 100% business rates retention pilot in 2018/19 be approved, should the Leeds City Region (LCR) submission be successful.

Reason: To improve the financial stability of the council and the LCR, by providing greater capacity to invest in improvement and transformation.

**95. Discretionary Rate Relief Awards 2018-2020**

The Assistant Director, Customer & Digital Services presented a report which provided details of new applications for Discretionary Rate Relief (DRR) from 1 April 2018 to 31 March 2020 and invited the Executive to decide whether to approve any new awards.

Existing DRRs were set out in Annex A to the report. New applications recommended for approval were detailed in Annex B, and declined applications in Annex C. The applications were for a top up to the 80% mandatory rate relief provided to

charities, community amateur sports clubs and not for profit organisations.

Since all existing long term recipients had fallen due for renewal in the April 17 to March 19 cycle, only three new applications were recommended for approval for the period April 18 to March 20, as detailed in Annex B. Members were invited to approve or decline these.

Resolved: That the new applications for Discretionary Rate Relief set out in Annex B to the report be approved.

Reason: In accordance with officers' recommendations and to provide a transparent process for awarding DRR.

## **96. Review of Fees and Charges**

The Deputy Chief Executive / Director of Customer and Corporate Services presented a report which sought approval to increase a range of the council's fees and charges, with effect from 1 January 2017.

Details of the proposed increases, which related to services provided by the Registrar, Burton Stone Community Centre, Bereavement Services, Waste Services and Planning, were set out in Annexes A to F to the report.

It was confirmed at the meeting that Officers were aware of concerns about rising funeral costs and would be considering options to address these.

Resolved: (i) That the increased charges for Burton Stone Community Centre set out in Annex B to the report not be approved.

Reason: In view of the fact that the Centre will be closing in June.

(ii) That the remainder of the fees and charges set out in the Annexes to the report be approved.

Reason: To enable the council to manage its budget effectively.

**97. Lord Mayoralty 2018-19**

The Assistant Director, Legal & Governance presented a report which invited the Executive to consider the points system for the annual nomination of the Lord Mayor of York and to confirm that the political group with the most points be invited to make the nomination for the next municipal year.

Under the system, points were awarded in accordance with the number of seats held by each group on the Council. After nominating a Lord Mayor, the relevant group lost 47 points. The points accumulated by each group currently stood as follows:

Labour:	-1
<b>Liberal Democrat:</b>	<b>42</b>
Green	-11
Conservative	22
Independent (Cllr Warters)	7
Independent (Cllr Hayes)	3

Therefore, unless Members wished to review the points system, the Liberal Democrat group should be invited to make the nomination.

Resolved: That the Liberal Democrat Group be invited to nominate the Lord Mayor for 2018/2019, in line with the existing accumulated points system.

Reason: To ensure that the Council secures the necessary leadership to undertake its civic functions and provides continuity for future selection.

**98. A Further Phase of the Older Persons' Accommodation Programme: Deciding the future of Windsor House Older Persons' Home**

The Assistant Director for Housing & Community Safety presented a report which set out the results of consultation on the option to close Windsor House Older Persons' Home and asked the Executive to decide whether or not to close the home and, should they decide upon closure, to approve the examination of alternative uses for the site.

Consultation on the proposed closure had been approved by Executive on 28 September 2017 (Minute 58 of that meeting refers). The response from residents, relatives and staff had been calm. Issues raised during the consultation, and responses given, were set out in paragraphs 24 to 41 of the report. Discussions with staff were ongoing, as outlined in paragraphs 44 and 45. Should closure be approved, each of the 17 remaining residents would be moved following individual assessment in line with the Moving Homes Safety Protocol, as attached at Annex 3.

One option for the future use of the site, should closure be approved, was to house the Centre of Excellence for Disabled Children and their Families. This would provide safe, accessible space with a range of support services for children, young people and families, including short break provision. It offered the potential to be a leader in innovative practice, both regionally and nationally. Work was currently in progress to assess the quantity of land required for this use.

In debating the proposals, Members thanked the staff of Windsor House for all their work. They stressed the need to listen carefully to residents' preferences in arranging the moves, and to ensure a safe transition in each case.

Resolved: (i) That the outcome of the consultation undertaken with residents, family, carers and staff of Windsor House to explore the option to close the home, with current residents moving to alternative accommodation, be noted.

(ii) That Windsor House residential care home be closed, and that the moves of residents to their new homes prior to the closure be carefully planned and managed in line with the Moving Homes Safely protocol.

(iii) That alternative uses for the Windsor House site, in total 0.45 acres, be examined in accordance with the revised Corporate Asset Strategy, firstly for use as the Centre For Excellence for disabled children and their families and, should this use not be feasible, for housing use and, should this use not be possible, for the site to be sold forthwith in order

to generate a capital receipt to support the wider Older Persons' Accommodation Programme.

Reason: In accordance with the aim of the Programme to address the needs of York's ageing population by delivering improved care homes for the current and future generations, and taking into account the results of the consultation on the closure of Windsor House.

**99. Delivering Health and Wellbeing facilities for York: Sports Pitches at the Askham (Ashfield Estate) Site and a Health Hub at Burnholme**

The Assistant Director for Housing & Community Safety presented a report which sought approval for proposals to lease land at Tadcaster Road - the Askham site - to Bishopthorpe White Rose Football Club and to dispose of land at Burnholme for the provision of a health hub.

In respect of the Askham site, the proposals followed on from the Executive's approval in June 2016 to redevelop the Lowfield School site for health and wellbeing facilities, and their request on 7 December 2016 for a further report on details of the football facilities that could be created on land off Tadcaster Road (Minute 85c of that meeting refers). Agreement had now been reached in principle with Bishopthorpe Football Club to support the club's need for additional pitch space by way of a long lease of this site, as shown in Annex 2. The council would undertake the necessary construction and other work at a cost of £400k, to be funded by the Football Foundation, the club, local sponsorship and small grants, with the remainder coming from the agreed capital programme.

Plans for the provision of health facilities on the former Community College site at Burnholme, as requested by Executive on 7 December 2016 following their approval on 19 May to develop a Health & Wellbeing campus on the site, were set out in paragraphs 36 to 50 of the report. The Priory Medical Group (PMG) had been identified as the preferred partner and, subject to consultation, aimed to integrate its three practices on the site and provide an Urgent Care Centre. It was proposed to grant PMG a long lease of the site, raising an estimated receipt of £800k. Progress on delivering improved sports facilities at

Burnholme was detailed in paragraphs 51 to 58. This included an initial review of feasibility designs commissioned from external architects, with a view to developing the designs and specifications in-house before putting them out to tender. Executive approval would be sought in early 2018 for additional capital investment to fund the improvements.

In response to Members' questions and comments, Officers confirmed that:

- The aim would be to maximise sustainable travel to both sites via cycle routes, Park & Ride and other bus routes;
- Bishopthorpe Football Club drew its players from across the city, thereby benefiting a number of areas and not just Bishopthorpe.

Resolved: (i) That the net investment of approximately £400,000 in the works necessary to deliver sports pitches and related facilities on land at the Askham Site, subject to submission and approval of the necessary planning application, be noted.

(ii) That it be noted that this investment will be funded from the capital programme agreed by Council as part of the enabling activities for the Lowfield Green site, from Section 106 monies held for the development of sport provision and by relevant grants.

(iii) That approval be given to enter into a Community Asset Transfer, by way of a long lease with Bishopthorpe White Rose Football Club, for pitches and facilities on the land at the Askham Site on terms acceptable to both parties, in accordance with the council's Community Asset Transfer Policy and Financial and Contract Procedure Rules.

Reason: So that improved sport and active leisure facilities are made available and pitches re-provided from Lowfield Green.

(iv) That approval be given to dispose of land on the former Burnholme Community College site, by way of a long lease to Priory Medical Group, who propose to develop a Health Centre, residential

accommodation and associated car parking (subject to obtaining planning permission and any other necessary statutory consents on terms acceptable to them), in accordance with the council's Financial and Contract Procedure Rules and as part of the Older Persons' Accommodation Programme.

Reason: So that improved sports and leisure facilities are made available in the Burnholme, Heworth and Tang Hall areas.

(v) That the progress being made to enhance retained sports facilities at Burnholme be noted.

Reason: To be aware that improved sports facilities can complement the health and community provision at Burnholme.

#### **100. Housing Delivery Programme - Establishing a Delivery Model and the Scope of the Programme**

The Assistant Director, Regeneration and Asset Management presented a report which refined the proposal to establish a housing development company, as approved in principle by the Executive in March, explained the key work undertaken to date and sought approval for the core vision and to resource the next steps.

The core aims of the Housing Delivery Programme were to accelerate the delivery of increased housing in the city across a range of tenures and to generate a financial return to the council. A council-led approach could fulfil a number of key social, environmental and economic policy objectives, helping to meet the housing needs of a greater range of people than was currently possible through the Housing Revenue Account (HRA) and providing more affordable housing than required by planning policy. Each development would consist of a mix of market and affordable housing, both for sale and for rent. A site development business case would be produced for each proposed site. Approval was sought for the proposed scope of the programme and initial sites, as set out in paragraph 14 of the report.

Legal advice had confirmed that the most robust and appropriate approach was for the council to act through a development company limited by shares. It was proposed that the existing Shareholder Committee act as the Shareholder Board of the company and that an Interim Managing Director be appointed as soon as possible to guide the council through the process of establishing the company and creation of a five year business plan. With regard to the £450k project costs set out in paragraph 26, £160k would come from grant funding and it was proposed that £100k be allocated from the HRA and £190k from the Venture Fund, as detailed in paragraphs 28 and 29.

Members expressed broad approval for the proposals and the proactive view being taken to increase housing provision in the city. The Leader stressed the need for the council to ensure that it maintained a proper oversight of all projects within the programme.

- Resolved:
- (i) That the core vision and scope of the programme be approved, with each site to be considered for development through a detailed site development business case.
  - (ii) That the establishment of a company wholly owned by the council, for the purpose of residential development, be approved, noting the timescales associated with this process.
  - (iii) That the development company be added to the scope and responsibilities of the existing Shareholder Committee.
  - (iv) That a financial resource allocation be approved as set out in paragraphs 28 and 29 of the report, for external design, cost consultant, legal and financial advice, and to enable the appointment of a suitably qualified and experienced interim Managing Director for up to 12 months, to assist in the formation of a development company and in the production of a five year business plan.
  - (v) That the recruitment decision and remuneration package for the interim Managing Director be delegated to the Leader and Deputy Leader of the Council, in consultation with the

Corporate Director of Health, Housing & Adult Social Care and the Corporate Director of Economy & Place.

(vi) That the steps required to fully investigate the potential to deliver sites through a development agreement with a partner or partners be noted.

(vii) That it be noted that a framework for the development partner agreement will be produced and brought to the Executive for approval prior to starting the formal procurement process.

Reason: To progress with the building of much needed new homes in the city.

#### **101. Housing Delivery Programme - Delivering the Lowfield Scheme**

The Assistant Director, Regeneration and Asset Management presented a report which outlined the site development business case for the former Lowfield School site and sought approval for the necessary steps to take the development forward.

The Executive had approved a spatial plan for redevelopment of the site on 7 December 2016. Further detail had since been added and in July 2017 a second public consultation had taken place, with 66% of responders supporting the plans. The outline site plan, providing 165 homes in total, was attached as Annex 1. A decision on the planning application was expected in early 2018.

Three options were presented:

**Option 1** – approve the delivery of Lowfield through the Housing Development Company, once established, as recommended in the report and detailed in paragraphs 13-32. This would provide a positive response to priority need in the city, creating a form and focus of housing development not commonly delivered through commercial developers.

**Option 2** – authorise the council to procure a commercial builder to build and sell the houses. This would be likely to deliver reduced affordable housing and a lower financial return to the council.

**Option 3** – sell the site on the open market for a developer to deliver the housing. This would remove the council’s control over the development and risk reducing open space and affordable housing, as well as making delivery of other aspects of the scheme, such as the care home and health hub, more challenging.

The Chair noted that the written submissions on this item would be properly addressed through the planning process.

Cllr Waller indicated that, although he agreed in principle with retaining the land, he did not support the recommendations as they stood, since he felt that the issue of loss of open space in Westfield Ward had not been addressed. The remaining Members

- Resolved:
- (i) That Option 1 be approved and existing project management resources be used to undertake the procurement of a construction contractor and related support services, in compliance with all relevant procurement legislation, for the residential development , associated infrastructure and public space works at the Lowfield site, in accordance with planning permission once this is received.
  - (ii) That it be noted that:
    - a) A detailed business plan for the development of the site will be brought back to the Executive before a contract is entered into;
    - b) The intention is for the Housing Development Contractor to be the employer for the purposes of the contract, subject to Executive approval of its establishment.
  - (iii) That the high level business case for Lowfield to exceed the planning policy level of affordable housing be approved, with the precise level of affordable housing to be determined at the point when the detailed business case is considered.

(iv) That approval be given to recruit of a Development Project Manager to aid the delivery of residential redevelopment and associated infrastructure at Lowfield.

(v) That the steps required and the timescale associated with the commencement of development at Lowfield be noted.

Reason: To progress with the building of much needed new homes in York.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.26 pm].