

Meeting	Executive
Date	31 August 2017
Present	Councillors Carr (Chair), Gillies, Lisle, Rawlings and Runciman (Minute Item 41 only)

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **35. 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 may have in respect of business on the agenda. No additional interests were declared.

### **36. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Annex B to agenda item 10 on the grounds that it contained information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

### **37. Minutes**

Resolved: That the minutes of the last Executive meeting held on 27 July 2017 be approved and then signed by the Chair as a correct record.

### **38. Public Participation**

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

Gwen Swinburn spoke on the budget setting process and issues around transparency and openness, given the timescale for consultation in the previous year. She urged Members to follow Supreme Court and Cabinet Office guidance and allow for thorough consultation. She also expressed her concern at the recent removal of two Members of the Executive.

Councillor Danny Myers spoke on several agenda items which directly affected his ward. Firstly he urged that Burton Stone Lane Community Centre remained a community focused project and centre moving forward. He stressed the importance of continued work with residents, current community groups and future users to safeguard the long term use of the centre. Secondly, he welcomed the improvements to Scarborough Bridge and hoped that Officers would work closely with Ward Members to ensure that the comments put forward by residents during consultation were realised. Finally he commented that the Labour Party were not in favour of the governance model put forward by the Police and Crime Commissioner in relation to future governance of North Yorkshire Fire and Rescue Service, but that some of the proposals contained in the report, such as halting the Fire Cover Review and reversal of cuts to services were welcomed.

Councillor Tony Richardson spoke to express his concerns over the proposals of the PCC for Future Governance of NYFRS. He stated he felt that the security and safety of York residents was not best served by the governance model. He also suggested that there was no clear evidence for the savings detailed in the report.

### **39. Forward Plan**

Resolved: That the Executive 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.

**40. Police & Crime Commissioner Proposal on Future Governance of North Yorkshire Fire & Rescue Service**

The Chief Executive presented a report which outlined proposals for the future governance of the North Yorkshire Fire & Rescue Services. The report included a proposal from the Police & Crime Commissioner's (PCC) Local Business case (LBC) and an alternative from North Yorkshire Fire & Rescue Service.

The Leader invited both the PCC and the Chair of the North Yorkshire Fire and Rescue Authority to speak on their proposals.

Julia Mulligan, North Yorkshire Police and Crime Commissioner, spoke to outline her proposed governance model. She stated that this would improve support to the public and offered genuine benefits for the people of York. She outlined the work of York Pathways and need for a joined up approach to supporting vulnerable residents. She went on to stress the importance of putting frontline services first and explained how this proposal would see money put back into frontline spending. Finally she discussed the public consultation and the robustness of the chosen methodology.

Councillor Backhouse, Chair of the Fire Authority spoke to express concern over moving to a governance model. He stated that there was an understanding of the need to 'balance the books' and for collaboration between emergency services, but that it was felt the representation model could achieve this without the drastic move to governance, from which there was no return. He reasoned that this was not a failing service and therefore there was no need to accelerate consultation and rush to transfer governance. Finally he suggested that the figures put forward in the report were not fully accurate, as both models allowed for sharing of back room services so the savings should not be as different as was claimed by the PCC.

Councillor Ashley Mason spoke, as Vice-Chair of the North Yorkshire Police and Crime Panel. He expressed concern around the workload for Members of the panel who were already providing overview and scrutiny of the PCC and key appointments. This would become unmanageable if the work of the Fire Authority was included. He stated that the Police and Crime Panel were in favour of the representation model, as this

left more room moving forward than moving straight into a governance model.

The Chief Executive reminded Members that this item had been presented to the Customer and Corporate Services Scrutiny Management Committee, who had recommended the representation model. She also stated that there was no easy way to reverse the governance model if this was chosen and then proved unsuccessful.

In response to Member questions the Chief Executive and PCC clarified that this was a formal consultation process and CYC was a consultee. Once all responses had been received then the business case would be adjusted to address feedback, before a report was submitted to the Home Secretary for approval. If CYC or North Yorkshire County Council formally objected to this report it would go to Independent Review.

In response to further questions the PCC stated that:

- This was not a staged process. The legislation was clear that if a representation model was taken forward, and then proved unsuccessful, the whole consultation process would have to start again in order to move on to a governance model.
- She disagreed with the Chair of the Fire Authority that this was a high performing service, as she believed that it was not resilient.
- There was no suggestion that the NY Police Service was a perfect service, however in terms of the 101 control room 60 new staff had been recruited which would make it far more robust moving forward.
- In response to comments on 'mission creep' this proposal had been in her manifesto which she was voted in on.

After considering both proposals from the PCC's LBC and the North Yorkshire Fire & Rescue Authority as well as considering the feedback from CSMC, it was:

Resolved: That the Executive;

- I. Agree that the representation model would be their preferred option for the future governance of North Yorkshire Fire & Rescue Services;

- II. Instruct the Chief Executive, in consultation with the Leader, to submit a formal response on behalf of the Council.

Reason: To facilitate the effective consideration of the Police & Crime Commissioner's LBC.

**41. A Further Phase of the Older Persons' Accommodation Programme Deciding the Future of Woolnough House Older Persons' Home**

The Programme Director, Older Persons' Accommodation presented a report which provided the results of the consultation undertaken with the residents, relatives and staff of Woolnough House residential care home to explore the options for its future.

The Executive Member for Adult Social Care & Health spoke to recommend closure of Woolnough House, with the requirement that all moves be safely and carefully managed. She also thanked Officers involved in this extremely successful programme for the many hours of work they had put in.

In response to Member questions, Officers stated that alternative provision would be made for respite care and short stays.

Resolved: That the Executive;

- I. Note that the Older Persons' Accommodation Programme aimed to address the needs and aspirations of older people who needed accommodation and care, both now and in the future, equipping York to meet their needs by delivering new Extra Care accommodation and good quality residential and nursing provision which meets modern day standards;
- II. Receive the outcome of the consultation undertaken with residents, family, carers and staff of Woolnough House to explore the option to close the home with current residents moving to alternative accommodation;

- III. Agree to close Woolnough House residential care home, with a requirement that residents' moves to their new homes are carefully planned and managed, in line with the Moving Homes Safely protocol;
- IV. Agree that the alternative uses of the Woolnough House site and adjacent land, in total 0.76 acres, be examined in accordance with the revised Corporate Asset Strategy and should it be concluded that sale is the preferred option that it be sold forthwith in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.

Reason: In order to increase the supply of good quality accommodation with care for independent living together with new residential and nursing home provision to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

**42. Investment in New Extra Care Accommodation for Older People at Marjorie Waite Court Following the Closure of Burton Stone Lane Community Centre**

The Programme Director, Older Persons' Accommodation and Strategic Services Manager presented a report providing information on the outcome of public consultation concerning the future of Burton Stone Lane Community Centre and were asked to confirm its closure and approve investment into the provision of new Extra Care accommodation for older people and new community facilities in its place.

The Executive were asked to agree to invest in new Extra Care accommodation for older people and new community facilities as an extension to Marjorie Waite Court following the closure of Burton Stone Lane Community Centre.

Officers gave a brief background to the report and in response to Member questions stated:

- Care costs were complex and varied, however there were significant savings when comparing extra care with residential care, for both CYC and individuals.
- In relation to Community Groups and the changeover of facilities, consultation had taken place with all of the groups involved and work was ongoing.
- The new Community Centre would share a main entrance with the lobby of the Extra Care Accommodation, which would also have two other private entrances for residents.

Resolved: That the Executive;

- I. Agree that Burton Stone Community Centre (“the Centre”) should close in 2018 with services transferring to other locations and that new, community focused, facilities be provided and integrated into the newly built extension of Marjorie Waite Court;
- II. Approve the appropriation of the site of the Centre for planning purposes to facilitate the redevelopment of the site for an Extra Care Scheme to contribute to the promotion or improvement of economic, environmental or social well-being of the Council’s area;
- III. Approve the gross capital investment of £6.667m in the 33 apartment and bungalow extension of Marjorie Waite Court Extra Care Scheme and new Community Facilities in order to help to meet the need for additional Extra Care accommodation in York and to continue community activities in the area;
- IV. Agree to dispose of up to ten of the new Extra Care apartments for purchase as Older People’s Shared Ownership opportunities in accordance with the Council’s Financial and Contract Procedure Rules, helping to meet the need for tenure diversity in Extra Care provision in York, subject to obtaining any necessary consent (from the Secretary of State for Communities and Local Government) under Section 32 of the Housing Act 1985 and subject to a market value test and cost benefit

appraisal closer to the date of completion, with the receipts received used to reduce the gross cost of the scheme and, should the sale not proceed, retain some or all of these properties for rent

Reason: In order to deliver a more cost-efficient community facility service, and increase the supply of Extra Care accommodation, with care to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

**43. Re-Commissioning a Short Break Service for Adults with a Learning Disability based at Flaxman Avenue, York**

The Commissioning Manager presented a report which sought agreement for the re-commissioning of the Short Breaks Service for adults with a learning disability based at Flaxman Avenue.

Members were asked to agree to undertake a tender exercise to procure a provider to deliver the Short Breaks Service.

Resolved: That the Executive;

- I. Agree option 1 of the report; to procure a provider to deliver the short breaks service for adults with a learning disability based at Flaxman Avenue, York;
- II. Agree to delegate the award of the tender process to the Corporate Director of Health, Housing & Adult Social Care in consultation with the Portfolio Holder.

Reason: The current contract expires on 30 April 2018, therefore agreement is sought to progress the tender process and subsequent appointment of the preferred provider.



**44. Commissioning a Day Base for Adults with a Learning Disability at Burnholme Health and Wellbeing Campus**

The Commissioning Manager presented a report proposing the development of a day base for adults with a learning disability to be situated at Burnholme Community Centre as sighted in previous papers relating to the site.

Members were asked to agree to go to tender to procure a provider to deliver support for adults with a learning disability from a Day Base to be located at Burnholme Community Centre.

The Executive Member for Education, Children & Young People reminded Members that the numbers published in paragraph 8 of the report may increase due to instances of late diagnosis, particularly in relation to autism.

Resolved: That the Executive;

- I. Agree to procure a provider who will be able to deliver the concept of the Base for adults with a learning disability based in the Community Health and Wellbeing Campus at Burnholme;
- II. Agree to delegate the award of the tender process to the Corporate Director of Health, Housing & Adult Social Care in consultation with the Portfolio Holder.

Reason: To progress the development of the base which aims to empower adult customers with a learning disability to exercise independence, choice and control over their day opportunities (in line with the principles of the Care Act 2014), and, to progress the tender process and subsequent appointment of the preferred provider.

**45. Carers Support Services - Future Approach to Provision**

The Commissioning Manager presented a report seeking agreement to re-commission Carers Support Services for adults and young carers. He stated the importance of support to carers, and its significance in preventing a future breakdown in Adult Social Care.

In response to questions from Members relating to staff terms and conditions , Officers stated that many of the current staff were on NHS T&C's and all staff earned well in excess of minimum wage.

Resolved: That the Executive;

- I. Approve Option 1 within the report; to undertake a tender exercise to recommission Carers Support Services for adults and young people in line with the Key Decision criteria as set out in section 7.7 of the council's Contract Procedure Rules;
- II. Agree to delegate the award of the tender process to the Corporate Director of Health, Housing and Adult Social Care in consultation with the Portfolio Holder.

Reason: To deliver a sustainable, integrated support model for carers, delivered by a competent and professional external provider who fully understands the needs of carers of all ages and from all backgrounds.

**46. Scarborough Bridge – Footbridge Replacement and Upgrade**

The Head of Transport presented a report outlining the proposals to replace and upgrade the existing footbridge spanning the River Ouse adjacent to 'Scarborough (Railway) Bridge'.

In discussing the item, it was agreed that recommendation IV be amended to reflect that delegations would be taken in consultation with the Executive Member and an equalities impact assessment carried out.

Resolved: That the Executive;

- I. Approve in principle the replacement and upgrade of the Scarborough Bridge footbridge and associated ramps / structures;

- II. Note the continued progression of the scheme at risk through the planning and procurement stages Grant the Assistant Director for Transport, Highways & Environment delegated powers to make any future required amendments to the scheme as a result of emerging detailed design etc;
- III. Approve an allocation for risk within the Local Transport Plan programme 2018/19 in order to ensure that sufficient funds are available to deliver the proposed scheme;
- IV. Subject to funding agreements being agreed with other contributors and relevant planning consent being granted authorise the Assistant Director for Transport, Highways & Environment, in consultation with the Executive member for Transport & Planning, to progress the scheme including awarding contracts for the future delivery of the project, including an equalities impact assessment prior to progression.

Reason: The recommended replacement of the footbridge offers a unique opportunity to significantly improve one of a limited number of city centre river crossings and significantly improve access to the Railway Station and York Central Development site.

#### **47. Consent for Establishment of Transport for the North**

The Head of Transport presented a report seeking Members consent to the making of Regulations by the Secretary of State to establish Transport for the North as a Sub – National Transport Body under section 102E of the Local Transport Act 2008. The consent of each Constituent Authority is required to the making of Regulations by the Secretary of State.

The Executive Member for Transport & Planning stated that this decision was pivotal for York and reminded Members that combined with the West Yorkshire Combined Authority York would hold more votes than Greater Manchester.

The Executive were asked to give the required consent and approve the associated changes to arrangements for Rail North.

Resolved: That the Executive formally consent to;

- a) The making by the Secretary of State of Regulations under section 102E of the Local Transport Act 2008 to establish Transport for the North as a Sub-National Transport Body;
- b) The transfer of Rail North Limited to TfN so that it can be subsumed within TfN;
- c) The signing of a new Rail Franchise Management Agreement with TfN replicating as far as possible the current Rail North Limited Members Agreement;
- d) Continuation of the payment of the current funding for Rail North Limited to TfN after its inauguration.

Reason: To ensure that the City Council is fully engaged in the governance of the proposed Sub-National Transport body. As the City of York Council is a proposed Constituent Authority consent is required to the making of Regulations by the Secretary of State.

#### **48. Proposed Temporary Use of Part of Castle Car Park**

The Corporate Director Economy and Place presented a report asking the Executive to consider a 10 week temporary use of part of the Castle Car Park during 2018.

In response to Member questions he confirmed that when closing part of the Car Park, disabled and accessible parking would be the priority when allocating the remaining spaces. It was also agreed that better signage for St George's Field Car park be considered during this period.

The Executive were be asked to agree the proposal including the financial terms on which it is taken forward and to the granting of a lease.

Members felt that this was an excellent scheme which would positively impact the city culturally.

Resolved: That the Executive;

- I. Agree the proposed use of part of the car park subject to planning permission and other relevant statutory approvals.
- II. Note the alternative parking arrangements proposed.
- III. Delegate to the Assistant Director Legal and Governance the drawing up of a lease.

Reason: Shakespeare's Rose Theatre would help drive temporary vibrancy to the Castle Gateway, raise the profile of the area, allow the council to understand the impact of the displacement of car journeys without an impact on revenue, and potentially pave the way for the long term redevelopment of Castle car park as the key to unlocking the regeneration of this part of the city.

#### **49. Q1 Finance & Performance Monitor**

The Deputy Chief Executive & Director of Customer & Corporate Services presented a report which details the overall finance and performance position for the period 1 April 2017 – 30 June 2017, together with an overview of any emerging issues. This was the first report of this financial year and assessed performance against budgets, including progress in delivering the Council's savings programme.

Resolved: That the Executive note the finance and performance information.

Reason: To ensure expenditure is kept within the approved budget.

## **50. Q1 Capital Programme Monitor**

The Deputy Chief Executive & Director of Customer & Corporate Services presented a report which set out the projected outturn position for 2017/18 including any under/overspends and adjustments, along with requests to re-profile budgets to/from current and future years.

Resolved: That the Executive;

- I. Note the 2017/18 revised budget of £111.638 as set out in paragraph 6 and Table 1;
- II. Note the restated capital programme for 2017/18 – 2021/22 as set out in paragraph 17, Table 2 and detailed in Annex A.

Reason: To enable the effective management and monitoring of the Council's capital programme.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **51. Investment in New Extra Care Accommodation for Older People at Marjorie Waite Court following the closure of Burton Stone Lane Community Centre**

The Programme Director, Older Persons' Accommodation and Strategic Services Manager presented a report providing information on the outcome of public consultation concerning the future of Burton Stone Lane Community Centre and were asked to confirm its closure and approve investment into the provision of new Extra Care accommodation for older people and new community facilities in its place.

The Executive were asked to agree to invest in new Extra Care accommodation for older people and new community facilities as an extension to Marjorie Waite Court following the closure of Burton Stone Lane Community Centre.

Recommendation: That Executive recommend to Council that the estimated £6.667m of gross cost for the Marjorie Waite Court extension and the community facilities are added to the Capital Programme with the costs to be funded from the Housing Revenue Account (HRA) investment reserve, recycled right to buy

receipts, other Housing Capital Receipts and capital held by the Older Persons Accommodation Programme for the purpose of expanding the provision of accommodation with care with the receipts received from the sale of Older People's Shared Ownership properties being used to reduce the gross cost of the scheme.

Reason: In order to delivery a more cost-efficient community facility service and increase the supply of Extra Care accommodation with care to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

## **52. Q1 Capital Programme Monitor**

The Deputy Chief Executive & Director of Customer & Corporate Services presented a report which set out the projected outturn position for 2017/18 including any under/overspends and adjustments, along with requests to re-profile budgets to/from current and future years.

Recommendation: That Executive recommend to Full Council the adjustments resulting in a decrease in the 2017/18 budget of £14.065m as detailed in the report and contained in Annex A.

Resolved: To enable the effective management and monitoring of the Council's capital programme

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.50 pm].