

**Notice of a public meeting of  
Executive**

**To:** Councillors Gillies (Chair), Aspden, Ayre, Dew, Douglas, K Myers, Runciman and Waller

**Date:** Thursday, 26 April 2018

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**A G E N D A**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday, 30 April 2018.**

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

**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. Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex 11 to Agenda Item 6 (Castle Gateway Masterplan) on the grounds that it contains information relating to the financial or business affairs of particular persons. 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).

## **3. Minutes** (Pages 1 - 16)

To approve and sign the minutes of the last Executive meeting, held on 15 March 2018.

## **4. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday, 25 April 2018**. 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 that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, 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

5. **Forward Plan** (Pages 17 - 20)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

6. **Castle Gateway Masterplan** (Pages 21 - 158)  
The Corporate Director of Economy and Place to present a report which seeks Executive approval of the preferred masterplan for the regeneration of the Castle Gateway area, and proposes a series of recommendations to deliver the masterplan.

Note: Annexes 2, 3, 4 and 7 to this report have been published online only and are not included in the printed agenda pack. Should any Executive Member require a printed copy of Annex 7, they are requested to contact the Project Co-ordinator, via Democratic Services.

7. **Allerton Waste Recovery Park** (Pages 159 - 168)  
The Corporate Director of Economy and Place to present a report which provides an update on the progress of the Allerton Waste Recovery Park project, particularly towards strengthening the partnership between City of York Council and North Yorkshire County Council.

8. **Animal Welfare Licensing Policy** (Pages 169 - 266)  
The Assistant Director, Planning and Public Protection, to present a report which invites Executive formally to adopt a new Licensing Policy relating to animal welfare licensing, as approved by the Gambling, Licensing and Regulatory Committee on 6 March 2018.

9. **A Further Phase of the Older Persons' Accommodation Programme: deciding the future of Morrell House Older Persons' Home** (Pages 267 - 314)  
The Corporate Director of Health, Housing & Adult Social Care to present a report which presents the results of consultation on the option to close Morrell House Older Persons' Home, with residents moving to other accommodation, and asks Executive to decide whether or not to close the Home.

**10. Developing a Centre of Excellence for Disabled Children and their families in York** (Pages 315 - 340)

The Corporate Director, Children, Education and Communities to present a report which sets out a revised recommendation in relation to the capital budget for developing the Centre of Excellence for Disabled Children, following a further review of the financial business case for the Centre since the previous report to Executive in January.

**11. Urgent Business**

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – [fiona.young@york.gov.uk](mailto:fiona.young@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**

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City of York Council

Committee Minutes

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Meeting	Executive
Date	15 March 2018
Present	Councillors Gillies (Chair), Aspden, Ayre, Dew, K Myers, Runciman and Waller
Apologies	Councillor Douglas

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

### **Chair's Comments**

The Chair welcomed to the meeting those Members who had recently been appointed or re-appointed to the Executive.

#### **133. 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 personal and prejudicial interest in Agenda Item 11 (Education, Children & Young People's Capital Programme: Proposed School Maintenance Schemes and Basic Need Programme 2018/19), as governor of Westfield Primary School, which was included in the recommendations to receive capital investment. He left the room during consideration of this item and took no part in the debate or decisions thereon.

#### **134. Minutes**

Resolved: That the minutes of the Executive meetings held on 25 January 2018 and 8 February 2018 be approved and then signed by the Chair as a correct record.

#### **135. Public Participation**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, and one request to speak as a Ward Member.

Written representations were circulated from Catherine Dalby, who had registered to speak on Agenda Item 7 (Adopting the Ethical Care Charter) but was unable to attend. She recounted her personal experience of the adult social care sector in caring for her father and urged Members to adopt all three sections of the Charter.

Andrea Dudding spoke on Agenda Item 7 as a representative of UNISON, supporting the Ethical Care Charter and expressing her views on the negative impact of zero hours contracts and the equalities implications of not adopting the Charter.

James Pitt, of the York Central Action Group, spoke on Agenda Item 13 (York Central – York Central Access Conversion). He expressed concern about the proposal to sell council-owned land at this stage, on the basis that the value of the land could increase, and having a land interest might increase the Council's influence in the partnership.

Cllr Kallum Taylor spoke on Agenda Item 13, as the member for Holgate ward. He highlighted concerns raised at the York Central Community Forum about the sale of the land and sought assurance that it would not have an adverse effect on residents.

### **136. 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.

### **137. Modern Slavery and Human Trafficking Transparency Statement**

The Assistant Director, Housing & Community Safety, presented a report which invited Members to consider and approve the content of the council's Modern Slavery Act Transparency Statement.

Section 54 of the Modern Slavery Act 2015 required commercial organisations to produce a statement each financial year setting out what they had done to ensure that there was no modern slavery in their supply chains or any part of their business. A Bill currently before Parliament would confirm that this also applied to local authorities. A proposed statement for the council was attached as Annex A to the report.



Associated actions that the council would undertake during the forthcoming financial year, including reviewing procurement documentation, were listed in paragraph 7.

Resolved: That the statement in Annex A to the report, which demonstrates the council's commitment to ensuring that there are no victims of slavery or human trafficking employed directly by the council, or in its commissioned services or supply, be approved.

Reason: To comply with the requirement in the Modern Slavery Act 2015 to publish a statement to this effect.

### **138. Domestic Abuse - Approval for Funding Contribution**

The Corporate Director of Health, Housing & Adult Social Care presented a report which sought approval for funding to be paid to the Police & Crime Commissioner (PCC) as lead commissioner for the delivery of Domestic Abuse services.

A Domestic Abuse Joint Commissioning Group had been set up with the PCC, North Yorkshire County Council and City of York Council (CYC) to model and administer a new approach to commissioning these services, based on lots. The funding contribution agreed for CYC included £108,446 per year for community victims' support and £39,143 per year for domestic abuse perpetrator provision. The aim was to begin procurement and award the tender in time for the new services to begin on 1 November, to align with the expiry date of existing contracts. Executive approval was required in order to comply with Financial Regulations, as the maximum total financial implication over the lifetime of the 5-year contract amounted to £738,000.

Officers confirmed that there was a commitment from all parties that there would be no reduction in funding to any area and that the new approach would result in better value for money.

Resolved: (i) That a funding contribution of up to £12,300 per month be approved, to be paid in arrears to the Police & Crime Commissioner, representing a contribution to Domestic Abuse services across York and North Yorkshire.

Reason: To enable the services to go out to tender as planned.

(ii) That the decision to award the contracts be delegated to the Corporate Director of Health, Housing & Adult Social Care.

Reason: So that the matter can be dealt with at an appropriate level, without the need for a further report to Executive.

### **139. Adopting the "Ethical Care Charter"**

The Corporate Director of Health, Housing & Adult Social Care presented a report which responded to a motion approved at Full Council on 20 July 2017, by reviewing the implications of the council adopting the 'Ethical Care Charter' (the Charter) developed and published by UNISON. A copy of the Charter was attached as Annex A to the report.

The objective of the Charter was to establish a minimum baseline for safety, quality and dignity in the provision of care to people in their homes. To date, about 25% of UK councils had agreed to adopt it. A summary of City of York Council's current position in relation to the requirements of Stages 1, 2 and 3 of the Charter was set out in the table at paragraph 24 of the report.

In respect of Stage 3 (payment of the Living Wage and occupational sick pay to all homecare workers) a number of financial implications were highlighted and it was recommended that these be clarified further.

Having noted the comments made under Public Participation on this item, it was

Resolved: (i) That approval be given to adopt stages 1 and 2 of the Charter and that the implications of this, and the actions required, be noted.

(ii) That the implications of adopting stage 3 be noted and that further work be undertaken to clarify the impact and financial consequences of this

option, with a further report to be brought back to Executive at a later date.

Reason: To promote high quality care services and support the recruitment and retention of care staff.

#### **140. Renewal of the Council's Contract with Make it York**

The Director of Children, Education & Communities presented a report which proposed the main terms on which the council would let a new contract to Make it York (MIY) for the period 2018-21, following the end of the current 3 year contract on 31 March 2018.

Officers had reviewed the first three years of operation and a summary of their findings was attached as Annex 1. This showed that the model had proved successful, while indicating a number of learning points, as set out in paragraph 5. In the light of this, it was recommended that a service specification, or service level agreement (SLA) be drawn up to reflect the council's lead role in a new economic and cultural model. The role of MIY would be to deliver the council's commission primarily through working with others.

This new approach was detailed in paragraphs 6 to 27 of the report. An alternative option was to seek alternative delivery mechanisms; this was not recommended, in view of the success of the current model and the cost of dismantling the model.

Members broadly welcomed the report and the additional clarity that would be provided by the SLA.

Resolved: (i) That approval be given to enter into a further 3 year contact with Make it York.

(ii) That the priorities on which the new service specification will be based, as set out in paragraph 16 and following, be approved.

(iii) That further work be undertaken to develop the outcomes and service levels schedule of the contract (the SLA) and that this be brought back to the Executive Member for Economic Development and Community Engagement for approval.

Reason: To take forward the success of the first three years of operation, while addressing the learning points that have emerged from the review.

**141. Review of the Evidence Base supporting the case for the Extension of Licensing of Houses in Multiple Occupation (HMO) across the City**

The Assistant Director of Housing & Community Safety presented a report which responded to a motion approved at Full Council on 26 October 2017, by outlining the latest government thinking on this subject and presenting options for an approach to extending the licensing of Houses in Multiple Occupation (HMOs)

The following options were considered:

**Option 1** – extend the current mandatory licensing scheme for HMOs, in line with government proposals. This would do no more than fulfil statutory requirements.

**Option 2** – simultaneously implement the government proposals and look at introducing a local Additional Licensing Scheme for smaller HMOs occupied by four or fewer unrelated people. This would stretch resources thinly, and risk being unable effectively to support compliance by those in the sector.

**Option 3** – focus on extending the current mandatory scheme but look at whether there is sufficient evidence to come back to Members within three years to consider the need for a local scheme. This was the recommended option.

During their debate, Members highlighted the need to ensure enforcement of the scheme and to establish the location of HMOs in York.

Resolved: That the update be noted and that the approach outlined in Option 3, in paragraph 14 of the report, be approved.

Reason: To ensure that standards are raised in the worst performing sector in a programmed way, focusing on the larger HMOs first, and keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs.

**142. Investment at Lincoln Court to create an Independent Living with Support facility**

*[See also under Part B Minutes]*

The Assistant Director of Housing & Community Safety presented a report which detailed the outcome of an investment review at Lincoln Court and recommended investment in the site to create an Independent Living with Support Facility.

The Executive's decision on 7 December 2017 to close Windsor House had triggered a property review for Lincoln Court, an independent living (sheltered housing) scheme situated next door. The review had concluded that the building, if improved, had a sustainable future as Independent Living with Support, in line with the new focus on providing accommodation with care. It was therefore proposed to invest £1.4m capital in Lincoln Court to create 8 new one-bed dementia friendly apartments, convert 4 existing bedsits into one-bed apartments, and improve communal and office facilities.

It was noted that the proposals should be viewed in the context of the overall Older Persons' Accommodation Programme, which aimed to deliver 861 new units of accommodation with care by 2020.

- Resolved:
- (i) That approval be given to invest at Lincoln Court to create an Independent Living with Support facility.
  - (ii) That a gross capital investment of £1.4m to approved, to deliver new apartments and enhanced communal facilities for Lincoln Court, in order to help meet the need for additional older persons' accommodation in York.
  - (iii) That it be noted that the HRA Business Plan includes provision of £521,500 for planned investment and maintenance works, including installation of a new communal boiler, the modernisation of individual flats, a new communal entry system, front doors and windows, roof works, external and internal decoration, and other external maintenance at Lincoln Court, and that consent will

be sought to draw this provision into the Capital Programme as delivery timing requires.

Reason: To secure the long term future of Lincoln Court and ensure that it can continue to provide good quality accommodation for older people, while also expanding the capacity to provide community support and care from this location.

**143. Education, Children & Young People's Capital Programme: Proposed School Maintenance Schemes and Basic Need Programme 2018/19**

The Corporate Director of Children, Education & Communities presented a report which provided information on funding available in the School Maintenance Programme for 2018/19 and sought approval for the proposed programme, as detailed in Annex A.

Capital Maintenance grant funding, plus £15k from Section 106 receipts, would enable a maintenance programme totalling £1.415m to be put together for 2018/19, covering only the highest priority schemes (nos. 1-11). To enable the remaining schemes (nos. 12-22) to go ahead, it was proposed to vire additional funds from the Basic Need capital grant, of which £25.61m was currently uncommitted. The potential risks of this approach, were detailed in paragraphs 21-23; these would be mitigated by regular monitoring reports to the Executive and the relevant Executive Member.

Executive approval was also required for the following schemes with estimated costs in excess of £500k each:

- New roof at Clifton Green Primary (no. 6 in Annex A) - £525k
- Additional teaching space at St Mary's CE Primary - £600k
- Work to improve management of school meals service at Westfield Primary - £650k.

Resolved: (i) That the resources available in the CEC Capital Programme for maintenance and Basic Need be noted.

(ii) That approval be given to vire £2.083m from Basic Need to School Maintenance in 2018/19, to

increase the number and range of schemes that can be carried out during the summer of 2018.

(iii) That the School Maintenance schemes to be developed from the estimated available resource within the 2018/19 Capital Programme be approved, subject to final affordability once overall funding and detailed cost estimates are available.

(iv) That the three individual schemes estimated to cost in excess of £500k, as detailed in paragraphs 24-27 in the report, be approved.

Reason: To maximise the programme of maintenance within the maintained schools estate in 2018/19 and deal with the most urgent maintenance issues within this estate, and to enhance school buildings and allow for the increase of pupil numbers.

#### **144. Future Asset Inspection Programme**

The Assistant Director of Transport, Highways & Environment presented a report which sought endorsement and approval for a proposed approach to improved highway inspection and maintenance, to ensure that guidance in the updated Well Managed Highways Infrastructure code of practice (the Code) was adopted before its October 2018 implementation date.

Details of this approach were set out in Annex 1 to the report. It was also proposed, by October 2019, to extend a similar approach across wider Economy & Place assets not wholly covered by the Code; these were listed in Annex 1 as category 2 assets.

In response to Members' questions, Officers confirmed that the annex set out the minimum standards that would apply and that the inspection frequency of cycleways and footways would depend on usage.

Resolved: (i) That the approach to improved highway inspection and maintenance detailed in Annex 1 to the report be endorsed and approved.

(ii) That the development of complementary risk-based inspection and maintenance practices across

wider asset groups, based on the ideals of the code, be supported, with the inclusion of these wider assets to be determined by the appropriate Executive Members.

(iii) That additional policy and process documentation for all assets be brought before the relevant Executive Member Decision Sessions once completed.

Reason: To deliver innovative and effective approaches to highway asset management and wider asset groups and to provide wide ranging improvements to the built and natural environment across the city.

#### **145. York Central - York Central Access Construction**

The Assistant Director of Regeneration & Asset Management presented a report which sought approval to begin the procurement process for construction of the York Central access route, and dispose of certain council-owned land to Homes England, to ensure delivery of the route within the timescale for available grant funding.

The report followed on from the Executive meeting on 15 November 2017, when approval was granted to develop the Western access route to the site. Considerable progress had since been made on the scheme and approval was now urgently required to proceed with the procurement stage, enabling construction to begin in 2019 to ensure that West Yorkshire Transport Fund grant was spent by 2021, in accordance with the grant terms.

In terms of land ownership by the York Central partners, Network Rail currently owned 57.5% of the site, while Homes England owned 37.5% and the council 5%. The proposal was to sell the Fermatol industrial estate and the private car park next to Carlisle Street to Homes England at market value, in order to simplify land ownership across the site and clarify the council's role within the partnership as a place shaper, enabling funder and investor, rather than a landowner.

Having noted to the comments made on this item under Public Participation, it was



Resolved: (i) That a contract be procured and awarded to a construction partner to deliver the key site infrastructure outlined in the report, including the access bridge, the spine road, and the NRM rail link, with the potential to novate the contract over to the York Central Partnership, a single partner or a successor body for development of the site.

(ii) That a report on the proposal to dispose of the freehold of the Fermatol site and the Carlisle St private car park to Homes England for the best consideration, and to use this capital receipt to fund the York Central project costs, be brought to a joint Decision Session of the Leader and the Deputy Leader for a decision to be made.

Reason: To ensure that the concerns around this proposal are properly considered.

(iii) That a further £907k from the £10m EIF be committed to take the project through to planning determination.

(iv) That a further report be received in June 2018 setting out:

- a) a preferred masterplan prior to submission of an outline planning application and a detailed bridge and spine road planning application;
- b) a partnership agreement with the York Central Partnership to formalise the relationship and the financial agreement between the partners;
- c) a detailed financial plan for the delivery of York Central, including analysis of potential council borrowing, and funding from the Enterprise Zone.

Reason: To ensure the early delivery of a new access route to York Central within the timescale of available grant funding.

**146. Appointment to the Shareholder Committee**

The Assistant Director, Legal & Governance, presented a report which invited Members to nominate, and appoint, a member of the Executive to the Shareholder Committee.

The appointment was required as a consequence of recent changes to the membership of the Executive. The Shareholder Committee, as a committee of the Executive, must be comprised of Executive Members, appointed to it by the Executive.

Resolved: That Cllr Ayre be appointed as a member of the Shareholder Committee, and Cllr Waller as a substitute member.

Reason: In order to make appropriate appointments to the Committee and enable it to meet as required on 27 March 2018.

**147. James House Temporary Homeless Accommodation - Approval for Budget Revisions and Authorisation to Appoint the Successful Contractor**

*[See also under Part B minutes]*

The Assistant Director for Housing & Community Safety presented a report which sought approval for a revised budget for the James House project, and for officers to award the works contract for the project and seek further grant funding from Homes England.

This item had been added to the agenda under urgency procedures because a decision was required to enable work to commence before 29 March, in order to secure the grant awarded by Homes England.

The following options were presented:

**Option 1** – approve the revised budget and allow officers to award the works contract, as recommended. This would enable £2.451m grant funding to be secured, thus reducing the cost to the council, despite an overall increase in the project costs.

**Option 2** – instruct officers to re-tender the scheme. This was considered unlikely to result in a reduced cost and would lead to poorer outcomes in key elements of the scheme.

Resolved: That Option 1 be agreed and (*subject to Council approval of the revised budget*) approval be given for officers to:

- a) Award the works contract and
- b) Seek further grant funding from Homes England.

Reason: To enable the construction contract for the new homeless accommodation at James House to be awarded, £2.451m Homes England grant funding to be claimed, and a start on site achieved by 29 March 2018.

#### 148. "One Yorkshire" Devolution - an update

The Head of Corporate Policy & City Partnerships presented a report which informed the Executive of proposals for a Yorkshire Devolution Agreement submitted to the Secretary of State on 5 March.

This item had been added to the agenda under urgency procedures in order to brief the Executive on the current status of the proposal, in view of its rapid and significant development.

The proposed devolution agreement would establish a Mayor of Yorkshire and a Yorkshire Combined Authority. The submission, made on behalf of the leaders or representatives of 18 Yorkshire councils, noted that the *'devolution agreement is central to Yorkshire's collective drive to unleash the full economic potential of a region with an established international brand, an economy twice the size of Wales and a population the same as Scotland'*.

Ultimately, City of York Council would have the option to agree to the devolution or not. It was recommended that all Members be involved and consulted, through Executive and Full Council, on the final decision.

Resolved: (i) That the proposals submitted to the Secretary of State for a Yorkshire Devolution Agreement be noted.

Reason: To ensure that the Executive is alerted to these significant proposals.

(ii) That Officers be requested to continue working with the Yorkshire Leaders Group and the Chief Executive sub-group on detailed development and to report back on the progress of proposals.

Reason: To ensure that York's strategic issues are maintained as the devolution agenda progresses.

(iii) That the involvement of all Members in the final agreement of a devolution deal which includes York, as set out in paragraph 16 of the report, be approved.

Reason: To ensure that Members, residents and businesses are fully aware of the future decisions required on Yorkshire devolution.

(iv) That consultation be initiated as soon as practicable with residents, businesses, Members, MPs and other stakeholders.

Reason: To ensure that the council is fully aware of the collective views within the city.

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

### **149. Investment at Lincoln Court to create an Independent Living with Support facility**

*[See also under Part A Minutes]*

The Assistant Director of Housing & Community Safety presented a report which detailed the outcome of an investment review at Lincoln Court and recommended investment in the site to create an Independent Living with Support Facility.

The Executive's decision on 7 December 2017 to close Windsor House had triggered a property review for Lincoln Court, an independent living (sheltered housing) scheme situated next door. The review had concluded that the building, if improved, had a sustainable future as Independent Living with Support, in line with the new focus on providing accommodation with care. It was therefore proposed to invest £1.4m capital in Lincoln Court to create 8 new one-bed dementia friendly apartments,

convert 4 existing bedsits into one-bed apartments, and improve communal and office facilities.

It was noted that the proposals should be viewed in the context of the overall Older Persons' Accommodation Programme, which aimed to deliver 861 new units of accommodation with care by 2020.

Recommended: That the estimated £1.4m gross cost of the Lincoln Court capital investment be added to the Capital Programme, with the costs to be funded from the Housing Revenue Account investment reserve, recycled right to buy receipts, other Housing capital receipts and capital held by the Older Persons' Accommodation Programme.

Reason: To secure the long term future of Lincoln Court and ensure that it can continue to provide good quality accommodation for older people, while also expanding the capacity to provide community support and care from this location.

**150. James House Temporary Homeless Accommodation - Approval for Budget Revisions and Authorisation to Appoint the Successful Contractor**

*[See also under Part A minutes]*

The Assistant Director for Housing & Community Safety presented a report which sought approval for a revised budget for the James House project, and for officers to award the works contract for the project and seek further grant funding from Homes England.

This item had been added to the agenda under urgency procedures because a decision was required to enable work to commence before 29 March, in order to secure the grant awarded by Homes England.

The following options were presented:

**Option 1** – approve the revised budget and allow officers to award the works contract, as recommended. This would enable £2.451m grant funding to be secured, thus reducing the cost to the council, despite an overall increase in the project costs.

**Option 2** – instruct officers to re-tender the scheme. This was considered unlikely to result in a reduced cost and would lead to poorer outcomes in key elements of the scheme.

Recommended: That Council approve the revised budget of £12.4m for the James House project, financed from £2.451m Homes England grant and £9.949m from the Housing Revenue Account (investment reserve, capital receipts and commuted sums), thereby ensuring no increase in cost to the council).

Reason: To enable the construction contract for the new homeless accommodation at James House to be awarded, £2.451m Homes England grant funding to be claimed, and a start on site achieved by 29 March 2018.

Cllr I Gillies, Chair

[The meeting started at 5.30 pm and finished at 7.12 pm].

**Forward Plan: Executive Meeting: 26 April 2018**

**Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 8 May 2018**

Title and Description	Author	Portfolio Holder
<p><b>Contingencies and Grant Use April 2018-2020</b>  <b>Purpose of Report</b>                      This report describes the approach CYC is taking with partners to support people with care and support needs to remain independent at home, avoid hospital admission and return home as soon as possible from hospital.</p> <p>Executive will be asked to: approve the commitment of £880k contingency for adult social care agreed in the 2019/20 budget and the government grant of £457K.</p>	Michael Melvin	Executive Member for Adult Social Care & Health
<p><b>Local Plan Submission Draft</b>  <b>Purpose of Report</b>                      To report responses to the 2018 Publication Draft Local Plan Consultation (Regulation 19) and to seek Member approval to submit the Local Plan to the Secretary of State for the purpose of independent examination.</p> <p>Executive will be asked to: recommend that Council approve the submission of the Local Plan to the Secretary of State.</p>	Rachel Macefield, Alison Cooke, Michael Slater	Executive Leader (incorporating Finance & Performance) / Executive Member for Environment (Deputy Leader)
<p><b>Guildhall Procurement Update</b>  <b>Purpose of Report</b>                      To provide the Executive with options for taking forward the re-development of the Guildhall complex following the decision note to proceed beyond the early contractor engagement phase of the contract with Interserve Construction Ltd.</p> <p>Executive will be asked to: agree the way forward to secure the earliest possible delivery of the scheme to secure the future of the complex.</p>	Tracey Carter	Executive Leader (incorporating Finance & Performance)

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 21 June 2018**

Title and Description	Author	Portfolio Holder
<p><b>Duncombe Barracks</b>  <b>Purpose of Report</b>                      To seek Executive approval to purchase the site from the Ministry of Defence.</p> <p>Executive will be asked to: Agree to the purchase of Duncombe Barracks, provided negotiations with the MoD are successful, with a view to developing the site for much-needed affordable housing.</p>	<p>Paul Landais Stamp</p>	<p>Executive Member for Housing &amp; Safer Neighbourhoods</p>
<p><b>Library Services Procurement</b>  <b>Purpose of Report</b>                      This report seeks authority to initiate the procurement process for the operation of the Council’s library and archives service.</p> <p>The Executive will be asked to:</p> <ul style="list-style-type: none"> <li>• Agree the key elements of the services specification for the new contract;</li> <li>• Agree the financial envelope for the contract;</li> <li>• Agree the process by which:                         <ul style="list-style-type: none"> <li>(i) The procurement framework will be developed and</li> <li>(ii) The contract will be awarded at the end of the process.</li> </ul> </li> </ul>	<p>Charlie Croft</p>	<p>Executive Member for Culture, Leisure &amp; Tourism</p>
<p><b>Treasury Management Annual Report and Review of Prudential Indicators</b>  <b>Purpose of Report</b>                      To provide the annual treasury management review of activities and the actual prudential treasury indicators.</p> <p>The Executive will be asked to: Note the issues and approve any adjustments as required to the prudential indicators or strategy.</p>	<p>Debbie Mitchell</p>	<p>Executive Leader (Incorporating Finance &amp; Performance)</p>



Title and Description	Author	Portfolio Holder
<p><b>Capital Programme Outturn</b>  <b>Purpose of Report</b>            To provide Members with the out-turn position on the capital programme.</p> <p>The Executive will be asked to: Note the outturn and recommend to Full Council any changes as appropriate.</p>	Emma Audrain	Executive Leader (Incorporating Finance & Performance)
<p><b>Q4 Finance and Performance Monitor</b>  <b>Purpose of Report</b>            To provide an overview of the Council's overall finance and performance position at the end of Quarter 4.</p> <p>The Executive will be asked to: Note and approve the report.</p>	Ian Cunningham, Debbie Mitchell	Executive Leader (Incorporating Finance & Performance)

**Table 3: Items Slipped on the Forward Plan**

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p><b>Duncombe Barracks Purpose of Report</b></p> <p>For details, see Table 2 above.</p>	<p>Paul Landais Stamp</p>	<p>Executive Member for Housing &amp; Safer Neighbourhoods</p>	<p>26 April</p>	<p>21 June</p>	<p>This item has been deferred until the 21 June Executive as negotiations regarding the possible purchase of the site are ongoing. It would be premature to bring a report to Members in advance of a detailed proposal for the purchase being made</p>



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**Executive****26 April 2018**

Report of the Director for Economy and Place

Portfolio of the Leader of the Council and Executive Member for Finance and Performance

**The Castle Gateway Masterplan****Summary**

1. This report sets out the masterplan for the regeneration of the Castle Gateway. It has been developed through a bold new approach to public engagement and with detailed input from key stakeholders through the Castle Gateway Advisory Group. The result is an exciting masterplan for the area that has extensive support; proposals that celebrate the city's heritage and balance the public's desire for high quality public realm with commercial development opportunities that help fund that ambition. The centre piece of the proposals will be the redevelopment of Castle Car Park to provide a public space in the heart of the Castle Gateway, with replacement parking in a new multi-storey car park at St George's Field, riverside walkways, pedestrian/cycle bridges over the Foss, and spaces for independent traders and city living.
2. The second part of the report sets out the high level financial appraisal of the proposals and how the masterplan will be broken down in to four work packages. This will allow key funding decisions to take place only when there is clarity of detailed costs and business cases for each package. The report's recommendations allow the first major step to be taken in implementing the masterplan through the submission of planning applications for the first two work packages, including the detailed proposals for the Castle and Eye of York area. The procurement of a contractor to build the multi-storey car park at St George's Field will allow the project to proceed at pace, with a potential start on site in spring 2019. Proceeding with the masterplan will unlock the potential of this historic part of the city - an opportunity to bring to an end decades of failed proposals and allow this ambitious shared vision for the Castle Gateway to become a reality.

## Recommendations

3. The Executive is asked to:

1) Approve the preferred masterplan for the Castle Gateway

**Reason:** *To provide a spatial framework and development uses for the Castle Gateway that reflects the outcome of the detailed masterplanning work and stakeholder and public consultation*

2) Agree to prepare and submit detailed planning applications for work package 1 and 2 as identified in this report

**Reason:** *To allow the next stage of work to implement the masterplan*

3) Approve the preparation of the detail design of the St George's Field Multi-Storey Car Park alongside the planning application process

**Reason:** *To allow construction of the multi-storey car park to commence as soon as planning permission is achieved in order to enable the delivery of future phases*

4) Approve the procurement of a construction contractor for the St George's Field Multi-Storey Car Park alongside the planning application process

**Reason:** *To have a contractor in place to commence construction of the multi-storey car park as soon as planning permission and detailed design is in place*

5) Submit a business case to West Yorkshire Transport Fund for the funding required for work package 1 highway improvements, and any other appropriate highway improvement elements of the masterplan

**Reason:** *To secure external funding to deliver the proposed highway interventions identified in the masterplan*

- 6) Grant a lease to the Arts Barge for a mooring to implement their planning permission in Tower Gardens

***Reason:** To enable the Arts Barge to implement the planning permission they received in February 2017*

- 7) Grant a maximum 24 month lease of Castle Mills to York 10 Limited for use as a site compound during the refurbishment of Ryedale House in exchange for their demolishing the vacant buildings on site

***Reason:** To clear the Castle Mills site at no cost to the council*

- 8) Recommend to full council to allocate a capital budget of £2.4m to implement the recommendations in this report

***Reason:** To create the budget to deliver the next step in implementing the Castle Gateway masterplan*

## **Background**

4. The Castle Gateway is a large area of the city centre that sits on the confluence of the rivers Ouse and Foss and includes a number of York's heritage assets and cultural attractions which are of regional and national historical importance (Annex 1). However, it is also an area of dereliction and unrealised potential, dominated by cars and surface level car parks and carved in two by the city's inner ring road. The council are the major land owner in the Castle Gateway, and hold the key to unlocking the area through the development of our land assets and using the financial returns to provide the new public realm and infrastructure that will encourage high quality private sector investment and development.

### **January 2017 vision**

5. In January 2017 the Executive approved a high level vision to respond to these challenges and drive the regeneration of the Castle Gateway:
- I. Seek to relocate the existing surface level Castle Car Park away from Clifford's Tower

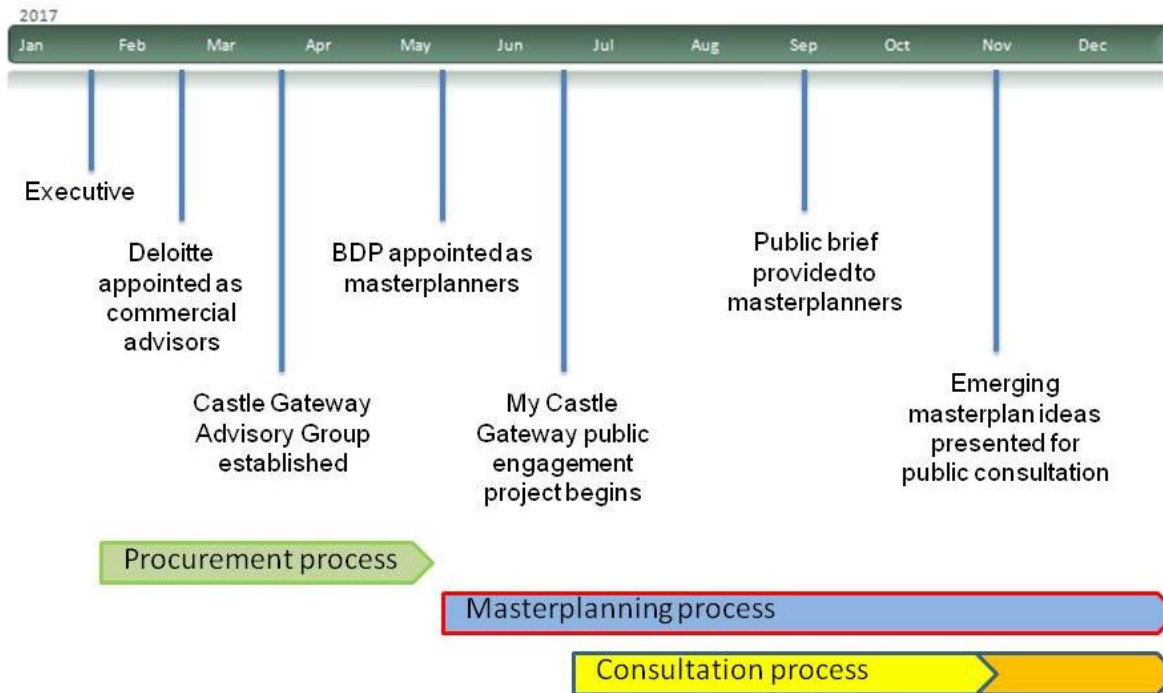
- II. Replace the lost car parking capacity through alternative options such as underground car parking on the same site or a purpose built multi-storey car park in an alternative location
- III. Create a high quality mixed use commercial development on the banks of the Foss on the site of the Castle Car Park, respecting a build line that follows the historic line of Castlegate
- IV. Create a new public space on the Castle Car Park to link with the area in front of the Castle Museum and the Crown Court to create a re-imagined Eye of York area that would articulate the varied historical narratives of this important area of the city
- V. The redevelopment of the Castle Museum and Clifford's Tower as the anchor cultural attractions for the Castle Gateway area
- VI. Create a new pedestrian cycle bridge across the Foss which will connect the area to Piccadilly and on to Walmgate and Fossgate creating new lateral routes across the city centre
- VII. Create new riverside walkways along one or both banks of the Foss to improve access to St George's Field/Foss Basin and into the city
- VIII. Enable the revitalisation of the Coppergate Centre's retail and residential offer by extending the leasehold term
- IX. Redevelop the low quality sites on Piccadilly (including Ryedale House, Banana Warehouse, NCP car park, Castle Mills Car Park and 17-21 Piccadilly)
- X. Explore long term options to realise the potential of St George's Field and the Foss Basin

## **Developing the masterplan**

6. Following the Executive's approval of this vision in January 2017 a work programme was instigated to appoint masterplanners and commercial advisors, engage key stakeholders, and embark on a significant public engagement and consultation project to put the public at the heart of shaping the future of the Castle Gateway. The process is set out in the following timeline:

Figure 1: Timeline of masterplanning process

## Timeline of masterplanning process



### Commercial advisors and masterplanning consultants

7. Deloitte were appointed in February 2017 to provide commercial advice and valuations of the council's land assets, establishing the potential value and uplift from any new development in the Castle Gateway and the capacity to fund and deliver the preferred masterplan. During the masterplan process they have continued to carry out ongoing appraisals of the emerging options to allow refinements and further iterations of the proposals to advise on financial viability.
8. Following a competitive tender process through the Homes England Development Partner Panel 2 BDP were appointed as masterplanning consultants. The contract award was based on providing a preferred masterplan with an option for them to be retained to prepare and submit future detailed planning applications in delivering the masterplan. BDP have a significant track record of high quality regeneration schemes in complex environments, including Liverpool One, Belfast North East Quarter and the masterplan for the University of York's Heslington East campus.
9. BDP have delivered the preferred masterplan through a 3 stage process:

- **Stage 1** established a baseline summary and interpretation of all the evidence collected for the area, including the heritage and planning review, townscape appraisal, transport and movement review, and infrastructure and flood risk. This comprehensive assessment of the area provided a masterplan framework (Annex 2)
- **Stage 2** translated the masterplan framework and public's development brief in to a series of emerging options for the Castle Gateway (Annex 4)
- **Stage 3** refined these options in response to public and stakeholder engagement to provide the preferred masterplan which is set out for approval in this report (Annex 7)

10. Every stage in the above process was undertaken through comprehensive engagement and involvement with the public through the My Castle Gateway project, and key stakeholders through the Castle Gateway Advisory Group.

### **Castle Gateway Advisory Group**

11. One of the key recommendations in the January 2017 report was to establish an advisory group of principal landowners and custodians for this part of the city to help guide the development of the masterplan. The group is constituted of the following members:

- City of York Council
- Historic England
- English Heritage
- Environment Agency
- York Civic Trust
- York Museums Trust
- York Archaeological Trust
- York Conservation Trust
- Make It York
- York BiD

12. The inception meeting was held in March, with the group convening on a monthly basis to advise on the development of the masterplan and provide robust critical challenge to emerging proposals with a particular focus on heritage, conservation and urban design issues. The group has played a vital role in the preferred masterplan that is recommended for



approval to the Executive in this report, and have written in support of the proposals. The full letter can be found in Annex 8, but concludes:

*'We have been very impressed by the process where the problems and opportunities have been identified and equally impressed by the initial solutions BDP have produced, together with the public consultation work carried out by My Castle Gateway.'*

*We appreciate that at this stage this is far from the final plan, and naturally over the process of time much more detail will need to be resolved.*

*However we are totally supportive of the work carried out so far and would like the council to commit to the next phase of this exciting and very important City shaping development plan.'*

13. Moving forward the group will continue to meet on a regular basis and input in to the development of the masterplan and detailed designs for the public areas and spaces and the future delivery of the masterplan.

### **My Castle Gateway**

14. In the spring of last year, as officers were considering and devising options for public engagement, we were approached by My Future York. My Future York are comprised of Phil Bixby (a local architect and chair of the York Environment Forum) and Helen Graham (a local resident and Director of the Centre for Critical Studies in Museums, Galleries and Heritage at the University of Leeds) who have a specific interest in how we engage with our communities in shaping the future of the city. Their proposal was to offer their time and support free of charge in return for the council trialling a bold and innovative new public consultation approach for the project. These proposals were agreed and a partnership was formed with My Future York under the banner of 'My Castle Gateway'.
15. The approach was designed to ensure that the public were engaged from the very beginning of the masterplan process by developing a 'public's development brief' for the masterplanners. It also allowed more in depth discussions with people through an open conversation process where the challenges and barriers to devising and delivering a masterplan were clearly articulated by the council to allow a better public understanding, and to encourage the development of shared solutions to those challenges.

16. The My Castle Gateway project has used a wide range of approaches to engage with the public. It has embraced the use of social media with Facebook, twitter, instagram, and YouTube channels to generate creative content, stimulate online debate, and create a wide reach across a broad demographic. There have been a whole range of events, walks, talks and debates hosted in the Castle Gateway by a diverse mix of groups and interested parties from formal partners such as Historic England through to midnight walks with homeless people. Throughout the process every single interaction - whether online, in person or by post-it note - has been captured, recorded, tagged and made publically available on the My Castle Gateway Flickr account to ensure that every opinion counts, with over 3,500 interactions recorded.
  
17. The key part of the process was to allow the public to provide a development brief for the area. Over the summer all of the My Castle Gateway activity was directed at asking people two key questions – what does the area mean to them and what would they like to do there in the future. The debate that this facilitated was captured in a report (Annex 2), with the following key themes emerging as to what public would like to see:

**Figure 2:** Key themes that emerged from the My Castle Gateway project



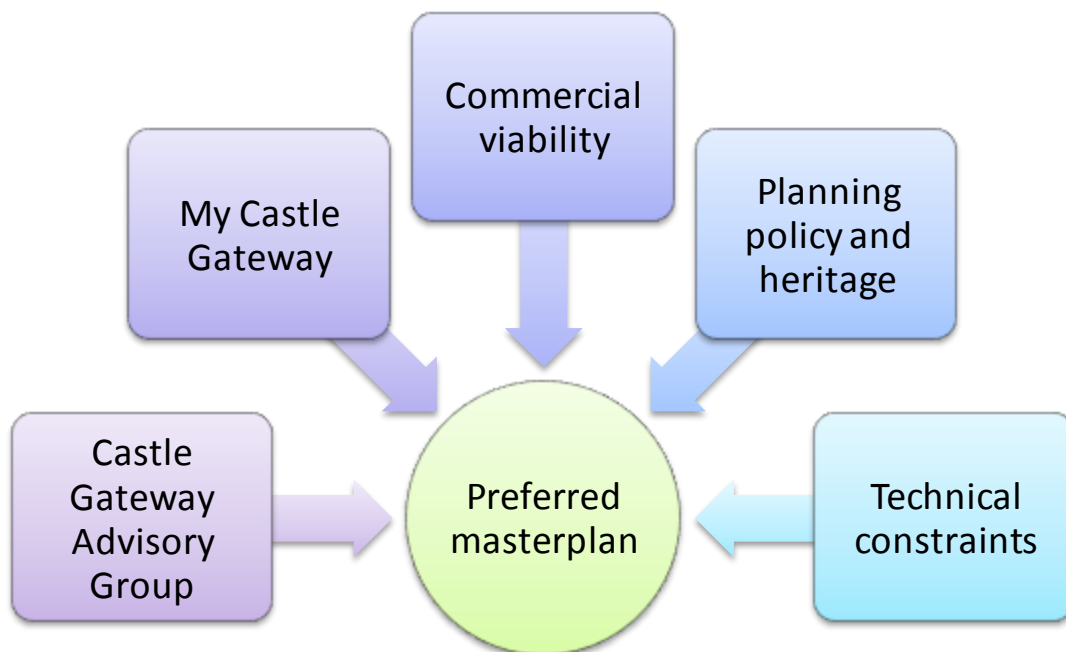
18. This public brief was then used by BDP, alongside the heritage and planning framework set out in their stage one report and the guidance of the Castle Gateway Advisory Group, to develop a series of masterplan ideas (Annex 2). These ideas were clearly articulated responses to the challenges facing the Castle Gateway and crafted to respond to the public's aspirations for the area. Instead of taking a simple area wide approach, the Castle Gateway was broken down in to sub-areas on the basis that a mix and match solution could be taken to the masterplan, with a number of options for each sub-area and site, ranging from low to high levels of intervention. The aim was to allow the public to engage on a more involved basis.

### **Testing ideas**

19. Once BDP had developed the emerging ideas a further stage of public engagement commenced in mid-November, once again applying a multi-format approach to consultation. Firstly, all of the ideas for the area were made fully available on the council's website. This used an interactive map where people could click on different areas and sites to see the options for that part of the masterplan. The website was optimised for all formats, so could be viewed on desktop, tablet and smart phone, and provided direct links to give feedback on the ideas as a whole, or for specific proposals that the viewer was interested in. In total the web pages were viewed 8,289 times.
20. Secondly, the engagement continued on social media. Regular posts and updates directed people to the website, but also encouraged debate and comments. The use of sponsored posts by both the My Castle Gateway and council Facebook and twitter accounts allowed our posts to be seen by those who had been previously unaware of My Castle Gateway, and this resulted in a much broader reach of views and comments. Facebook posts were seen 78,390 times, generated 990 comments, likes and shares, and led to 1,036 people clicking through to the masterplan web pages.
21. Finally the face to face interactions continued to provide the backbone of the engagement. A whole weekend of events in the Castle Gateway, with guided walks and talks, took place on the 25<sup>th</sup> and 26<sup>th</sup> of November, and three drop in events were held at Castlegate on the 28<sup>th</sup> and 30<sup>th</sup> November and 6<sup>th</sup> December. In total 185 people attended these events, which provided detailed and meaningful discussion and feedback on the different options.

22. Having completed the consultation on the emerging masterplan ideas on the 22<sup>nd</sup> December all of the feedback was again recorded on Flickr and used to form a revised public's development brief for the masterplanners (Annex 5). This responded directly to the public's views on the options that had been put forward and built on the innovative engagement by My Castle Gateway, identifying areas of consensus and tensions. This brief was then used to refine the ideas, with consideration of the technical advice of the Advisory Group to form the preferred masterplan which is recommended for approval in this report. The different work streams and considerations that have helped form and shape the masterplan are set out in Figure 3 below:

**Figure 3:** The process of shaping the preferred masterplan



### The Castle Gateway Masterplan

23. The masterplan that is set out in this report presents a bold and ambitious vision for the Castle Gateway (Annex 6 and 7). An area where public spaces will sit side by side with our historic and cultural attractions; where we celebrate our rivers and embrace the opportunities of living beside water; where we can walk and cycle from north to south, east to west; where we can eat and drink, relax and attend events; where small independent business can thrive and we can live in the heart of the city; a

place we can enjoy and spend time without spending money; an historic part of York, newly discovered.

24. The comprehensive study of the heritage significance of the area's past (Annex 2) and the public's vision for the area's future (Annex 5) have shaped the masterplan, a clear spatial framework for realising the significant potential of the Castle Gateway that also provides realistic and deliverable solutions to the challenges presented by the area. The independent Castle Gateway Advisory Group believe that after decades of failed schemes we have for the first time a realistic masterplan that not only meets viability concerns but will address the issues affecting the sense of place and the Eye of York.
25. The masterplan responds to and resolves the key challenges in regenerating the area by:
  - Removing car parking from the setting of Clifford's Tower and the Eye of York
  - Providing replacement modern city centre car parking nearby
  - Reducing the negative visual impact on the Castle area of the rear of the Coppergate Centre and associated servicing yard
  - Creating better pedestrian and cycle routes throughout the area
  - Revitalising Piccadilly
  - Opening up the riverside and promoting active uses of the rivers
  - Significant architectural and landscape improvements to the York Castle Museum land and buildings creating better public access

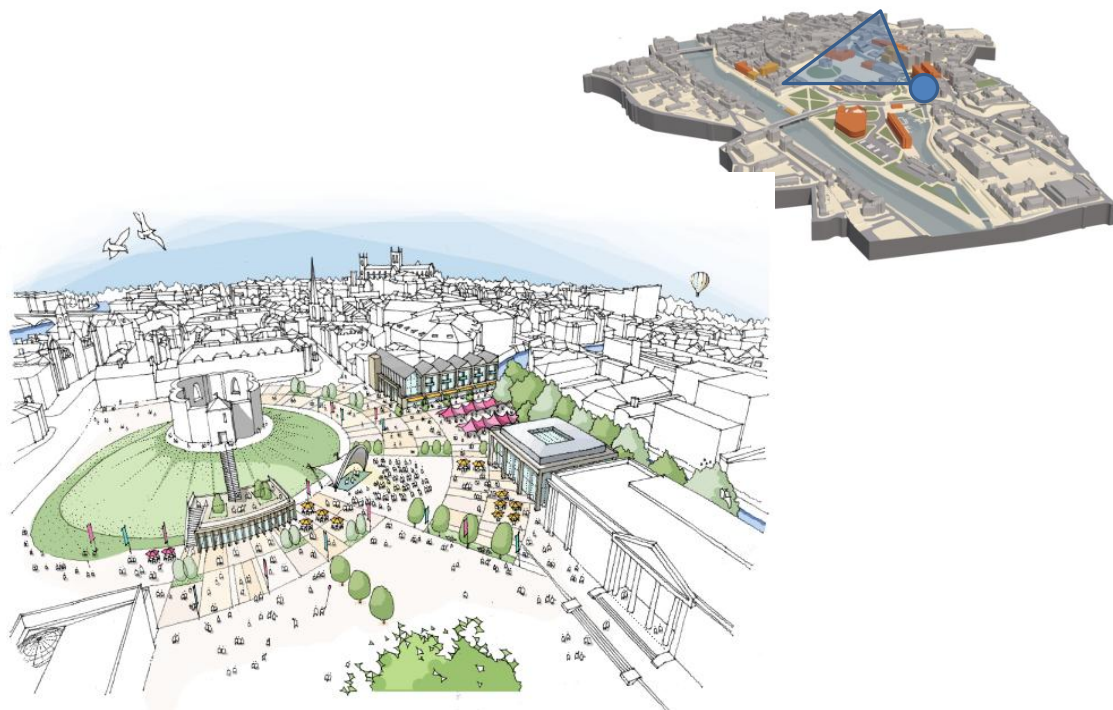
A summary of the proposals for each area of the masterplan are set out in detail in the rest of this report and in BDP's stage 3 report (Annex 7), but the key headlines are as follows:

- Replace Castle Car Park with a multi-storey car park (MSCP) and visitor arrival point on St George's Field
- Castle Car Park and the Eye of York to become a new public space, hosting events throughout the year
- A new residential and leisure building to visually enhance and cover the servicing yard at the rear of the Coppergate Centre
- A new Foss riverside walk from the south of the city and pedestrian/cycle bridge connecting with Piccadilly
- Active leisure uses for the Foss Basin, including a new apartment development

- New commercial and residential development on the sites of Castle Mills Car Park and 17-21 Piccadilly
- Significant improvements to public spaces and streetscapes throughout the area

26. This masterplan that follows is recommended for approval by the Executive, in recognition of the engagement process that has been applied in its development and the support it has received from the public, key stakeholders and statutory bodies.

### The Castle area and the Eye of York



**Figure 4:** Artist's impression of Castle and Eye of York area

27. The Castle and the Eye of York sits at the heart of the Castle Gateway, and realising the potential of the area is key to the success of the overall masterplan. It is proposed to close and replace Castle Car Park with a new area of high quality public realm - a fully pedestrianised foot street down the historic route of Castlegate that would emerge in to a large open space that opens out on to the River Foss, wrapping around the base of the Clifford's Tower motte and encompassing the whole of the Eye of York. It would create a new beautiful setting for the city's heritage assets and reflect the historical context and significance of this area of regional and national importance. The space would meet the public's aspirations to be able to sit, relax, eat, drink and enjoy, and would host

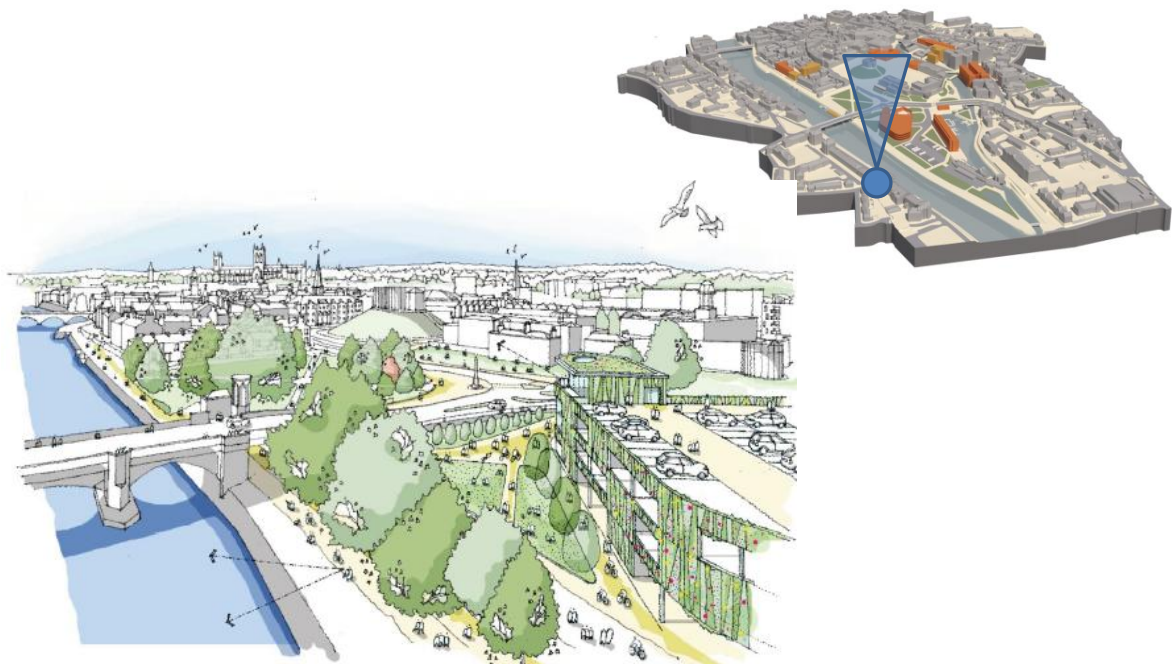
different events throughout the year, such as this spring's pop-up Rose Theatre. The detailed design of the public realm, including surfaces, materials and planting would be developed through further public engagement to provide a more detailed brief.

28. The space would be framed by a new building on the unattractive rear of the Coppergate Centre, providing a solution to one of the biggest challenges in creating a new appealing public space. Not only does the large rear facade of the shopping centre dominate the space, it requires a big servicing yard to the Fenwick store which cannot be provided elsewhere due to the layout of the store. The new building would wrap around the servicing yard, screening it from public view and creating a piece of new high quality architecture to enhance the area. At ground floor the building would provide restaurants and commercial space allowing people to sit and eat outside in the shadow of Clifford's Tower, with new apartments above bringing life to the area at all times of day. The building would also create a financial return that would help to pay for the expensive new public spaces.
29. The masterplan also proposes a number of potential options that could help the York Museums Trust realise their significant ambitions for the Castle Museum. At this stage a new extension to the museum is indicated on the end of the Female Prison building with the potential to provide a new exhibition space and entrance. The 1960s single storey link building that currently serves as the entrance hall could also be replaced to improve the circulation and flow between the two main buildings. More radical options to open up the historic south gateway through the Castle Walls at the rear of the museum or to consider how the building becomes more permeable between the Eye of York and the river Foss may also emerge through detailed discussions with Historic England and other key stakeholders. The scale and implementation of these ambitions would be dependent on the success of the Museums Trust's future Heritage Lottery Fund bid, and as such the masterplan remains very fluid in response to this process.
30. A key feature of the Castle and Eye of York area is the site's historic role in the administration of law and punishment. Much of this history is embodied in the symbolic importance of the Crown Court building which continues to administer justice from the site. However, the historical nature of the building does present operational challenges for the judiciary, particularly in securely transferring people arriving by prison vehicles in to the court building. Currently this is achieved in an unsecured environment from in front of the building via a side entrance,

limiting the type of cases that can take place in York. Consequently it is proposed to explore options to provide a court dock area where vans can descend down a ramp behind a closed gate to transfer those in custody in to the building. This would also offer greater freedom to re-imagine the Eye of York and remove the existing impact of vehicular dominance on the area.

31. Despite the clear advantages of reducing the impact of cars on the area and closing Castle Car Park, modern high quality car parking provision close to the city centre is also important. This was a strong theme emerging from both the public and businesses and traders. Furthermore Castle Car Park generates significant annual revenue for the council of £1.2m, which provides a vital contribution to delivering city wide services. Consequently a key part of the masterplan process has been to identify a location for replacement car parking within the Castle Gateway.

### St George's Field



**Figure 5:** Artist's impression of St George's Field

32. Having considered a number of alternative locations for the replacement car parking the proposed solution is to build a new multi-storey car park (MSCP) on the existing surface level car park at St George's Field. Although the car park is part of the functioning flood plain, constructing the access road above flood levels will allow the MSCP to continue to be



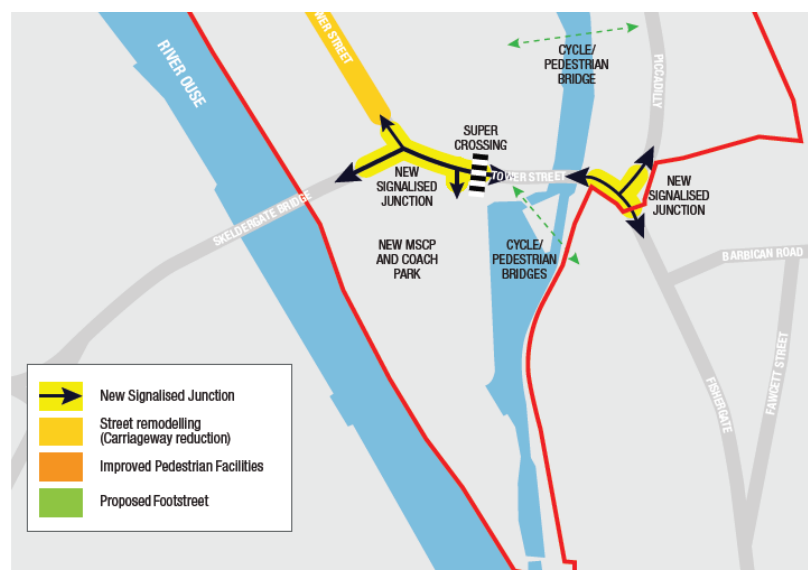
used in times of flood, with only the ground floor being inaccessible during these periods. The area would become a new arrival point for the city, with the MSCP potentially accommodating a visitor centre or orientation point with a new viewing platform and cafe located on the top deck. Alongside the MSCP would be a surface level coach park, formalising existing informal coach parking arrangements. The parking would sit in a new area of improved landscaping and create a dedicated cycle path through the area, providing a welcoming arrival to the city.

33. Locating the car parking in this area was very much a response to proposals from the public through the My Castle Gateway engagement, as it was not an original option in the January 2017 vision. It has a number of important advantages both strategically and commercially. Firstly, it is over £10m cheaper than building an underground car park on the site of Castle Car Park. Secondly, it releases the previously proposed MSCP location of Castle Mills for residential use as part of the strategy to promote Piccadilly for city living. Thirdly, due to the regular flooding of St George's Field there is no alternative financially viable use for the site beyond car parking. Most importantly it allows the car parking to be relocated outside of the inner ring road, reducing the impact of traffic on Tower Street and beyond, in accordance with strategic transport objectives.
34. Given the flooding issues at St George's Field the proposals have been discussed in detail with the Environment Agency. There will be further detailed work and modelling needed but in principle there are engineering solutions which should ensure that the MSCP can accommodate current levels of flood water storage capacity and water flows meaning flood risk is not exacerbated or increased elsewhere on the Ouse. These will be prepared and assessed as part of the future planning application for the MSCP.
35. The current capacity at Castle Car Park is 318 spaces, and 150 at St George's Field, whilst the new MSCP will provide 400 spaces, meaning a total reduction of 68 spaces. However, St George's Field is currently not at capacity, with general levels of only 30% occupancy, and Castle Car Park is only full at peak times of the day and year. Furthermore the current levels of occupancy at the council owned Piccadilly Car Park in the Coppergate Centre is very low despite it being the closest car park to the city centre. The transport assessments undertaken by transport consultants WSP under the BDP commission have identified that this is due to operational hours that do not correspond to the shopping centre hours and poor signage. By responding to these issues it is anticipated

that there will also be an increase of customers and revenue to this car park.

36. The new parking strategy will also require two significant junction improvements on the gyratory from which St George's Field is accessed. The first is to create a new all movement junction in and out of St George's Field. This would allow cars accessing the MSCP from the west of the city to turn in across the gyratory, and those exiting to the south and the east to turn right out of the MSCP (Figure 6). The signalised junction will also create a pedestrian crossing over the gyratory for those leaving the car park and as part of the new walking and cycling routes from the south that are described later in this report.
37. The second junction intervention is to create a new right turn for vehicles across the gyratory in to Piccadilly. This would mean that any traffic accessing Piccadilly from the south or east of the city would not need to continue around the gyratory and loop back on itself. Not only does this create a more direct route, but it also negates the need for the road loop at the bottom of Tower Street and Skeldergate Bridge, meaning this can also be turned in to a new signalised junction rather than a roundabout. The reduction in road carriageway would also allow the South Africa War Memorial to be repositioned as part of the public footpath allowing it to be approached for commemoration, a move supported by the heritage bodies on the Advisory Group. These junction proposals are illustrated below in Figure 6:

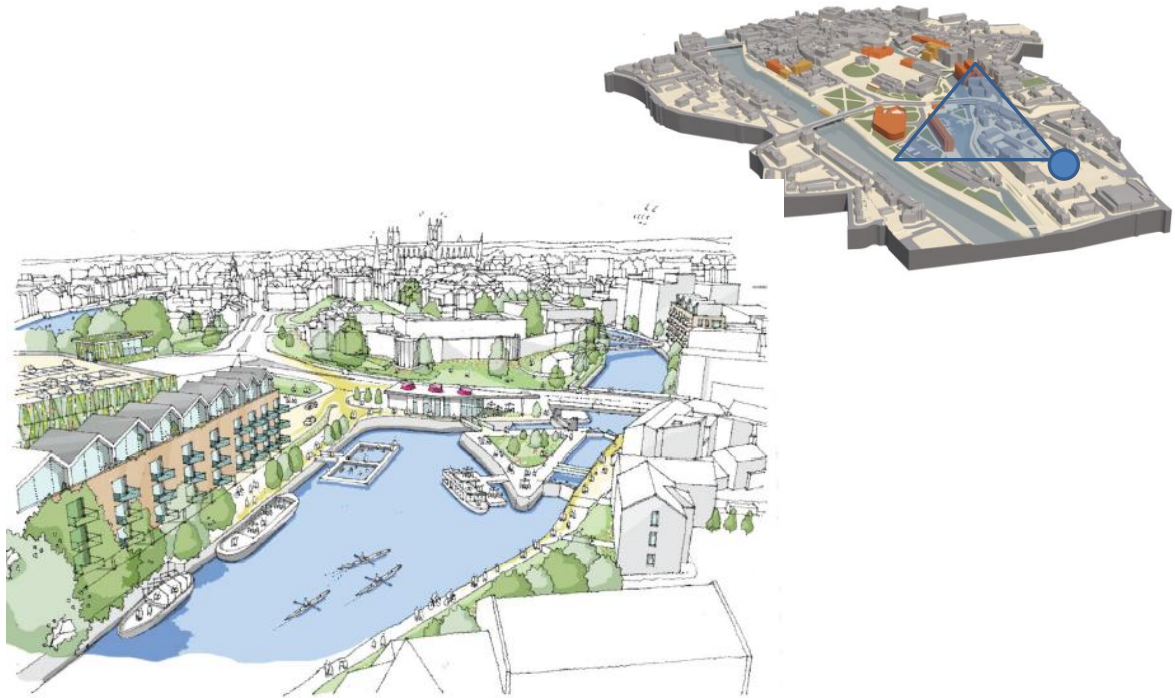
**Figure 6:** Proposed junction improvements for St George's Field and Piccadilly



38. These two major interventions have been modelled by transport consultants WSP. Having used the council's Saturn model the

interventions are shown to have a minimal impact on the inner ring road and wider city traffic flows, although further detailed modelling and design will be required as part of the next stage of work.

## Foss Basin



**Figure 7:** Artist's impression of the Foss Basin

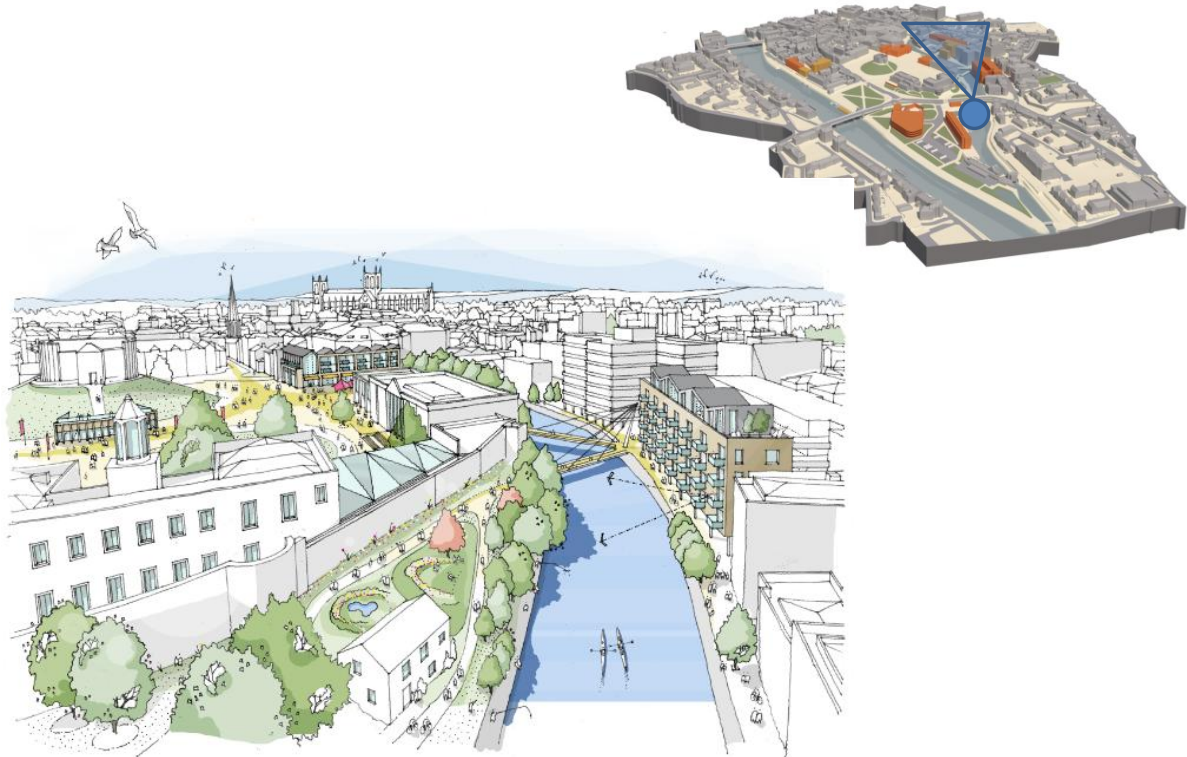
39. The proposals for the Foss Basin are to bring the neglected and often ignored part of the city to life with new walking routes, homes and water based leisure activities. The leisure activities would be facilitated by a new commercial building at the top of Castle Mills lock, replacing the existing poor quality brick built store which has a negative impact on the view down in to the Foss Basin. The use of boats, canoes and other activities could take place, with further work streams identified to explore options to bring swimming back to the area through a potential floating swimming pool or wild swimming – although there are significant water quality issues to be considered.
40. On the St George's Field side of the Foss Basin would be a new apartment building overlooking the river, creating an exciting place to live and ensuring that there is life in the area throughout the year. The apartments would fit well with the surrounding built form, creating an

architectural balance to the large residential buildings on the opposite bank and screening views of the Foss Barrier and new MSCP. Although built in an area designated as flood plain, the apartments themselves would be built on top of the flood wall and would be served by the same raised access route as the MSCP. They would also be built at such a height to allow the continued vehicular access to the Foss Barrier that is required by the Environment Agency.

41. Given the proximity to the river and the designated flood plain the proposals have again been discussed at length with the Environment Agency. Whilst there remains significant detailed work needed to confirm the feasibility of construction they are of the view that there are engineering solutions to deliver the apartments. However, it should be noted that although built on the flood wall the area is designated as flood plain, and as such there will be planning policy issues to overcome in proposing residential development. The intention is therefore to continue to work closely with the Environment Agency to consider how the proposals could be taken forward as an exemplar of how innovative design can allow us to live well with water.
42. On the opposite bank the existing poor quality pedestrian route would be developed and promoted as a new high quality riverside walkway. Instead of emerging up the flight of steps at Brownie Dyke to be confronted with 4 lanes of traffic, new pedestrian bridges would allow step free access over Castle Mills lock and weir. This would connect to a new leisure activities building and link to a new pedestrian 'super-crossing' over the gyratory. The proposals are for this to be similar to the Sheaf Square crossing outside of Sheffield Railway Station. This crossing gives priority to pedestrians and cyclists over all 4 lanes of traffic allowing a complete crossing in one go.
43. The initial vision had intended for the riverside walk alongside the Foss Basin to also accommodate a new cycle route. However, at this stage it is considered that the width is insufficient for both cyclists and pedestrians to safely share the available space, and creating a bridge design wide enough for both that can traverse the Castle Mills lock would be problematic. Consequently an alternative has been developed to create a new dedicated cycle route through the newly landscaped St George's Field which rejoins the riverside walk at the new pedestrian cycle crossing point. Whilst the Foss walkway would not be promoted as a cycle route it could potentially be used by cyclists when St George's Field is in flood. We accept that this is a compromise position on cyclists' aspirations for

the Castle Gateway and as such we will continue to explore options to create a shared route alongside the Foss Basin with cycling groups.

### Riverside walk



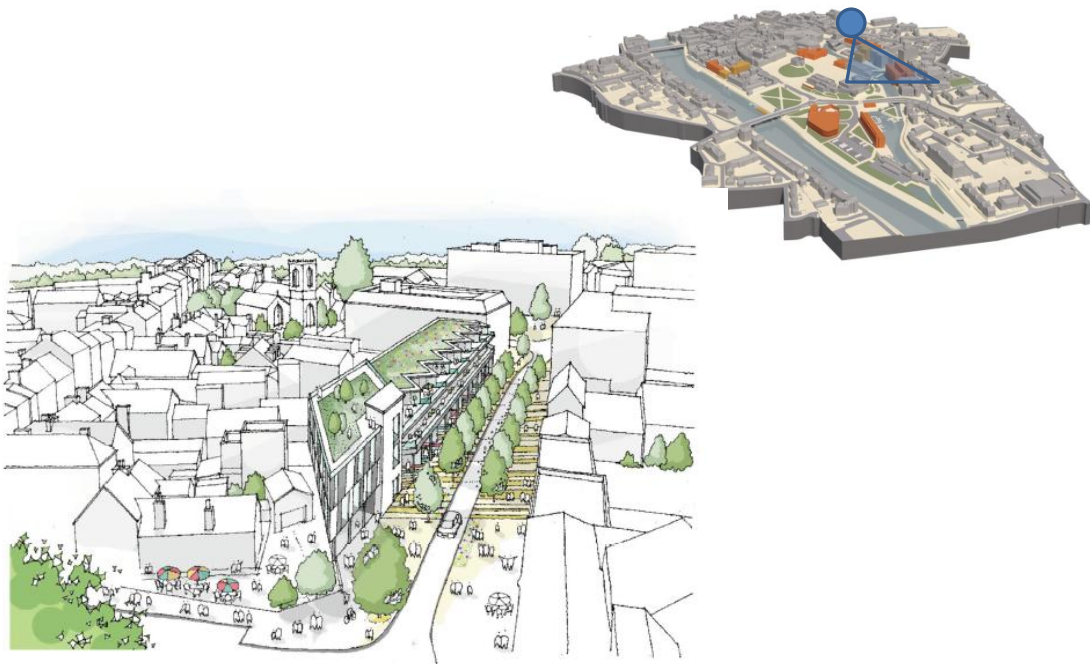
**Figure 8:** Artist's impression of the riverside walk

44. One of the most exciting and popular elements of the masterplan is the creation of a riverside walk allowing pedestrians and cyclists to travel from the south of the city in to the Eye of York and Castle area. From the new pedestrian/cycle crossing point over the gyratory the proposal is for the rear of the Castle Museum to be opened up as a public park. The new route through the currently closed off riverside area would continue over a new pedestrian cycle bridge that would link across to Piccadilly, creating a new lateral route for the city centre. The semi-circular design would also allow the continued route through to the new public realm in the Castle area, allowing people to bypass the area that becomes very narrow between the Castle Wall and the River Foss.
45. The pedestrian/cycle 'super-crossing' is a key part of the new riverside route strategy, and has emerged as the only practical solution for people to cross the gyratory. Other options have been considered but discounted

due to practical or technical concerns. These included the creation of a tunnel under the bridge (which was not possible due to restrictive height of the bridge and the presence of servicing within the road); suspending a walkway under the bridge from above (which would have led to the collection of river debris impacting on flow rate and exacerbating upstream flood risk); and a footbridge (which would have had an impact on key views of the Castle area and required a large footprint in what is a very small space).

46. The new riverside walk will provide a new and exciting route in to the city centre, opening up views of the Foss and potentially creating a new public waterside park behind the Castle Museum. New bridges will facilitate level access for those with pushchairs or mobility problems, and give pedestrians and cyclists a new priority crossing point over the busy road network.

### Piccadilly



**Figure 9:** Artist's impressions of Piccadilly

47. The vision would turn Piccadilly in to a new city living neighbourhood, with wide pedestrian streets and spaces for independent traders at ground floor level and apartments above. In the short term Spark:York, due to open in May 2018, will start to begin the transformation by bringing vibrancy and life to the street and providing start up space for local people. On completion of their tenancy in June 2020 the site would be

redeveloped, offering more permanent opportunities for independent business in small scale commercial units with apartments above. Similarly a new apartment building at Castle Mills would offer retail space on to the street frontage, and also provide the link to the new Castle area over the pedestrian cycle bridge. Although the council do not own the other sites in the area, we will work with the developers to ensure that new development is brought forward, bringing back in to use vacant plots and buildings and securing financial contributions to create a new high quality public street scene.

### **Other proposals**

48. In addition to the main areas discussed above there are a number of other elements to the masterplan:

- Working with the public to consider future options to improve Tower Gardens
- Exploring options to make Coppergate a single lane west-bound bus route, improving access across the street and in to Castle Gateway from the city centre
- Highway improvements on Tower Street to reduce the size of the carriageway and improve the pedestrian foot streets
- Exploring options with the law courts to redevelop the vacant office space at the rear of the Magistrates Court
- Grant a lease to the Arts Barge for a mooring in Tower Gardens

### **Delivering the masterplan**

49. Throughout the masterplanning process there has been a clear commitment from the Executive to ensure that we proceed with ambition and at pace. This commitment has led to the development of a masterplan that, in the eyes of the Advisory Group, has for the first time provided a development framework which can realistically unlock the regeneration of the area, coupled with concerted public support for seeing the plans become a reality.

50. In developing the masterplan there has also been significant focus on devising a delivery strategy to allow the implementation of the proposals. During that process there have been ongoing assessments of the financial impact and deliverability of each option to ensure that there is a route to fund and deliver the masterplan. The key principles underpinning the delivery is that there must be a strategy to ensure that the elements of

the masterplan that cost money can be paid for by the elements that generate money, and should there be a funding gap it is clearly identified. In addition to the capital costs any council revenue lost by the closure of existing car parking must be replicated.

51. As the project is being progressed on a phased basis and brought back to Executive at key decision points any funding gap in delivering the full ambition of the masterplan can be responded to through scaling back the proposals, identifying external funding sources, or the council providing capital funding through the budget setting process. These decisions would be made as part of the Executive's consideration of future business cases for the masterplan as it progresses and there is greater clarity on the detailed financial analysis.
52. The following section of the report outlines how it is proposed to deliver the project. It summarises the **financial analysis** that has been undertaken, the plan to separate the project down and identify funding for each **work package**, and proposes a **recommended delivery strategy** to implement the first stages of the masterplan.

### **Financial analysis**

53. The masterplan itself contains high levels of public realm, highway infrastructure and new bridges which require significant capital and do not generate any direct revenue. Similarly the building of a new MSCP does not create a new revenue stream; it simply replaces the lost income from the closure of Castle Car Park and the existing surface level parking at St George's Field. Consequently, the investment required to construct the MSCP is also a cost to the project, to be undertaken by the council. If the council do not fund and retain ownership of the whole of the new MSCP then we would not retain the income that is generated.
54. Conversely there are council owned development sites in the area that will generate capital receipts, and private sector development which will provide Section 106 planning contributions, to pay for the required investment. Whilst the new development sites are relatively small scale and will not generate huge investment sums to pay for the project's costs, they do benefit from high land values and strong market demand which means there is significant value to be realised - value which will increase through the uplift provided by the investment in regenerating the area.
55. The assessment of the financial viability of the masterplan has been carried out by Deloitte. The full appraisal forms a confidential annex to



this masterplan, as there are elements that are commercially sensitive and would potentially undermine the council's capacity to achieve the best financial outcome from the project if it was in the public domain. However the headline findings are explained in this report. The estimated income figures are derived from Deloitte's assessment of the financial returns from the proposed residential and commercial development. They have then considered these figures against the cost of construction and development associated with implementing the masterplan to assess viability. The cost analysis has been provided by Mace as part of the BDP commission.

56. Based on this analysis Deloitte have considered the potential routes for delivery of the project. They first assessed whether the council should seek to sell its proposed development sites on the open market for the identified land use, with the financial return being used to fund the area wide infrastructure and public realm. Under this option the key figure is the residual land value, the expected price that the council would receive from a purchasing developer for the identified development use. The second option would be for the council to act as developer. In this scenario the council would finance, construct and sell the completed apartments and commercial spaces on its land assets. This would involve taking the full developer risk, but also the full benefit of the total income generated by the scheme – both the land value and significant developer profit which is termed as 'gross surplus'. In addition to these two scenarios there are also a range of joint venture options open for consideration, where the risk and investment is shared, but then so are the financial returns.
57. For the purpose of this report the financial modelling is based on the council acting as developer as at this stage it is this approach - with the council benefiting from the gross surplus and potential external funding - that the delivery of the whole masterplan is broadly financially viable. However, that is not to say that other models will not work as the scheme progresses, or that there are better options available to profile risk and financing costs. Furthermore at this stage no decision is needed on which delivery method is required or should be applied – these decisions will be made in the future on a business case basis for each individual site as part of a work package approach.
58. Having assessed the financial viability Deloitte have concluded that the masterplan is broadly viable if the council acts as developer, with a relatively small funding gap. The estimated total costs of the project - which are the costs of delivering the entire public realm, infrastructure,

and the new MSCP - is £30m. The potential gross surplus income from the council owned residential and commercial development opportunities is £22.5m. Whilst this results in a viability gap of £7.5m at this stage, it is proposed to cover most of this gap through a bid to the West Yorkshire Transport Fund to utilise the available headroom from the council's existing infrastructure deal. In addition other potential external funding sources have been identified that that may be available, including:

- Local Economic Partnership funding
- English Cities fund
- Planning gain from private sector developments

59. In addition the council have an outstanding £750k funding bid as part of the Accelerated Construction Programme which is due to be determined in the coming months. These headline figures should be taken as illustrative. The gross surplus approach is predicated on market conditions and the successful delivery of development sites which comes with associated risk, and external funding applications will be determined on their merits by outside bodies.

60. As a consequence the project can not be deemed to be fully funded. There are a number of decisions that will need to be taken regarding the Executive's appetite for risk and borrowing for the council to benefit from both land value and developer profit, and if an alternative delivery approach was adopted, that viability gap would increase further based on those decisions. The individual packages will be brought back to Members for detailed consideration including full financial appraisal of costs and revenues of completing the works. Each package will include the costs of infrastructure and public realm improvements as well as identified funding sources including levels of required council borrowing. Whilst some phases of the masterplan may produce development surpluses it will be necessary to fund each single stage individually, and if the full ambition of the masterplan is to be released it is likely that there would be some level of council funding. The level of council contribution will ultimately depend on the speed of public realm delivery improvement and the speed and value of commercial delivery.

61. There is also the inherent challenge in assessing viability of a project with such a long delivery timescale as the further in to the future we attempt to estimate construction costs and market trends, the less accurate they become. As a consequence the anticipated returns and development costs could fluctuate resulting in either a better or worse financial position. Should there be a negative impact on viability as the project

proceeds then future Executive decisions would need to be taken on whether to scale back proposals or to invest financially in the delivery of the masterplan if no external funding was available.

62. However, these are standard developer risks in any development project, particularly one that is transformative to the city in delivering large scale public realm improvements, and should not serve as a barrier to implementing regeneration. Instead it is important that we develop strategies that minimise and mitigate this risk to allow the project to move forward, and allow investment decisions to be taken with greater clarity when a phase of development is about to progress.
63. A further consideration is that in addition to the social and environmental benefits of the masterplan there would also be significant additional economic benefits from investing in delivery. A vibrant city centre is vital in encouraging private sector investment, promoting local businesses and supporting the tourist industry. A redeveloped York Castle Museum will be an anchor attraction drawing visitors to the area and adding to the economic impact of the Castle Gateway scheme. New commercial spaces will provide increased business rates that are an essential revenue source for the council, and the creation of a new event space on the former Castle Car Park will allow the commercialisation of that space to provide a new revenue stream. Direct investment in new buildings and infrastructure will also stimulate the construction industry which has a multiplying effect on wider economic output. As a final point external funding bid criteria are increasingly based on the deliverability of a project, often evidenced by having taken decisions to proceed with planning applications and preparatory development stages.

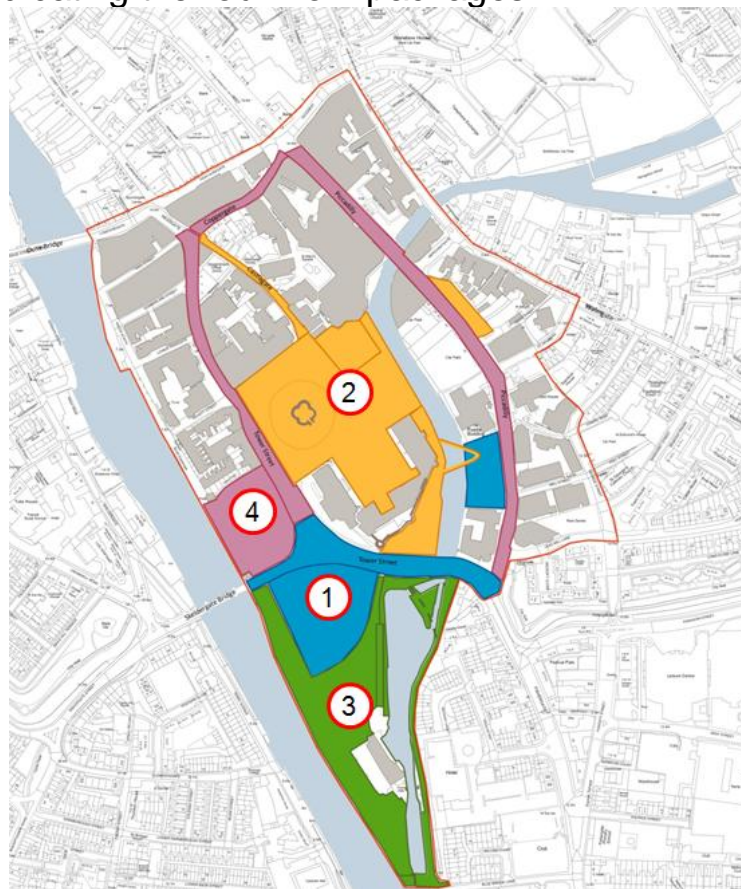
### **Work package approach**

64. The proposed approach to mitigate the risk of delivering a long term project is to break the masterplan delivery down in to a series of work packages. Each package would deliver a section of the masterplan and, apart from work package 4, contains development sites which will contribute to the cost of infrastructure and public realm in that package. The four work packages are set out below, with further detail contained in Annex 9:

**Figure 10:** Table highlighting the four work packages

Package 1	Package 2	Package 3	Package 4
<ul style="list-style-type: none"> <li>• St George's Field MSCP and coach park</li> <li>• Castle Mills</li> <li>• Fishergate gyratory junctions</li> </ul>	<ul style="list-style-type: none"> <li>• Eye of York and Castle Car Park</li> <li>• Building at rear of Coppergate Centre</li> <li>• Riverside walk north and Foss bridge</li> <li>• Pedestrianise Castlegate</li> <li>• 17/21 Piccadilly</li> <li>• Castle Museum</li> </ul>	<ul style="list-style-type: none"> <li>• Foss Basin apartments</li> <li>• Foss Basin leisure uses</li> <li>• Castle Mills lock bridges</li> <li>• Confluence public art</li> <li>• St George's Field public realm</li> </ul>	<ul style="list-style-type: none"> <li>• Piccadilly upgrade</li> <li>• Coppergate one way</li> <li>• Tower Gardens public realm</li> <li>• Tower Street upgrades</li> </ul>

**Figure 11:** Map indicating the four work packages



65. At this stage it is anticipated that work packages 1, 2 and 3 are broadly self-funding, although there may be elements of cross-subsidy required between the different work packages. This may be particularly true of

work package 2 which has the greatest levels of public realm and infrastructure, although this will not become clear until further design work is undertaken. If there was a funding gap this could be dealt with by moving elements of work to other work packages, identifying external funding, the council investing the shortfall, or front-funding any potential shortfall until other work packages complete. Work package 4 does not include any development sites and primarily contains more minor highways and public realm work which are not essential components of the masterplan and could be undertaken at a later date as and when funding was identified.

66. Under each work package there would be an additional short term funding cost at risk to the council between the initial financial outlay to pay for the public realm elements and the financial return from the completed commercial developments. This cost would be calculated as part of the future business cases for the delivery of each work package and subject to further Executive decisions.

### **Work Package 1**

67. The first phase of development would be to bring forward work package 1, as this includes the MSCP and coach park on St George's Field (Annex 9). It is the completion of the MSCP which will allow Castle Car Park to close and the construction of work package 2 to commence. This is the project's critical path. In addition to the new MSCP, work package 1 also includes the redevelopment of the former Castle Mills Car Park for apartments as this will cross fund the MSCP construction. The package also contains the new junctions for Piccadilly and St George's Field to improve access to the new MSCP, and it is proposed to fund the implementation of the junction improvements through the use of the council's outstanding West Yorkshire Transport Fund (WYTF) allocation.

### **Work package 2**

68. This work package delivers the heart of the masterplan, including the redevelopment of Castle Car Park to create new public realm, the riverside walkway at the rear of the Castle Museum, and the new Foss Bridge. This would be part funded by the commercial return from the building at the rear of the Coppergate Centre and the redevelopment of 17-21 Piccadilly on completion of the Spark:York tenancy. It is directly linked to work package 1 as the closure of the car park can only follow the completion of the new MSCP. However, to ensure that Castle Car Park does not become an abandoned or vacant space it is important that

the planning application process is complete for work package 2 at the point of closure, allowing the redevelopment to commence at that point.

### **Work package 3**

69. Work package 3 would complete the riverside walkway south of Castle Mills Bridge, the regeneration of the Foss Basin, and the landscaping in the rest of St George's Field. This package has the highest level of risk of failure due to the planning and technical constraints associated with building the new apartment building. Without the income from the apartment development this package is not financially viable and could not be implemented.

### **Work package 4**

70. Work package 4 incorporates the remaining elements of the masterplan, primarily the upgrade of Tower Gardens and highway and footstreet improvements across the remainder of the area. At this stage work package 4 is not financially viable as there are no commercial buildings proposed within this package. The initial ideas for the area did propose a pavilion building within Tower Gardens to centralise boat and ticketing activity on the Ouse and generate revenue for the project, but the majority of the public response to this option was negative and as such it has been removed from the masterplan.
71. That is not to say that work package 4 is not deliverable. At this stage the only external funding that has been applied to the financial modelling of the project is the proposed WYTF investment for the junction improvements in work package 1. There is the possibility that further elements of the masterplan could be incorporated as part of that bid, and there are other funding opportunities that are regularly announced by central government and regional authorities for deliverable schemes. In addition, much of the costs associated with work package 4 are highway improvements to Piccadilly which would have a direct benefit to the private developer owned sites on that street, and consequently we will seek Section 106 planning contributions where possible to fund them.

### **Recommended Delivery Strategy**

72. Based on the delivery strategy of splitting the masterplan up in to a series of work packages, and the desire to move forward at pace with the masterplan, it is recommended that we proceed with the preparation and submission of planning applications for work packages 1 and 2, and the

detailed design and procurement of a contractor to build St George's Field MSCP. Securing planning permissions will provide certainty of project delivery; will allow greater clarity of development costs to inform the Executive in making future investment decisions; and will increase the land value of council owned sites.

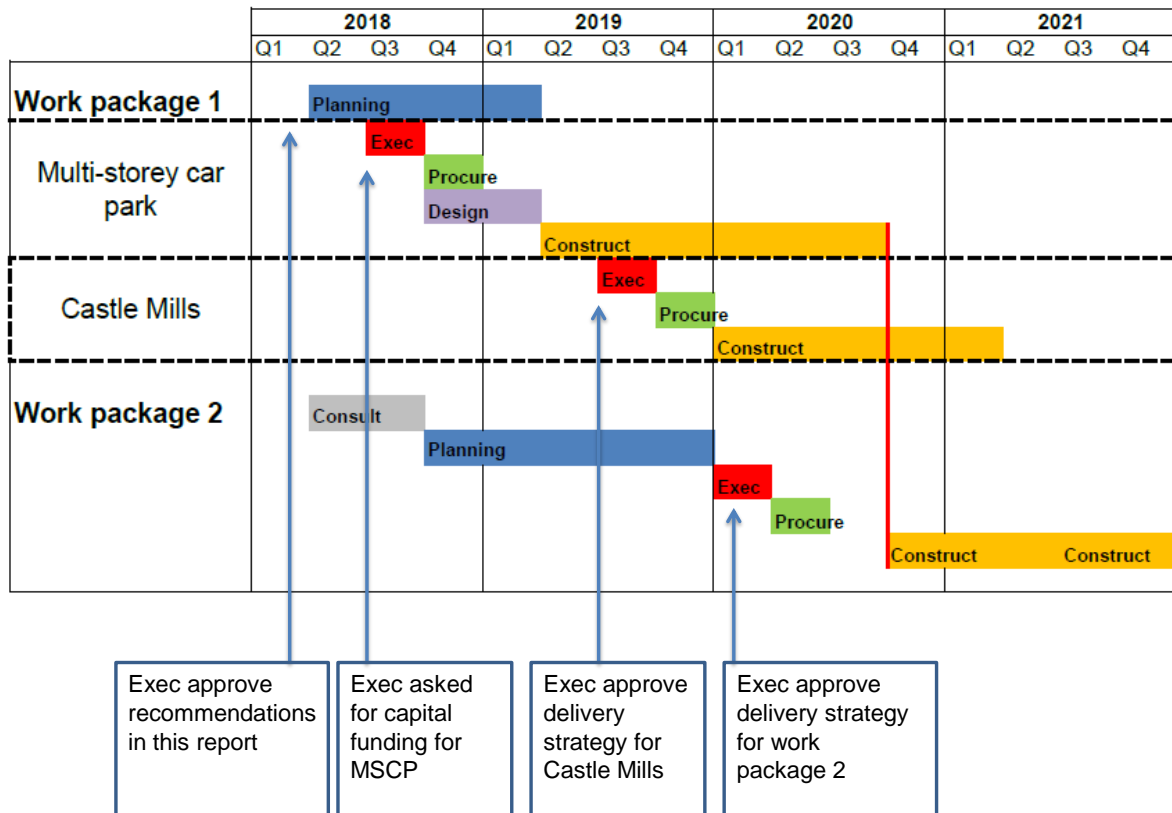
73. As illustrated above work package 1 is the key to unlocking the whole of the masterplan as it contains the MSCP. The completion of this MSCP then allows the closure of Castle Car Park, and the implementation of work package 2. It is therefore also important that the planning permissions for what will replace Castle Car Park are in place to allow the redevelopment to begin as soon as the car park closes, avoiding a large empty space in the heart of the regeneration area. Work packages 3 and 4 would therefore form future phases, to be brought forward as and when funding and delivery capacity becomes available.

74. To deliver this strategy it is recommended that the following work streams are put in place:

- Planning applications are prepared and submitted for all sites in work package 1
- On submission of the planning application for St George's Field MSCP we proceed with detailed design so that construction can begin as soon as planning permission is received
- We also proceed with the procurement of a contractor to build the MSCP to begin the construction on receipt of planning permission and detailed design
- A business case is submitted to the West Yorkshire Transport Fund to secure funding for the junction improvement in work package 1 (and any further elements of the masterplan that would be eligible for funding)
- Following a further period of public engagement to refine the brief planning applications are prepared and submitted for work package 2

75. The timeline and analysis of the decision points associated with this recommendation are set out below and in Figure 12:

**Figure 12:** Timeline setting out potential delivery for work packages 1 and 2



**Key dates:**

- Planning applications for work package 1 submitted autumn 2018
- Executive approve funding for MSCP autumn 2018
- Planning permissions for work package 1 received spring 2019
- Start on site for MSCP in spring 2019
- Planning applications submitted for work package 2 – spring 2019
- Executive approve business case for the delivery of Castle Mills – summer 2019
- Planning permissions for work package 2 received winter 2019
- Executive approve business case for the delivery of work package 2 in spring 2020
- MSCP completes autumn 2020
- Work package 2 start on site autumn 2020
- Castle Mills completes spring 2021

76. As illustrated in Figure 12, running the detailed design and procurement processes concurrent to the planning application for the MSCP would



bring forward the project's critical path by 6 months, potentially allowing a start on site by spring 2019 should the project not experience any complications. This would allow a completion date for the new MSCP - and consequent closure of Castle Car Park - to take place in autumn 2020.

77. Proceeding with planning applications for work package 2 at the same time as work package 1 would reflect the council's ambition and commitment to the whole masterplan. Beginning the process now would allow a considered period of time in which to continue the public conversation through My Castle Gateway to define the brief for the area around the Castle and Eye of York. This further period of engagement is vital to ensure that future planning applications have the support of the public and statutory consultees, and to avoid any potential legal challenges to any permissions or processes. It is proposed that this work runs in parallel to the work package 1 planning process, and that the planning applications for work package 2 are then submitted in spring 2019. This would allow a significant planning determination period in recognition of the complexity of the area, and for the delivery strategy and procurement exercises to have taken place in time to commence construction on site once Castle Car Park closes.
78. This seamless transition from closure to development is important to ensure that the heart of the area does not remain vacant and unused for any length of time. There is a risk that should the WYTF bid or MSCP planning application fail (see Risk Management section) that work package 2 could not be implemented unless an alternative parking strategy be identified. However, as the first 12 months would be spent in consultation and preparing of planning applications for submission, only a proportion of the budget would have been expended. Furthermore the planning application for 17-21 Piccadilly would be unaffected as it is a stand alone site outside of Castle Car Park and would proceed to development anyway.
79. The budget required for carrying out the tasks identified in this recommended option - securing planning permission for work packages 1 and 2 and undertaking detailed design and procuring a contractor to build the MSCP - will require a budget of £2.4m. This is broken down as follows:
  - Work package 1 design, planning applications, planning fees, surveys, detailed design for the MSCP and contractor procurement - £980k

- Work package 2 consultation, design, planning applications, planning fees, and surveys - £850k
- Legal and commercial advice - £150k
- Council staff resource and additional costs - £310k
- 5% contingency - £110k

80. It should also be noted under this strategy that once the planning application for the MSCP has been submitted in October 2018 then a report would be brought back to Executive to seek approval for the construction budget, estimated to be in the region of £8m to £10m. The council would need to fund the MSCP to ensure we retain all of the revenue that it generates to replace the lost income from Castle Car Park. It is anticipated that the capital cost for building the MSCP could be funded from the potential future gross surplus financial return from the sale of the completed apartments at Castle Mills. The business case for the delivery strategy for Castle Mills would be brought back to a future Executive in summer 2019 once planning permission has been secured. As Castle Mills will not complete until after the MSCP there will result in a short term borrowing cost to the council.

### **Other recommendations**

81. **Arts Barge** - It is proposed to offer a lease to the Arts Barge to implement the planning permission they received for a mooring in February 2017. One of the strongest elements of feedback from the masterplan process was the public support for the Arts Barge, and it is included in the proposals for Tower Gardens. Once they have secured their funding and completed construction of the barge the lease would enable them to proceed with creating the mooring for which they have planning permission. The terms of the lease will be agreed with officers in Property Services at a market rent.
82. **Castle Mills** - It is also proposed to offer a short term lease to the developer of Ryedale House for the Castle Mills site. They have approached the council with an offer to implement the planning permission to demolish the existing derelict buildings on the site in return for using the cleared land as a site compound during their construction period. This would save the council an estimated £180,000 in demolition, and the site would return to the council within the council's proposed redevelopment timescale.
83. Castle Mills has historically been used as a public car park and had low occupational rates. The gross income from the asset provided c. £90,000

per annum, however this figure excluded running and repair costs. Due to significant repair costs that exceed the annual revenue the car park was closed in January 2017. No income has been derived from the site since this time.

84. A cost of £180,000 had been estimated for the demolition of the dilapidated buildings on site. In return for granting Newby (the developer, operating under York 10 Limited) occupancy of the site until July 2019, they will carry out the required works at their own cost. Whilst this occupation will benefit Newby in providing them with a site compound, ancillary site parking and space to provide a sales office in respect of their proposals for the adjacent Ryedale House, the council will benefit through saving on the demolition expenditure and will thus save on development costs for any future redevelopment of the site.
85. Given the dilapidated state of the buildings and the fact that the site is currently closed, it is considered unlikely that an alternative use could be provided on site for a short term use without significant sums being required to be spent on the premises. Accordingly, it is considered that the proposal with Newby is an attractive proposition both financially and strategically in bringing about a timely demolition programme forwards

## **Conclusion**

86. Over the last 20 years there have been numerous abandoned schemes to regenerate this area of the city - proposed developments that failed to respond to the public's ambitions for the area and understand the heritage significance and history of the Castle and Eye of York. By adopting an innovative approach to engagement that has embedded the public and stakeholders at the heart of the process we have developed a masterplan that balances their ambitions with modest but significant commercial development that can help fund the delivery of high quality public spaces and new pedestrian and cycle routes. The masterplan also provides a clear solution to the challenge of maintaining existing city centre car parking, and the associated revenue, that will allow the closure of Castle Car Park to unlock the heart of the Castle Gateway.
87. The recommendations in this report reinforce the council's commitment to deliver the full ambition of the masterplan. By proceeding with planning applications for two of the four work packages and procuring a construction contractor for the new St George's Field MSCP, work could begin on site in the spring of 2019. This would allow the closure of Castle Car Park and the delivery of the new public space at the heart of the

masterplan to commence in autumn 2020. Seizing this opportunity to deliver the masterplan will bring to an end decades of failed proposals and allow this shared vision for the Castle Gateway to become a reality.

## **Consultation**

88. This project has applied a comprehensive and innovative approach to public consultation through the My Castle Gateway project, and stakeholder engagement through the Castle Gateway Advisory Group. This has been detailed extensively in the body of this report. In addition, ward members from the affected neighbouring wards and leaders of the other political parties have been kept up to date with regular briefings to ensure a cross party approach as requested by the Executive in January 2017. Internally, specialist officers across the council and those whose services are affected by the proposals have contributed to the development of the masterplan.

## **Council Plan**

89. The project will assist in achieving the council plan objectives through the creation of a Prosperous City for All, and the vision to be a council that listens to residents, particularly by ensuring that:

- Everyone who lives in the city can enjoy its unique heritage and range of activities
- Visitors, businesses and residents are impressed with the quality of our city
- Local businesses can thrive
- Environmental Sustainability underpins everything we do
- We are entrepreneurial, by making the most of commercial activities
- We engage with our communities, listening to their views and taking them into account
- We celebrate and champion the diversity of our population and encourage everyone to play an active role in the city

90. The application of the My Castle Gateway approach has especially contributed to the council's ambition to be a city that listens to its residents, by embedding the public within the masterplan process and establishing a new form of public consultation which, due to its success, is being applied to other major projects.

## Implications

91. The following implications have been identified:

- **Financial** – Members are recommended to approve a capital budget of £2.4m (subject to Council approval) to be funded from council borrowing. It should be noted that any spend incurred that ultimately does not result in a new asset or improvements to current assets would be classed as abortive and need to be funded through revenue.

The development of the masterplan will also impact the council's revenue account. The council assumes a significant level of car parking revenue (c£6m) from its sites within the city centre. The provision of a MSCP at St George's Field as a replacement to the current facility there and the removal of the facility at Castle will reduce the overall levels of net income from those sites although much of that deficit could be offset by increased parking at sites such as Piccadilly. There will also be potential losses during the construction period due to reduced capacity. In the longer term additional revenues may be available through use of the new public realm on the former castle car park. The council will also benefit from additional business rates from increases to net rateable values across the site.

- **Human Resources (HR)** – considered to be no impact
- **One Planet Council / Equalities** – The completed One Planet York Assessment can be found as Annex 10
- **Legal** - The Council has ample powers under the Localism Act 2011 to deliver the ambitions set out in this report. Other powers such as those in the Highways Act 1980 may be used to supplement these powers where necessary. As with the exercise of any power, decisions must be made reasonably and, in particular, with regard to the Council's fiduciary obligations to council tax payers. The opportunity to review the funding of parts of the masterplan through individual business cases as the plan progresses is an important factor in demonstrating the robustness of the decision making.

This stage of the plan involves a procurement of a multi story car park. That procurement will need to be considered in accordance with the Public Procurement Regulations.

The plan also involves the granting of leases. The proposed lease for the Arts Barge will be for a period in excess of seven years. It will therefore be subject to the requirement in section 123 of the Local Government Act 1972 that, except with the consent of the Secretary of State, the Council must receive the best consideration reasonably obtainable for that lease. While normally the easiest way of demonstrating this is to market the land; there is no obligation to do so. The advice of appropriately qualified professional valuers as to whether best consideration has in fact been achieved is an acceptable alternative and should be obtained before the lease is granted.

- **Crime and Disorder** - considered to be no impact
- **Information Technology (IT)** - considered to be no impact
- **Property** – covered in the report
- **Other** – considered to be no impact

## **Risk Management**

92. This is a large scale project to deliver regeneration across a significant area in a complex heritage and waterside environment. Any project of this scope has inherent risks, and responding to planning and flooding constraints could impact on proposed delivery timescales and require continuous refinement to the masterplan.
93. The long term programme for delivery presents challenges in accurately assessing financial viability as the further in to the future the project proceeds, the harder it is to accurately predict market trends and construction costs. However, these are standard risks associated with undertaking any regeneration project of this size. Officers have sought to mitigate this risk by engaging independent commercial advice throughout the project and by proposing a delivery mechanism of work packages that allows smaller scale decisions to be taken at each stage of the process, and delivery strategies for its development sites to be considered based on market conditions at the time of implementation.

94. **Car park revenue** – an aim of the project is to ensure that any lost income from the closure of council owned car parks is replaced by alternative funding sources. The masterplan proposes the closure of Castle Car Park, which currently generates £1.2m per annum, and replacing the surface level car park at St George’s Field, which currently generates £0.4m per annum. In total the replacement of these two car parks with a single multi-storey would result in a net loss of 68 spaces. However, this will be offset by the better promotion of the existing council owned Piccadilly Car Park, which currently experiences low occupancy rates, through extended opening hours, better signage, and the new junction at Piccadilly resulting in improved access from the south.
95. In spite of this, there remains the risk that the changes to parking could result in a reduction in revenue due to:
- the new MSCP being further from the centre of town than Castle Car Park
  - a perception that MSCP’s are less popular than surface level car parks
  - the higher running costs associated with a MSCP impacting on net revenue

The actual impact of the above will not become clear until the new car parking strategy becomes fully operational. However regarding points 1 and 2 it is unlikely these will have a significant impact as the closure of Castle Car Park will mean there is no longer the option of a surface level car park close to the city centre, and the only alternative car parking in this area will be council owned. Additionally the new MSCP will be a high quality modern structure which may prove to be a more attractive option than Castle Car Park, which is difficult to access and has very small parking bays.

96. Should there be a reduction in parking revenue once the masterplan has been implemented this could also be offset by the commercialisation of the new public space that will replace the Castle Car Park. It is proposed that this area would regularly stage events throughout the year, creating a potentially significant new revenue stream. As an example the Shakespearean Rose Theatre which will occupy part of the car park in the summer of 2018 is generating the council in the region of £200k for a 20 week lease of the space. Whilst it is not envisaged that events of this scope and period of time will take place every year it provides a clear

indication of the potential revenue that can be generated to offset any reduction in parking revenue.

97. **Junction funding** - Failing to secure the necessary funding from the West Yorkshire Transport Fund for the junction improvements is a significant risk as there is no alternative funding source or parking strategy identified at this stage. Whilst the MSCP could still be operational without the junction improvements (subject to planning approval) it would need to be accessed via circuitous routes around the gyratory which could impact on the levels of occupancy and subsequent income. Should it be decided that the implementation of the MSCP is dependent on the junction improvements proceeding then the project would need to find an alternative funding source, otherwise the money invested in securing planning permission for the car park would be abortive. Similarly, any expenditure up to that point on work package 2 may also be abortive as without the new MSCP there is no parking strategy to close Castle Car Park.
98. To mitigate this risk the business case for the funding would be made to the WYTF as a matter of urgency. Whilst some of this risk could be offset by delaying the planning applications until funding has been secured this could lead to a significant delay (as the WYTF bid process is considerable), but more importantly it would reduce the chance of any bid being successful as deliverability – evidenced by planning permission – is a key criteria in awarding funding. It would therefore improve the chances of a successful bid to proceed with the bid and planning applications in tandem.
99. **Planning** – Whilst any development carries a risk of failing to secure planning permission, and the Castle Gateway has complex challenges relating to heritage and flooding considerations, the in depth public engagement and involvement of key statutory bodies through the Advisory Group in developing the proposals has allowed some of this risk to be mitigated. The masterplan proposals have also been discussed with development management officers - who have an independent function from the council in their role as local planning authority - and the principles of work package 1 and 2 have been well received. Without taking the next step in submitting planning permissions for the masterplan proposals the project can not proceed, and as such it is viewed to be an acceptable and necessary risk.
100. **Multi-storey car park detailed design and procurement** – to allow the project to proceed at pace and for construction to begin on the MSCP



as soon as possible it is proposed to undertake the detailed design of the building and procure a construction partner alongside the planning application. This does carry an abortive cost risk for the detailed design work should the planning application be refused or significant design changes be required through the planning process. However, the cost is relatively low at £200k and without running the detailed design in conjunction then the MSCP start on site would be delayed, in turn delaying the whole project. Regarding the procurement process, it is not unusual for a tender process to be run alongside a planning process, and should the application be refused the only abortive costs would relate to officer time in administering the procurement exercise. It is therefore proposed that the level of risk is acceptable to ensure the project proceeds at pace.

101. **Failure to proceed with the masterplan** – the masterplan has been developed through extensive public engagement through a new approach which has been so successful that it is now being replicated across other major projects. This process has revealed a real desire to see the regeneration of the Castle Gateway, and a strong consensus over the proposed masterplan. Should the project not proceed to the next stage there would be significant reputational damage amongst both the public and key stakeholders who have also committed extensive time and resource to the project.

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**All**

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**Background Papers:**

Report to the Executive, 'York's Southern Gateway', October 2015

Report to the Executive, 'York Castle Gateway', January 2017

**Annexes**

Annex 1 – Map of Castle Gateway area

Annex 2 – BDP Stage 1 Masterplan Report

Annex 3 – My Castle Gateway Development Brief, September 2017

Annex 4 – BDP Stage 2 Masterplan Report

Annex 5 – My Castle Gateway revised Development Brief, January 2018

Annex 6 – Map of Castle Gateway Masterplan

Annex 7 – BDP Stage 3 Masterplan Report

Annex 8 – Letter from Castle Gateway Advisory Group

Annex 9 – Masterplan Work Packages

Annex 10 – One Planet York Impact Assessment

Confidential Annex 11 – Deloitte Viability and Delivery Report

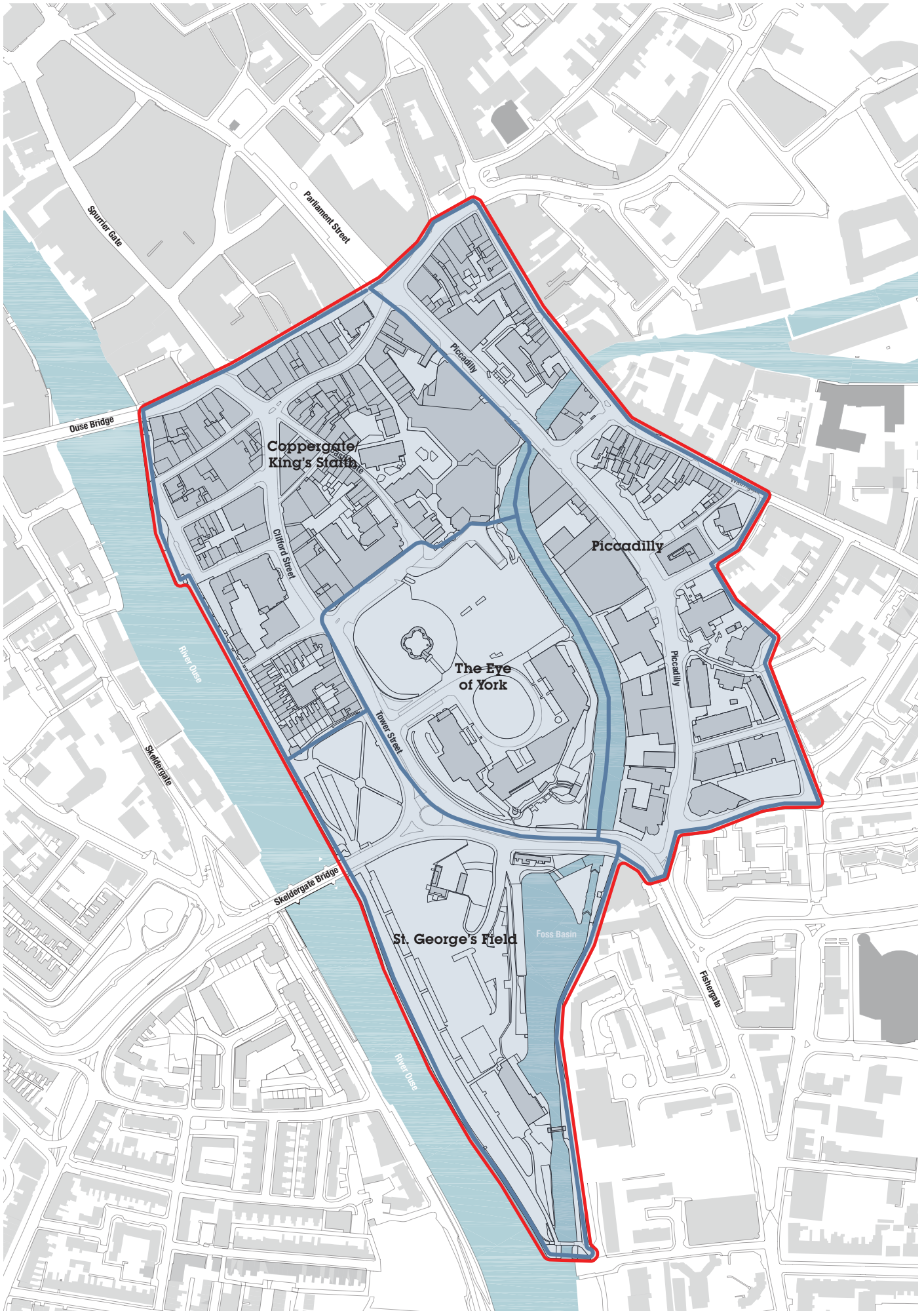
### **List of Abbreviations Used in this Report**

BID – Business Improvement District

MSCP – Multi-storey car park

WYTF – West Yorkshire Transport Fund

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## My Castle Gateway: Masterplan Ideas Feedback

### Introduction

The My Castle Gateway conversation started in June 2017. In the first step of the process - through a series of different type of events and online conversations – we asked two fundamental questions about the Castle Gateway area: “what is important to you about this area?” and “what would you like to be able to do here?”. In the spirit of [“every Post-It counts”](#) we gathered every Post-It, along with social media posts, questionnaire responses and snapshots of all sorts of other comment and response in a [Flickr database](#) which acts as an open, publicly-accessible and searchable resource.<sup>1</sup>

In August, we used the comments collected on the Flickr database, to underpin an [Open Brief](#) which we return to throughout this report to show the links through from the My Castle Gateway brief to the Masterplan ideas to the recent feedback on the ideas.

### Masterplan Ideas: My Castle Gateway Step 3

The My Castle Gateway Open Brief formed a basis – alongside [other financial, policy and technical considerations](#) – for the work of [BDP, engaged by the council to produce masterplan proposals](#). They responded to this brief, looking at:-

- Major sites within the area
- Other interventions in support of wishes stated in the brief, or where other changes created opportunities
- Transport and movement issues
- Financial modelling to investigate costs and benefits

The masterplan ideas were presented in a way which broadly grouped them by area, as:-

1. [King's Staith](#)
2. [Piccadilly](#)
3. [Castle and the Eye of York](#)
4. [St George's Field](#)
5. [The River Corridors](#)

The masterplan ideas were made public in November, and a formal period for feedback ran until 22<sup>nd</sup> December. During this period there were various ways for people to view the masterplan ideas and to respond to them. One of the features of the My Castle Gateway process has been the use of different “platforms” to provide a variety of ways for people to engage. All have been productive in terms of getting different kinds of responses.

The [Masterplan Ideas Launch Event](#) on 25<sup>th</sup>/26<sup>th</sup> November suffered from a short lead time and a bitterly cold weekend, but still got useful attendance of around 80 people. In partnership with Coaching York, who ran Imagination walks to explore the different

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<sup>1</sup> More detailed comments can also be found on [our YouTube channel](#), featuring interviews with a variety of people, all with interesting and relevant things to say.

Masterplan Ideas, we were able to elicit rich and thoughtful responses and videos from individuals and groups with a particular interest in the area.

A number of groups made **formal comments**; all of these had been involved at earlier stages of the process and had contributed to discussions, in some cases organising events. These included York Civic Trust, The River Foss Society, York Cycle Campaign, and York Blind & Partially Sighted Society. We also received specific alternative visions for aspects of the development from [retired planner David Barratt](#) and from York Tomorrow.

Through the council's Castle Gateway Masterplan Ideas website we set up **online surveys** for each idea. The surveys were designed both to gather responses and to encourage rich and reflective engagement. 251 surveys were completed. In general people who contribute via the surveys were keen to be constructive and specific. The vast majority of those that used the surveys to respond were interested in taking the opportunity to offer detailed and imaginative feedback.

We have used **social media** throughout the process (Twitter and Facebook) including "Twitter Hours" to encourage discussion around the "Challenges" events. This has been useful in gaining publicity for events and also for casual input (all of which has been incorporated into the Flickr database). During the masterplan consultation period greater activity was stirred, particularly on the general council Facebook group. The responses here was very mixed; there was a considerable amount of positive (if sometimes sceptical) contribution, but also a lot of very wide-ranging and negative posts on anything from potholes in Huntington to the proliferation of student accommodation. There was clear evidence among many of a mistrust of both the process of engagement with the public, and with the competence of the council as a whole. This is an issue we will return to at the end of report in a section outlining the My Castle Gateway next steps.

The council ran three **drop-in events** at 29 Castlegate in late November and early December. Approximately 110 people attended (a total of 14 hours consultation), and around half of those were already familiar with the project. There was a significant number of local residents who came either to express issues they experience in the Castle Gateway area and ensure any ideas addressed these, or those who simply came to find out more. People passing by were encouraged to come in, resulting in introducing several young people (under 25) and visitors to York to the project and again capturing their comments. All age ranges have contributed, including those with young families. Some wanted to feedback online, but on the day feedback generated 90 Post-it comments and 8 Questionnaires providing 169 separate comments (all added to the Flickr database).

## Structure of the summary of feedback

This summary draws on the structure of the My Castle Gateway Open Brief and the Castle Gateway Challenge themes. Under each of these themes we make reference to specific sites and ideas (using the same reference codes as the masterplan display boards).



## Public Spaces

In terms of Public Space, through the Step 1 Open Brief process people said they wanted to be able to:

- Come together
- Attend large scale [events](#) (music, theatre, fairs)
- Use the Eye of York as a place of [political protest](#)
- [Commemorate and remember](#), especially the 1190 massacre of York's Jewish Community
- Sit down and enjoy the views in lots of different places in the area, including views of the [Ouse and the Foss](#)
- Have spaces where it is possible to reflect, think and remember
- To see interesting things: [art](#), [fountains](#), [wildlife](#), [trees](#)
- To [eat](#) and [drink](#), whether sitting on the ground with a picnic or at cafes/restaurants.
- To linger with [no pressure to buy anything](#)
- Be there at night as well as during the day
- Be there all year round

The masterplan proposals included a number of ideas which responded to the wish for a new public space for a variety of uses, for increased richness of uses of existing public spaces and for the use of street space to create public place rather than simply allow traffic movement.

Perhaps the most important of the Key Ideas was the proposal for new uses for Castle Car Park (Site C1). This received a [large volume of comments and responses](#). The [majority of these supported the closure of the car park](#) and creation of new parking elsewhere, although there were [a minority of responses in favour of retaining and improving parking there](#), or generally stating that city centre parking was important. There were more "keep it" comments on social media than via other routes.

The majority of responses in favour of public space suggested [a place where people could spend time](#). Some people imagined a place where [music](#) or [theatre](#) events took place. Others simply a ['space to relax'](#). Or a place which provided [orientation](#), [child-focused activities](#), or respite from shopping. There was a number of comments which called for the proposed [Clifford's Tower Visitor Centre to be resited somewhere else as part a new public space](#).

There was a common request at the open brief stage for a place [not taken over by commerce](#), although responses to the masterplan leaned more in favour of [cafes and restaurants](#). For some there was a sense that cafes/restaurants should be permanent and housed within [new and existing buildings](#), for others they imagined food and drink as 'street food' from temporary kiosks. There was some support for increased [green space](#) (perhaps expanding the green around Clifford's Tower) but also suggestions of other ways that green landscape could be introduced into [harder landscaping](#).

Many responses suggested that the re-purposing of the car park area should be part of an [overall landscape scheme](#) for the Eye of York area (T5) which involved artists (T9). That said, there was a feeling that the artistic interventions were an idea that was both [‘fantastic and dangerous’](#), that commissions should be part of the [‘overall design’](#) and that briefing should be done with care and in ways when ensure it [‘reflects York’](#). Imaginative (but not intrusive) [use of lighting](#) was welcomed (T10).

There were [many responses to the suggestion](#) of a new building at the rear of the Coppergate Centre, fronting on to the Castle and Eye of York (Site C3). The [most frequent comments](#) were that this should better link the shopping centre with the proposed new public space, that it should provide toilets, and should be carefully designed to improve the aspect and to maintain views. Removal of the redundant Coppergate service ramp (T8) was mentioned and supported in a small number of responses.

There was support for the possibility of [the Castle Museum extending](#) and creating a new entrance and better links with outdoor space (Site C2), though there were concerns with a [new extension at the end of the Female Prison](#).

Across Tower Street in Tower Gardens (Site RC2), there was [much discussion](#) around the suggestion of a new building (RC2B). There was overwhelming [support for the Arts Barge](#) project (T13) and strongly felt concern for any development or changes that did not accommodate the Arts Barge. The most common response was to [say no to the Pavilion](#) (Idea B) as there was a perception that it may disrupt the Art Barge plans. Yet there were other objections, such as any structure would include [blocking views to the Ouse](#). There was a minority interest in the benefits a building could bring, although maybe located in a different part of Tower Gardens, potentially providing a platform area from the bridge to allow use in times of flood.

There was positive interest [in landscaping](#) (also T12), this included dealing with flood resilience (possibly [with paving](#)), a big vote for [more seating](#) and some interest in using trees to create a [peaceful Tower Gardens](#) (although throughout the entire My Castle Gateway process there have been [conflicting views](#) on trees in Tower Gardens and elsewhere). There were some responses in favour of encouraging [new activities](#) but also others who wanted it to remain simply a quiet space.

On St. George’s Field, there was [a limited but positive response](#) in terms of screening the existing sewage pumping station (T17) and commemorating the site of the Knights Templar chapel (T18). While many were in favour of a multi-storey on St George’s Field (see below), there was a small minority who were concerned for the future of [the fair](#) or interested in it being a [green, open space](#), issues also expressed through [a film made in the first phase of My Castle Gateway](#).

To the other side of the Castle and Eye of York across The Foss, there was support for making the northern end of Piccadilly (P1 and T2) into [a pedestrian space](#), rather than its current perception as an overly-wide and unattractive street. Links across The Foss are discussed below.

## Movement

Through the Step 1 Open Brief process people said they wanted to be able to:

- [Walk](#) or [cycle](#) up from the Foss Basin into town and beyond, with continuous, safe, and (preferably) [traffic-free](#) routes
- Cross more easily from [Walmgate](#) into the Castle area
- Cycle safely on the Tower Street [dual-carriage Gyratory](#) and to easily use it to [connect into town and onto Skeldergate Bridge](#)
- See and access [the Foss](#) from Piccadilly, preferably via routes which allow circulation
- See and access [the Foss](#) from the Castle area and to feel closer to the water
- For development between Piccadilly and the Foss to face onto the Castle area and make the most of the [views](#) and connections
- Celebrate and share the industrial history of the Foss and Ouse and to see [barges and boats](#) on the Foss
- Move between the Castle area and Tower Gardens more easily and to feel greater [connection](#) between them.
- Be able to enjoy [Tower Gardens](#) with less background traffic noise
- Be sure [blue badge holders](#) can park
- Use [Park and Ride](#) in the evening to get into town and reduce the need to drive in and to park
- Breathe freely, less air pollution
- Find their way intuitively in order to reduce need for signposting
- Know [parking](#) is dealt with, but in ways which don't conflict with other aspects of the brief
- [Park their bikes](#) securely and then walk easily on from there.

The masterplan included a number of ideas related to either creating new routes or making changes to existing road infrastructure, together with proposals for relocation of parking spaces from Castle car park to other possible locations.

The creation of [a new foot/cycle route](#) (T11 and T13) from Blue Bridge to the proposed new public space in the Castle / Eye of York running behind the Castle Museum alongside the Foss generated [a large volume of responses](#) and was almost universally well-received. There was support for (T16) a [safe crossing over the gyratory](#), and enthusiasm for [the new riverside route](#). A widely noted issue related to providing good reasons to spend time while maintaining a through route. Another – one where there are significantly different views – related to how to providing conflict-free use of the Foss Walk by both pedestrians and cyclists (where we had specific input by York Blind & Partially-Sighted Society and [York Cycle Campaign](#) and [other local cycling campaigners](#)) with 'shared space' being strongly argued against by York Blind & Partially-Sighted Society. Other considerations included flooding, lighting and how to ensure the path is not a lonely space at night.

There was general support for the [proposed new bridge across the Foss](#) (linking the Castle / Eye of York and Piccadilly – T4) and again there were issues of design mentioned – a number of responses suggested the bridge should be wide enough to be a destination in itself (much like the Millennium Bridge). As noted above there were a number of responses suggesting

encouraging pedestrian / cycle use of Piccadilly (T2) and [references](#) were made to the connection between these two ideas and the Foss walk. There were also negative opinions via social media questioning the value of the bridge and questioning [what it was supposed to be linking](#).

Regarding changes to existing roads, there [were some responses](#) to suggested changes to the Tower Street Gyratory, which were mainly in favour of redesigning the existing junctions (T3) to provide better / safer movement (although there were others who found the proposals confusing). Linked to this, traffic reduction (to bus-only or beyond) on Tower Street / Clifford Street (T6) and complete pedestrianisation of Castlegate was [supported by a number of people](#), particularly in respect of better connecting Tower Gardens with the Castle / Eye of York. The issue of parking for people with limited mobility (blue badge holders or not) was mentioned by [a number of respondents](#) although no particular solution emerged as a consensus. There were conflicting responses in respect of amending traffic and bus movements on and around Piccadilly (T1).

The masterplan ideas suggested two possible locations for a new multi-storey car park to replace the Castle car park spaces if this were put to other permanent use. There were a number of responses which were [against the removal of the current car park](#), but these were outnumbered by responses supporting other uses on the site. The replacement with an underground car park on the same site was [mentioned by a few respondents](#) but there was acknowledgement by others [of problems of cost and flooding](#). The Coppergate Centre multi-storey carpark was also mentioned but only by a few respondents (for example the [Civic Trust](#) criticising its location).

Of the responses addressing the [two suggested alternative locations](#), St.George's Field (Site SGF1) was [greatly preferred](#) over Castle Mills (Site P3). Reasons varied, from feelings that St.George's Field was further out from sensitive historic sites and hence had less impact, to the fact that traffic access to Piccadilly was seen as more problematic (as Castle Mills is inside the inner ring road, whereas St. George's Field is outside it). However there were various additional [points made in respect of broader thinking](#) – a number of responses pointed to the use of shuttle vehicles to “shorten” the distance from the relocated car park to the city centre, and some voiced ambivalence over the need for the substantial investment in city centre parking when the council was encouraging the use of [Park & Ride](#).

## Living Well With Water

Through the My Castle Gateway Step 1 Open Brief process people said they wanted to be able to:

- [Enjoy the views](#) of both rivers
- Appreciate the [wildlife](#) of the rivers
- Use [boats](#) – barges and canoes – on the Foss
- Walk and cycle both rivers into town
- Recognise that York [will flood](#), and work creatively with that reality
- [See the Foss](#). Reverse the current situation where the town turns its back on the Foss, and recognise the value that water has in an urban setting.

Support for the proposed new Foss River walk has been noted above (in “Movement”). In terms of [The Foss Basin site \(RC1\)](#) there was a general interest in some residential accommodation (RC1 B) and new activity with contributions (e.g. River Foss Society) noting this might address [anti-social behaviour](#). There were some contributions which were [supportive of apartments](#) (RC1 B) but many said that they would support apartments only if [they were affordable](#). There was support for [house boats](#) and for a place [for visiting boats](#). In terms of new activities [swimming](#) and other [water-based activities](#) (mentioned in idea T13) were welcomed. [Wildlife](#) was noted a consideration in any new development.

Some people welcome ideas for [new cafes and bars](#), others very strongly wanted the area [to be left alone](#) and for it to [remain quiet, reflective space](#).

In terms of the [Blue Bridge/Confluence of the Rivers site](#) (RC3) / (T19) a proposal for public art and/or a viewing platform was suggested. This was not an issue which provoked many comments (27). A majority of respondents [were not in favour of this idea](#), partly as it is an area already [well used by anglers](#). Of these people, there was an interest in [more seating](#). A minority were interested in this idea, and that it was full accessible to wheelchair users was flagged.

One proposal (T10) was to [Relocate the river cruise pontoon and embarkation point to Tower gardens](#). Very few people responded to this but those that did [were against it in Tower Gardens](#) (and the responses to the building in Tower Gardens should be read as a wider concern with activities that might affect the Arts Barge), with [one suggestion, from York Civic Trust](#), that this could work in King’s Staith.

Proposal T14 was the [Relocating the war memorial from the Tower Street roundabout to a site within Tower Gardens](#). In general the responses were [in favour of moving the war memorial](#), in large part because it was believed to increase access. There was [one contribution against](#) from York Civic Trust who thought it would ‘reduce its impact’.

## Ownership and Values

Looking at the responses through the lens of our final Challenge ‘Ownership and Values’ allows us to draw together contributors’ views on issues of financial delivery and the role of Council in development. Yet is also allows us to connect those questions to the crucial issue of local ownership over the area as well as the ability for people who live in York to continue to be able to shape the Castle Gateway project as decisions start to be made and, more fundamentally, to be active in the city’s local democracy.

Through the Step 1 opening briefing process people said they wanted to be able to:

- Shop at independent shops or visit independent [cafes](#) or restaurants
- Develop small and [independent businesses](#)
- [Not have to spend money](#) – a place to hang out for free
- Develop DIY, small-scale [community](#) enterprise and [community arts](#)
- Be sure that different ways of being in the space will be enabled and encouraged
- Enjoy being in spaces alongside tourists and for both groups to happily co-exist

- Live affordably in their city in [low cost social housing](#)

### *Community/local ownership over the area*

There were a significant number of comments emphasising that the area should be [for 'locals'](#). This was especially articulated in terms of Piccadilly in terms of [small businesses](#) (more on this below) but came up regularly in answer to many other Masterplan Ideas too. Tensions articulated throughout the My Castle Gateway process between the tourists [and locals](#) and between the city which is for tourists and the [suburbs](#) which ['are in decline'](#) came up regularly in response to the masterplan ideas. This was also articulated in terms of tensions between student accommodation versus affordable housing for local people (both on [Piccadilly](#), the [Castle Mills site](#) and [in general](#)). We need ['more student accommodation'](#), ['more coffee shops please'](#) or ['more hotels and restaurants obvs'](#) acted as sarcastic comments which tended to attract 'likes' on the council's Facebook group.

### *Piccadilly as a place for local and small business*

There was almost universal support for creating the [conditions](#) for small business on Piccadilly. Under this banner there was a lot of very positive support for Spark (Site P1), with [very imaginative ideas of what it might mean to visit the area in the future](#). Others were very supportive of the spirit and ethos of Spark but saw a more [permanent set of buildings](#) being necessary. There was a lot of support for creative, artistic business, street food and cafes while others called for [greengrocers](#) and more everyday shops rather than only, what they regarded, as ['hipster' businesses](#).

There was a significant minority who were [against Spark](#) for aesthetic reasons, this was much more prevalent on the council's Facebook page than via any of our other modes of feedback.

### *The Role of City of York Council*

In the Masterplan Ideas [Northminster and Banana Warehouse sites \(36 to 50 Piccadilly\)](#) (Site P2) we ask people about the role they thought the City of York Council should play in relation to developers. While there were a few in support of simply [encouraging developers](#), and some keen on [influencing developers](#), the majority were in favour of the Council taking a more proactive role and acting as [a partner in development](#). Two strongly-worded contributions emphasised the council needed to be [much more proactive that it is currently](#) and another mention possible use of [Compulsory Purchase Orders](#) on Piccadilly.

### *Paying for the Castle Gateway Ideas*

In terms of paying for the regeneration of the area, there were perhaps two main trends. Some acted to make compromises through volunteering certain sites for more commercial development as trade offs (Castle Mills Car Park – Site P3). Another significant strand that arose via Facebook was scepticism about the costs of delivering the project, and suggestions that the money would be better spent on other things such as potholes, [public toilets](#) and social care. This is an area that needs further public exploration in the next step of My Castle Gateway.

## *A question of local democracy*

For many this concern that [locals](#) were not being considered reflected a deeply-rooted scepticism about the council in terms of its ways of working and its sincerity in seeking engagement. Indeed, the [hope that the My Castle Gateway project indicates a new approach](#) has been a feature of feedback on both the My Castle Gateway Briefing and Challenges process.

One issue emerged through the idea for the Pavilion in Tower Garden's Arts Barge, which was seen by many to be an example of the council not working well in partnership. The Arts Barge did figure in the masterplan ideas under [River Corridors Transport and Public Realm ideas](#) but it was not flagged under the RC2 idea for the pavilion. As a result it was very easy for people to think the Arts Barge and its planning approval had been ignored in the masterplan ideas. While it was not the intention to sideline the Arts Barge, the responses do reflect concern amongst local people over the council's ability to respond to and encourage local people's creativity and ambitions. The next phase of My Castle Gateway will very actively seek to keep open the dialogue between Castle Gateway project and this knowledge, creativity and energy. Part of the challenge here is to keep showing the public that the council [is going take the My Castle Gateway process seriously](#).

There were persistent comments on the council's Facebook page - linked to posts on Castle Gateway – which reflected [a lack of faith in the council and in the possibility of a positive future for York more generally](#). It would be easy, perhaps, to dismiss these comments but they reveal their lack of confidence they will be heard and that they can – in partnership with the council and other local people – make a difference to places they live, work and care about. Working, as My Castle Gateway has, across these different platforms (survey, facebook, twitter) and different kinds of events has made visible quite different social networks, information contexts and quite different senses of whether change is possible. The next phase of My Castle Gateway will seek to actively work via the council's general Facebook group to engage the conversation in different ways. We were aware this was an issue going into this phase and there were some [excellent examples of positive Facebook interaction](#) from council officers and between people as part of the Masterplan Ideas.

## What happens next?

It was clear from the Step 1 discussions and captured in our brief that people want to be able to:

- Ensure ongoing engagement in the area during the masterplanning process and beyond
- Get involved long term in the area and to make positive changes.

This has been very much confirmed in Step 3. In response to this, this summary has been produced as an interim – rather than in any way “final” – step in the My Castle Gateway process. Below we set out a number of important next steps to continue, develop, deepen and extend the conversation.

## *BDP: Preferred masterplan work*

BDP will be working with the council and with this document to narrow down the choices presented in the masterplan ideas to one preferred masterplan, and this will be taken to the council Executive in April. If adopted, it will form the basis for more formal planning proposals for the area and physical changes which will take a number of years to implement.

But this process of movement towards firm choices will not be simple. Public response to the masterplan ideas does establish a trajectory in some cases (for example there is a clear preference for removal of parking from Castle car park and replacement with a multistorey car park on St. George's Field) but even here – and more so in the case of other sites and ideas – there are challenges which need to be further discussed and explored. Specifically there is a need to develop the partnerships between the council and local groups and individuals which have already led to creative input into the masterplan around public space, movement and use of the rivers.

For **My Castle Gateway Step 4** – as the Preferred Masterplan is developed and beyond – we propose three interlinked strands of work.

## *Public Debate: The Castle Gateway Challenges Continue*

The first is to continue our Step 2 Challenges discussions, to convene ongoing, creative discussion about the underlying and core issues for Castle Gateway. Between January and June 2018 we will run a series of open events to address these challenges head on. As part of these challenge discussions, there is also a need to ensure that the considerable expertise within the city on a variety of issues – transport planning, heritage, flood resilience and others – can be drawn together to cross boundaries between organisations or departments. We will seek to cultivate open and public debate about issues which will not only be important in the development of Castle Gateway but also have wider relevance to the city as a whole.

These might include:-

- Making more publicly accessible the BDP transport modelling done within the masterplan process, and looking at this alongside the transport modelling carried out by Tony May for the Civic Trust, together with the work of York Cycle Campaign and the Walk Cycle Forum
- Continuing conversations between stakeholder bodies which have begun during Advisory Group meetings – for example asking the Environment Agency and Historic England to jointly explore issues around flooding and flood resilience through public events.

## *Short-term action, Long term influence*

The second is that we want to develop – in partnership with, and with practical support from the council – Local Networks for Action based around specific areas within Castle Gateway to ensure:-

- Community-led changes can start to happen now, with necessary small-scale investment through Ward Committees and opportunities for local people to lead change within the framework of the overall Castle Gateway development,



- Ideas can be tried and tested, allowing more radical local change to be given a chance without the need for commitment to permanent change. This might include trialling locations for benches in Tower Gardens, or getting agreement for short-term trials of routes for pedestrian or cycle movement. It might include temporary activities within Castle car park (the Rose Theatre being a pioneer of this idea) or one-off events which might lead to more permanent activities (for example swimming in the Ouse).

### *Fostering a positive democratic culture in York*

Finally, My Castle Gateway has proved – if there was ever any doubt – that there are a large number of people thirsty to be constructively and thoughtfully-engaged with the tough and complex questions facing the city. There are also a significant number of people – through groups, as activists, as professionals – who want to roll up their sleeves and use their knowledge, creativity, ideas and energy to shape the Castle Gateway and York more generally. Yet there are also people who feel let down by local government/public organisations leading to cynicism and negativity, although clearly this is not new and is not a York-only phenomenon. Building on the positive work by the council officers through the council's Facebook as part of My Castle Gateway, there is scope to develop further ways in which the City of York Council – and the networks developed through Castle Gateway conversation – can actively contribute to fostering a democratic culture via online engagement.

### How to remain (or get!) involved

Keep in touch via [Twitter](#) or via [My Castle Gateway Facebook page](#)

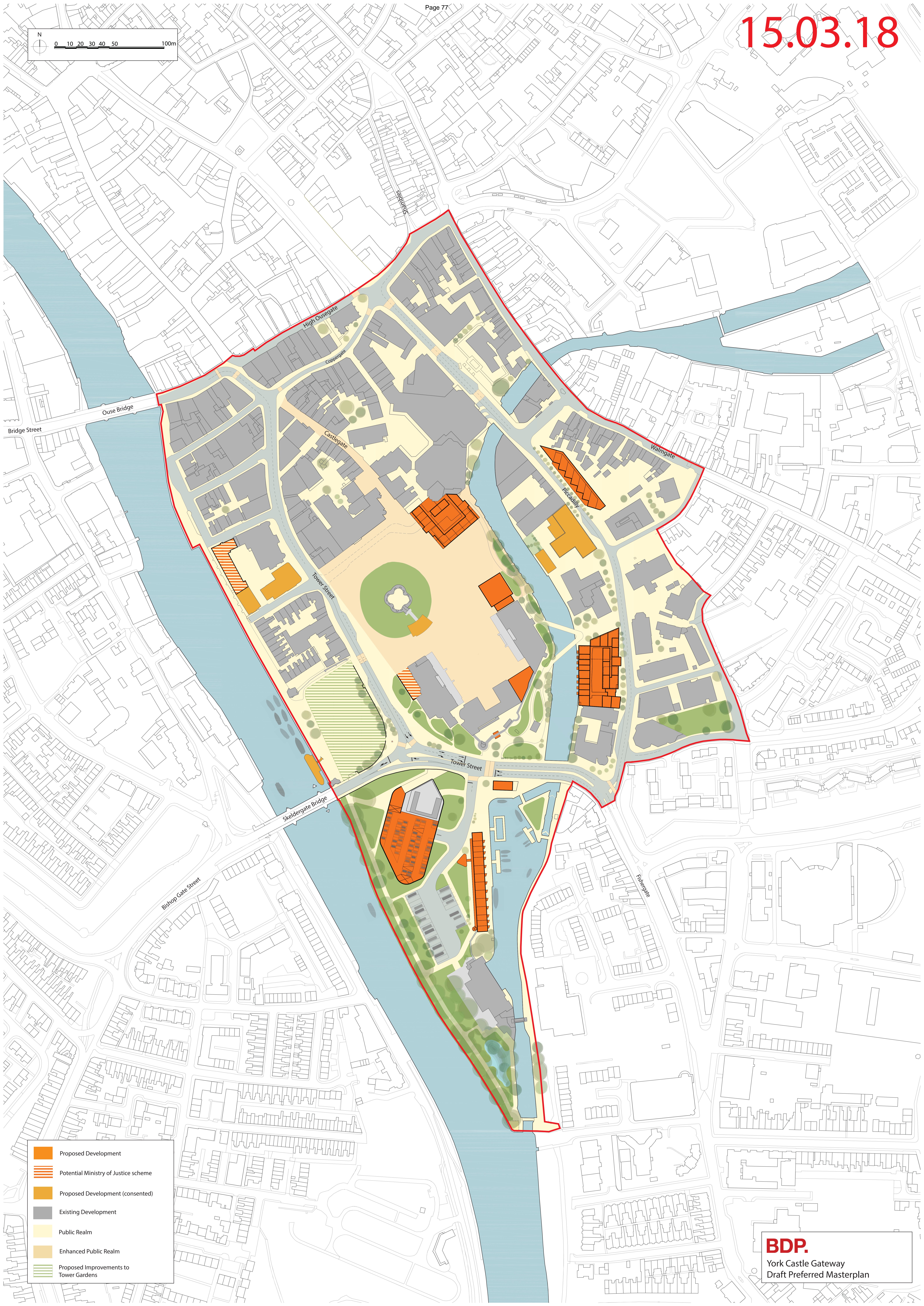
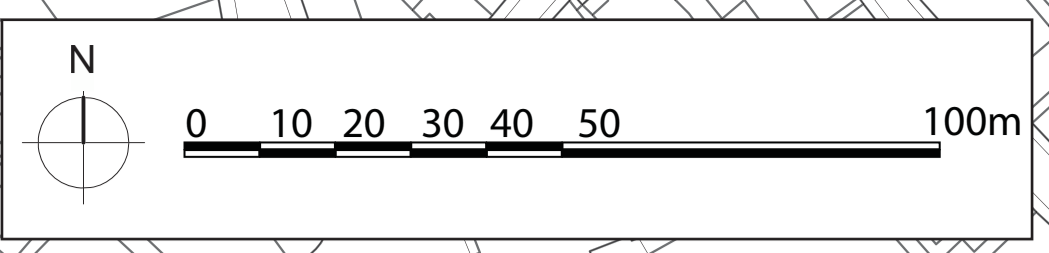
Join the discussion on the [My Castle Gateway Facebook group](#)

Follow our project post its and photographs [on Instagram](#) and [on Flickr](#).

Email: [mycastlegateway@gmail.com](mailto:mycastlegateway@gmail.com)

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15.03.18



- Proposed Development
- Potential Ministry of Justice scheme
- Proposed Development (consented)
- Existing Development
- Public Realm
- Enhanced Public Realm
- Proposed Improvements to Tower Gardens

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The Red House  
1 Duncombe Place  
York  
YO1 7ED

Tracey Carter  
City of York  
West Offices  
Station Rise  
York  
YO1 6GA

21/03/2018

**Re: Castle Gateway Master Plan**

Dear Tracey

On behalf of the Castle Gateway Advisory Group made up of representatives of:

English Heritage.  
Historic England.  
Make it York.  
York Archaeological Trust.  
York Civic Trust.  
York Conservation Trust.  
York Museums Trust.  
The Environment Agency.

I am writing to confirm that we have been constantly informed and updated by the council and BDP of the progress on the initial work needed to create the Master Plan for this area of York.

We have been very impressed by the process where the problems and opportunities that have been identified and equally impressed by the initial solutions BDP have produced, together with the public consultation work carried out by My Castle Gateway.

We appreciate that at this stage this is far from the final plan, and naturally over the process of time much more detail will need to be resolved.

However we are totally supportive of the work carried out so far and would like the council to commit to the next phase of this exciting and very important City shaping development plan.

I would happily attend any meeting representing the group to confirm commitment to this project.

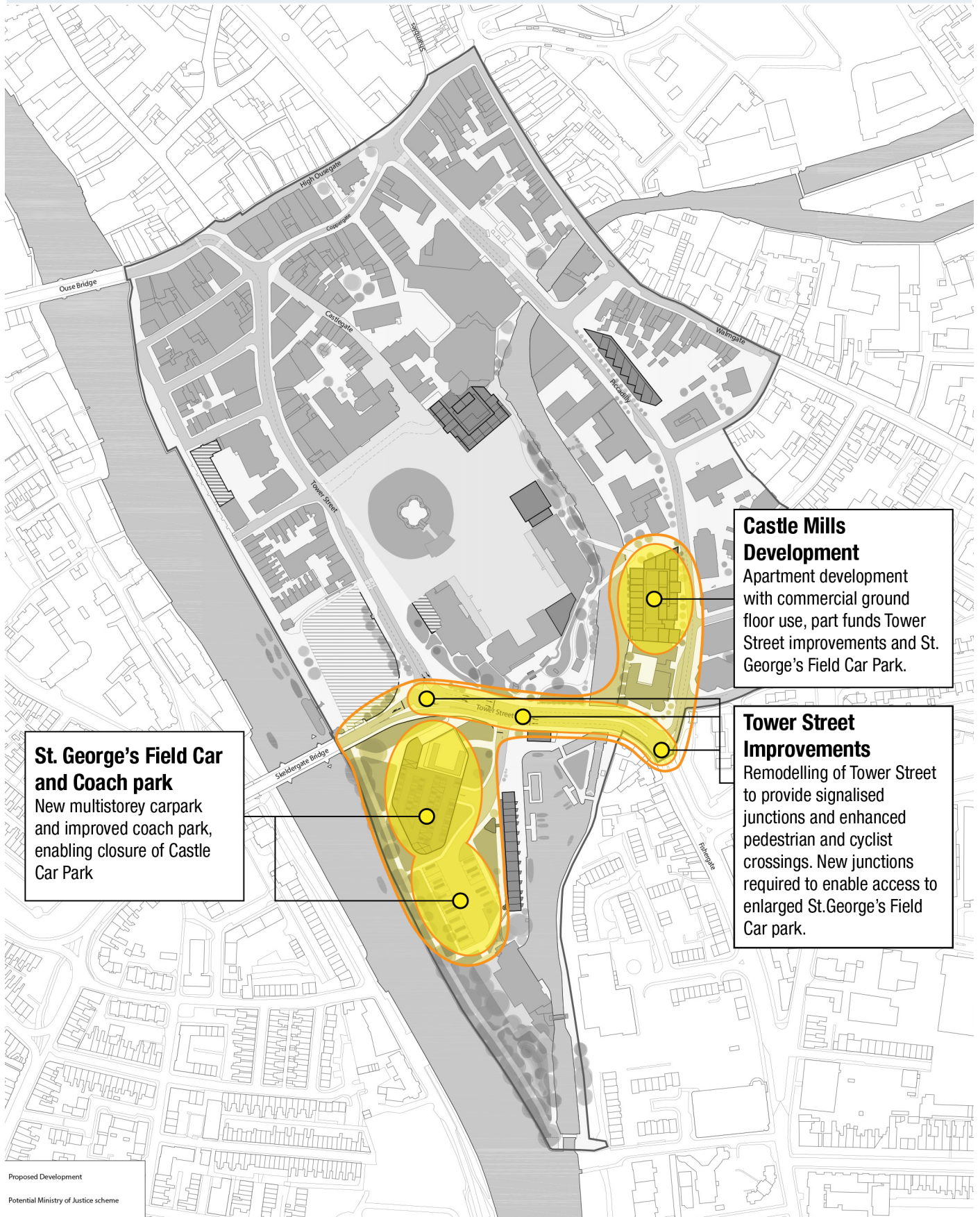
Yours sincerely

Paul Stansfield  
BID Director

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**PACKAGE 1 - Enabling Works**

- St George's Field MSCP and coach park
- Castle Mills apartments
- Tower Street (ring road) junction remodelling



**Castle Mills Development**  
 Apartment development with commercial ground floor use, part funds Tower Street improvements and St. George's Field Car Park.

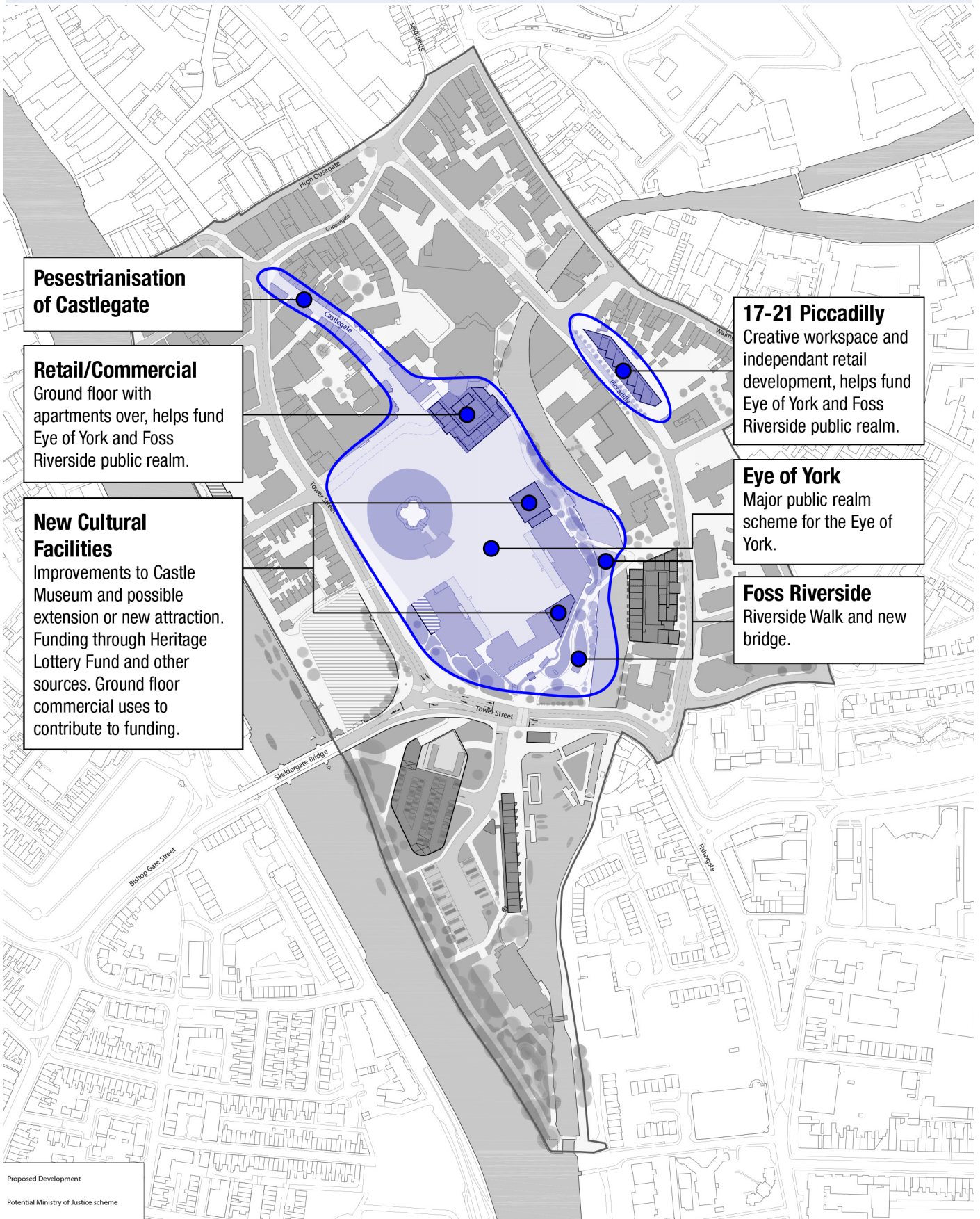
**Tower Street Improvements**  
 Remodelling of Tower Street to provide signalised junctions and enhanced pedestrian and cyclist crossings. New junctions required to enable access to enlarged St. George's Field Car park.

**St. George's Field Car and Coach park**  
 New multistorey carpark and improved coach park, enabling closure of Castle Car Park

Proposed Development  
 Potential Ministry of Justice scheme

**PACKAGE 2 - Eye of York / River Foss north**

- Eye of York public realm scheme and Pedestrianisation of Castlegate
- Coppergate Centre extension
- Riverside walk north and new Foss bridge
- Mixed-use development of 17-21 Piccadilly
- New cultural facilities (subject to securing funding e.g. Heritage Lottery Fund)



**Pesestrianisation of Castlegate**

**Retail/Commercial**  
Ground floor with apartments over, helps fund Eye of York and Foss Riverside public realm.

**New Cultural Facilities**  
Improvements to Castle Museum and possible extension or new attraction. Funding through Heritage Lottery Fund and other sources. Ground floor commercial uses to contribute to funding.

**17-21 Piccadilly**  
Creative workspace and independant retail development, helps fund Eye of York and Foss Riverside public realm.

**Eye of York**  
Major public realm scheme for the Eye of York.

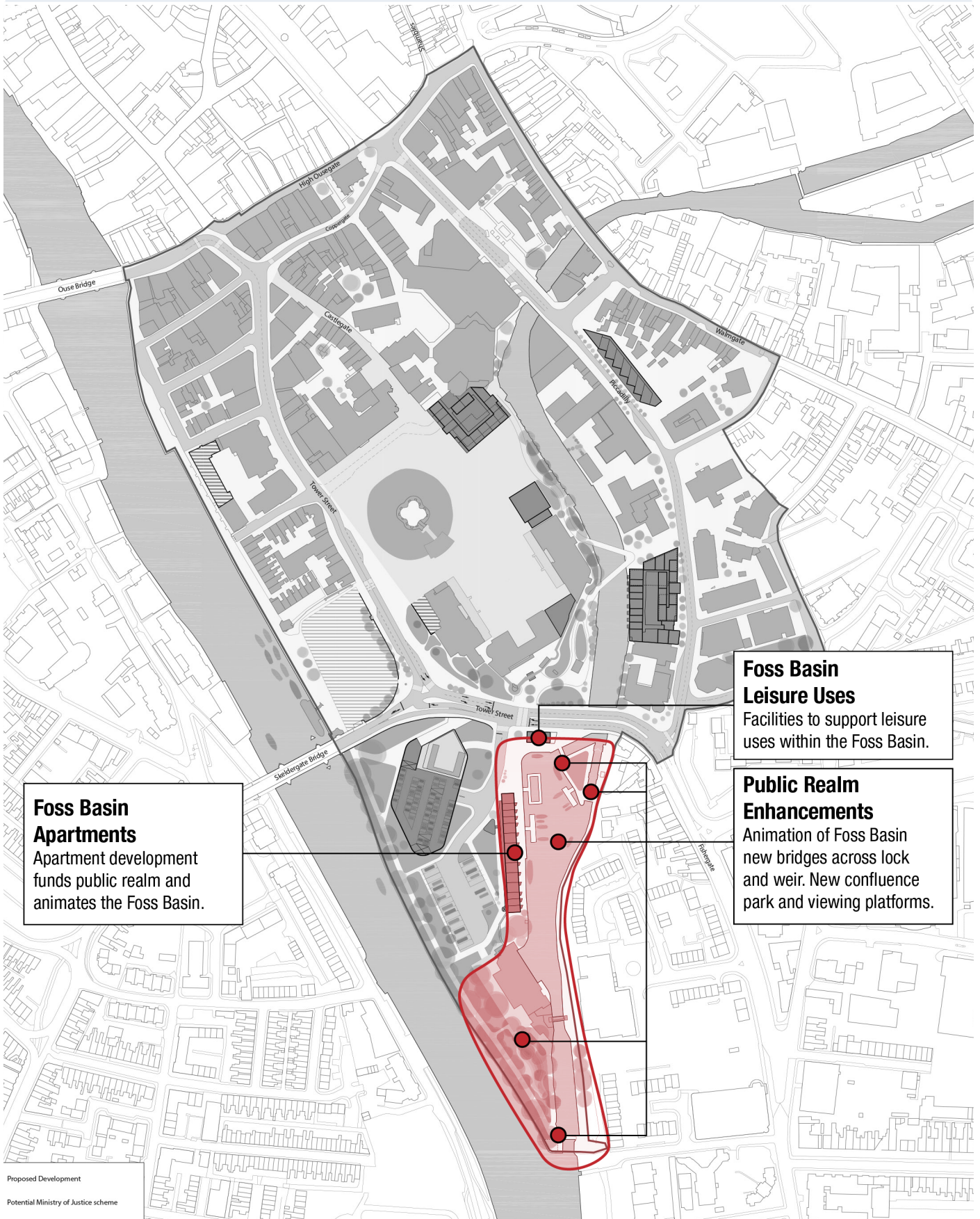
**Foss Riverside**  
Riverside Walk and new bridge.

Proposed Development  
Potential Ministry of Justice scheme



**PACKAGE 3 - Foss Basin**

- Foss Basin apartments
- Foss Basin leisure uses
- Castle Mills lock bridges
- Confluence public art
- St George's Field public realm



**Foss Basin Apartments**  
Apartment development funds public realm and animates the Foss Basin.

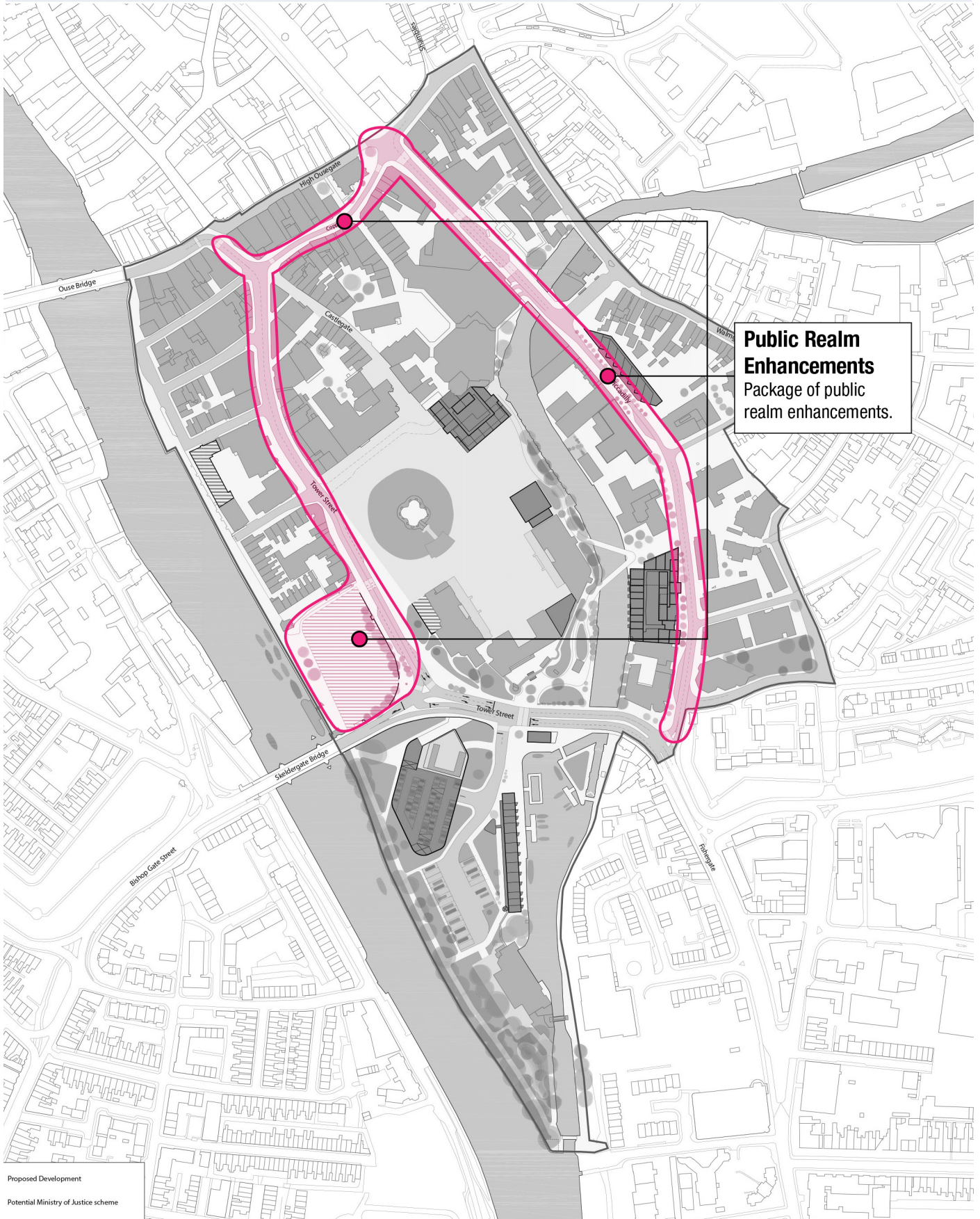
**Foss Basin Leisure Uses**  
Facilities to support leisure uses within the Foss Basin.

**Public Realm Enhancements**  
Animation of Foss Basin new bridges across lock and weir. New confluence park and viewing platforms.

Proposed Development  
Potential Ministry of Justice scheme

**PACKAGE 4 - Piccadilly / Tower Gardens**

- Piccadilly upgrade
- Coppergate one way
- Tower Gardens public realm enhancement
- Tower Street upgrades



**Public Realm Enhancements**  
Package of public realm enhancements.

Proposed Development  
Potential Ministry of Justice scheme

The 'Better Decision Making' tool has been designed to help you consider the impact of your proposal on the health and wellbeing of communities, the environment, and local economy. It draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services by considering the equalities and human rights implications of the decisions we make. The purpose of this tool is to avoid decisions being made in isolation, and to encourage evidence-based decision making that carefully balances social, economic and environmental factors, helping us to become a more responsive and resilient organisation.

The Better Decision Making tool should be used when proposing new projects, services, policies or strategies, or significant amendments to them. The tool should be completed at the earliest opportunity, ideally when you are just beginning to develop a proposal. However, it can be completed at any stage of the decision-making process. If the tool is completed just prior to the Executive, it can still help to guide future courses of action as the proposal is implemented.

**The Better Decision Making tool must be attached as an annex to Executive reports. A brief summary of your findings should be reported in the One Planet Council / Equalities section of the report itself.**

Guidance to help you complete the assessment can be obtained by hovering over the relevant question.

Please complete all fields. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

### Introduction

<b>Service submitting the proposal:</b>	Regeneration and Asset Management
<b>Name of person completing the assessment:</b>	Sue Houghton
<b>Job title:</b>	Commercial Project Officer
<b>Directorate:</b>	Economy and Place
<b>Date Completed:</b>	12.4.18
<b>Date Approved</b> (form to be checked by head of service):	13.4.18

### Section 1: What is the proposal?

1.1	<p><b>Name of the service, project, programme, policy or strategy being assessed?</b></p> <p>This report to Executive seeks approval for the preferred Castle Gateway masterplan and two packages of work (work package 1 and work package 2) on land at St George's Field, Castle Mills, Fishergate gyratory, the Eye of York and Castle Car Park, the rear of the Coppergate Centre, land to the rear of Castle Museum, Castlegate and 17-21 Piccadilly. In the context of the One Planet Council Better Decision Making Tool, future work for these elements will be the subject of separate assessments in preparation for future decisions.</p>
1.2	<p><b>What are the main aims of the proposal?</b></p> <p>The overall aim of the Castle Gateway project is to regenerate the Castle Gateway area, improving the locality and maximising social and economic benefits for the city. The aim of the preferred masterplan is to set a framework and spatial vision and provide planning and development principles to guide development of the area over a 10-20 year period. The work packages have been structured in a way that allows discrete elements of the masterplan to be funded and progressed to the next stage of delivery.</p>
1.3	<p><b>What are the key outcomes?</b></p> <p>Masterplan outcomes will include economic and environmental benefits, the delivery (and funding) of infrastructure improvements, dealing with matters such as congestion and increased flood resilience. Critically a key outcome will also be to increase the sense of York Castle Gateway as a valuable and well-used part of the City of York on the part of residents, visitors and businesses.</p> <p>Key outcomes of the work packages 1 and 2 will be to remove car parking from the setting of Clifford's Tower and the Eye of York and provide replacement modern city centre car parking in a new multi-storey car park at St George's Field. It will also allow work to fund and progress delivery of:</p> <ul style="list-style-type: none"> <li>- A new residential and leisure building at the rear of the Coppergate Centre.</li> <li>- New public space around Clifford's Tower and the Eye of York.</li> <li>- Better pedestrian and cycle routes throughout the area.</li> <li>- New residential and commercial development at Castle Mills Car Park and 17-21 Piccadilly.</li> <li>- Improvements to public spaces and streetscapes throughout the area.</li> </ul> <p>Progression of the masterplan will also support the York Museums Trust ambitions for the Castle Museum.</p>

### Section 2: Evidence

2.1	<p><b>What data / evidence is available to support the proposal and understand its likely impact?</b> (e.g. hate crime figures, obesity levels, recycling statistics)</p> <p>The Castle Gateway scheme is embedded in the Local Plan and is underpinned by evidence base work undertaken to support the Plan. Site specific technical work undertaken to support the masterplan includes the Castle Piccadilly Engineering Constraints Study (Arup 2015) and transport technical work undertaken by WSP (2017). The Castle Piccadilly Planning Brief, which was agreed in 2006, also provides an important evidence base. A list of relevant documents to support the masterplan can be found in Appendix 1 of the BDP Masterplan Stage 1 Report (March 2018). A technical review of transport proposals can be found in Appendix 1 of the BDP Masterplan Stage 2 Report (December 2017). Both documents are attached as annexes to this Executive report.</p>
2.2	<p><b>What public / stakeholder consultation has been undertaken and what were the findings?</b></p> <p>A bespoke, comprehensive approach to public consultation and engagement has been undertaken over the past 12 months from a very early stage in the project and will continue on an ongoing basis. An advisory group of principal land holders and custodians for this area of the city has provided advice and critical challenge to emerging masterplan proposals. My Castle Gateway, a long term bold and innovative public engagement initiative, has reached a diverse audience through a wide range of participatory approaches including social media (Facebook, twitter, instagram and YouTube channels), events, walks, talks and debates. Further detail can be found online on the My Castle Gateway website. My Castle Gateway is an ongoing and open conversation which has ensured that the public has been involved from the very early stages of visioning and masterplanning and will continue to be involved through the delivery stages of the project and beyond. In addition, officers have regularly engaged with other key stakeholders with an interest in the area and internally with Members and council officers.</p>
2.3	<p><b>Are there any other initiatives that may produce a combined impact with this proposal?</b> (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p> <p>Wider development, cultural and transport and other infrastructure related initiatives will have impacts when considered in combination with the Castle Gateway scheme. Strategic cumulative assessment of these issues will be undertaken as part of the strategic plan/development planning process.</p> <p>Further modelling and assessment will be undertaken in connection with development of proposals as they come forward and will have due regard to cumulative issues (internal and external to the project). The most appropriate forms of mitigation will be applied and this will form the evidence and basis for future consultation/further Council decisions on scheme delivery detail.</p>

### Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on residents or staff. This section relates to the impact of your proposal on the ten One Planet principles.

For 'Impact', please select from the options in the drop-down menu.  
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

#### Equity and Local Economy

Does your proposal?	Impact	What are the impacts and how do you know?
3.1 Impact positively on the business community in York?	Positive	The decision to progress work packages 1 and 2 will help to deliver new commercial development which will promote private sector employment growth and increase footfall through the area. Investment in infrastructure will help to create conditions which are attractive to do business in York. New residential development will help to meet York's housing requirements for affordable housing. The impact of the proposals on the business community in York will be the subject of future assessment.
3.2 Provide additional employment or training opportunities in the city?	Positive	As above. The new Piccadilly city centre neighbourhood will create conditions which are attractive to local and independent business. The Spark York initiative at 17-21 Piccadilly aims to bring people and businesses together in a creative and low cost way, creating opportunities for a progression of new jobs over the short to longer term. SparkYork will also set a precedent for other redevelopment sites within the city.
3.3 Help improve the lives of individuals from disadvantaged backgrounds or underrepresented groups?	Neutral	

#### Health & Happiness

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 Improve the physical health or emotional wellbeing of residents or staff?	Positive	It is considered that delivery of the key outcomes identified in 1.3 of this assessment will ultimately deliver net benefits to the city. The scheme proposals will ultimately deliver different typologies of high quality public space where people will be able to come together and participate in a range of activities and events.
3.5 Help reduce health inequalities?	Positive	It is considered that delivery of the key outcomes identified in 1.3 of this assessment will ultimately deliver net benefit to the city in terms of air quality, accessibility and amenity. One of the emerging themes from the My Castle Gateway project was for public areas that people could use without spending money, and this has formed a key part of the masterplan.
3.6 Encourage residents to be more responsible for their own health?	Positive	As above.
3.7 Reduce crime or fear of crime?	Positive	New buildings, infrastructure and public realm will be designed to modern standards of construction and Secure by Design principles. It will also bring back in to use vacant and derelict buildings which present a risk of anti-social behaviour. The decision to progress work packages 1 and 2 will help deliver a scheme with net benefits to the City.
3.8 Help to give children and young people a good start in life?	Positive	The procurement of construction contracts would be subject to council policies on promoting apprenticeships. The next stage of work will also explore opportunities for children's play areas, and will support the Castle Museum's ambitions for expansion.

#### Culture & Community

Does your proposal?	Impact	What are the impacts and how do you know?
3.9 Help bring communities together?	Positive	The decision to progress work packages 1 and 2 will ultimately deliver high quality public space at the Eye of York and Castle area where people will be able to come together and participate in a range of activities and events. New and improved routes for pedestrians and cyclists will facilitate movement and accessibility to public spaces. This will help to deliver a scheme with net benefits to the City.
3.10 Improve access to services for residents, especially those most in need?	Positive	Improved cycle and pedestrian routes will improve transport options for those on low incomes and mobility problems.
3.11 Improve the cultural offerings of York?	Positive	The proposal to close and replace Castle Car Park with a new area of public realm is specifically intended to achieve this objective. The decision to progress work packages 1 and 2 will help deliver a scheme with net benefits to the City. The masterplan also proposes a number of options that could help the York Museums Trust realise cultural ambitions for the Castle Museum.
3.12 Encourage residents to be more socially responsible?	Neutral	

#### Zero Carbon and Sustainable Water

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	<b>Minimise the amount of energy we use and / or reduce the amount of energy we pay for?</b> E.g. through the use of low or zero carbon sources of energy?	Positive	Detail design of a new multi-storey car park at St George's Field will consider interventions to deliver an energy efficient building and electric car charging points. The public infrastructure improvements will also improve sustainable transport routes in to the city.
3.14	<b>Minimise the amount of water we use and/or reduce the amount of water we pay for?</b>	Neutral	

**Zero Waste**

Does your proposal?		Impact	What are the impacts and how do you know?
3.15	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Neutral	

**Sustainable Transport**

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Positive	Masterplan proposals will help to promote a shift towards sustainable transport by improving pedestrian and cycle networks. The decision to progress work packages 1 and 2 will help to deliver an attractive new riverside pedestrian and cycle route from the south of the city in to the Eye of York and Castle area and connect with Piccadilly via a new pedestrian/cycle bridge across the River Foss. A new 'supercrossing' will facilitate pedestrian/cycle access across the gyratory. The proposals will be the subject of further and subsequent evidence base work and Member approvals.
3.17	<b>Help improve the quality of the air we breathe?</b>	Positive	Proposals to promote a shift towards sustainable transport will help to reduce carbon emissions and mitigate against poor air quality. Detail design of a new multi-storey car park at St George's Fields will also seek to deliver interventions to reduce carbon emissions and mitigate against poor air quality (such measures could include for example the introduction of electric vehicle charging points and anti-idling). Further detail on impacts and mitigation will be subject to further assessment and consideration by Members.

**Sustainable Materials**

Does your proposal?		Impact	What are the impacts and how do you know?
3.18	<b>Minimise the environmental impact of the goods and services used?</b>		

**Local and Sustainable Food**

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	<b>Maximise opportunities to support local and sustainable food initiatives?</b>	Neutral	

**Land Use and Wildlife**

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Positive	The decision to progress work package 2 will allow new riverside habitat to be created as part of the new River Foss walk which will help to enhance the city's biodiversity. There could potentially be some loss of trees as a result of masterplan proposals. This will be mitigated by detailed landscape proposals incorporating new and replacement tree planting and increased green landscaping at St George's Field. The proposals will be the subject of further and subsequent evidence base work and Member approvals.
3.21	<b>Improve the quality of the built environment?</b>	Positive	The proposals to close and replace Castle Car Park with a new area of public realm and to provide a new building which will reduce the negative impact of the rear of the Coppergate Centre and servicing yard, are specifically intended to achieve this objective. The decision to progress work packages 1 and 2 will help deliver a scheme with net benefits to the City.
3.22	<b>Preserve the character and setting of the historic city of York?</b>	Positive	This objective has been positively considered in the masterplan framework and will deliver net benefits to the City. The proposal to close and replace Castle Car Park with a new area of public realm is specifically intended to achieve this objective. The decision to progress work package 2 will allow further assessment and consideration of the impact of the proposed public realm and new building on the city's heritage assets. Detail design of a new multi-storey car park at St George's Field will also assess and consider the impact of the proposed building on the historic city and heritage assets in this area. The proposals will be subject of further and subsequent evidence base work and Member approval.
3.23	<b>Enable residents to enjoy public spaces?</b>	Positive	The decision to progress work packages 1 and 2 will ultimately deliver high quality public space at the Eye of York and Castle area where people will be able to come together and participate in a range of activities and events. New and improved routes for pedestrians and cyclists will facilitate movement and accessibility to public spaces. This will help to deliver a scheme with net benefits to the City.

3.40	<b>Additional space to comment on the impacts</b>		
This high level assessment can be used to assess the project at key stages in its development.			

### Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.

If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

#### Equalities

Will the proposal **adversely impact** upon 'communities of identity'?

Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?
4.1	<b>Age</b>	Positive	New and improved public spaces will ultimately accommodate a diverse range of uses and activities for people of different ages from young people to older residents.
4.2	<b>Disability</b>	Mixed	The proposals will ultimately deliver modern standards or accessibility and legibility in the public realm, streetscape and new buildings. However, relocation of parking from Castle Car Park to the new multi-storey car park on St George's Field is likely to have a negative impact on disabled users who currently park in Castle Car Park.
4.3	<b>Gender</b>	Neutral	
4.4	<b>Gender Reassignment</b>	Neutral	
4.5	<b>Marriage and civil partnership</b>	Neutral	
4.6	<b>Pregnancy and maternity</b>	Neutral	
4.7	<b>Race</b>	Neutral	
4.8	<b>Religion or belief</b>	Neutral	
4.9	<b>Sexual orientation</b>	Neutral	
4.10	<b>Carer</b>	Neutral	
4.11	<b>Lowest income groups</b>	Positive	New and improved public spaces will ultimately accommodate a range of uses, activities and events which can be accessed and enjoyed at low or no cost to residents.
4.12	<b>Veterans, Armed forces community</b>	Neutral	

#### Human Rights

Consider how a human rights approach is evident in the proposal

		Impact	What are the impacts and how do you know?
4.13	Right to education	Neutral	No direct impacts
4.14	Right not to be subjected to torture, degrading treatment or punishment	Neutral	No direct impacts
4.15	Right to a fair and public hearing	Positive	Public engagement and consultation was designed and undertaken to ensure that this objective is achieved.
4.16	Right to respect for private and family life, home and correspondence	Neutral	No direct impacts
4.17	Freedom of expression	Positive	Public engagement and consultation was designed and undertaken to ensure that this objective is achieved.
4.18	Right not to be subject to discrimination	Neutral	
4.19	Other Rights	Neutral	

4.20

**Additional space to comment on the impacts**

The public engagement and consultation process was designed to ensure that these objectives were achieved. The My Castle Gateway initiative has ensured that the public has had an opportunity be involved in the visioning and masterplanning from a very early stage and will continue to be involved through the delivery stages of the project and beyond.



**Section 5: Planning for Improvement**

5.1	<p><b>What have you changed in order to improve the impact of the proposal on the One Planet principles?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)</p>
	<p>Development of the January 2017 vision and preferred masterplan for the Castle Gateway project has gradually evolved through a participatory process of engagement with the public and stakeholders over the past 12 months. The My Castle Gateway initiative has been instrumental in enabling the community to shape the emerging proposals and changes have been reflected and embedded in the masterplan as part of an iterative and ongoing process. This has resulted in an overall positive impact of the proposals on One Planet principles and has helped to identify areas where further work will be required help mitigate potential negative impacts on the principles (eg. impact on disabled parking provision, impact on the historic city, and impact on air quality).</p>

5.2	<p><b>What have you changed in order to improve the impact of the proposal on equalities and human rights?</b> (please consider the questions you marked either mixed or negative as well as any additional impacts that may be achievable)</p>
	<p>See above.</p>

5.3	<p><b>Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits?</b> e.g. consultation with specific vulnerable groups, additional data)</p>
	<p>The level and type of further public consultation and engagement will reflect the different stages of delivery of the various elements of the proposals. My Castle Gateway will continue to engage with the public to develop a public brief for the Eye of York and Tower Gardens. As individual projects within the overall Castle Gateway scheme are progressed, consultation with specific stakeholders and groups will build on engagement undertaken to date.</p>

5.4	<p><b>Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?</b> (Expand / insert more rows if needed)</p>
-----	--

Action	Person(s)	Due date

**In the One Planet / Equalities section of your Executive report, please briefly summarise the changes you have made (or intend to make) in order to improve the social, economic and environmental impact of your proposal.**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Executive****26 April 2018**

Report of the Director of Economy and Place  
Portfolio of the Executive Member for Environment

**Allerton Waste Recovery Park****Summary**

1. The purpose of this paper is to update the Executive on the progress of the Allerton Waste Recovery Park (AWRP) project. This is a 25 year project in Partnership with North Yorkshire County Council (NYCC) with the objective of delivering a sustainable alternative to landfill for the treatment of residual waste. A key element is updating the Executive on progress towards the strengthening of the partnership between City of York Council (CYC) and NYCC.

**Recommendations**

2. The Executive is asked to:
  - 1) Review and note progress on the Allerton Waste Recovery Park project
  - 2) Review and note progress on strengthening working arrangements with North Yorkshire County Council on the management of residual waste disposal.

**Background**

3. As a Unitary Authority, CYC has duties around the collection (Waste Collection Authority) and disposal (Waste Disposal Authority) of municipal waste as set out in the Environmental Protection Act 1990. In terms of North Yorkshire, the Districts and Boroughs act as the Waste collection authorities and NYCC acts as the Waste Disposal authority.
4. It is in the interests of the local area, both financially (landfill cost, landfill tax and haulage) and in terms of the environment, to ensure that as much

waste as possible is diverted from landfill and in York there is a history of successful campaigns and projects when it comes to waste prevention and reuse. CYC, as a collection authority, also provide kerbside recycling (including commissioning a City centre service to an environmentally focused community charity, St. Nicks), garden waste collection services and recycling facilities at the Hazel Court and Towthorpe Household Waste Recycling Centres (HWRC). There are also a number of bring banks provided by the Council, through charities and other entities located in supermarkets, on street and other locations.

5. In terms of the overall picture, as a City, and in the context of emerging local and national policy and desire, there will continue to be a drive to prevent, reuse and to increase the household recycling rates. It is assumed in the AWRP contract that recycling rates will be driven up and that the City will grow. It is still the priority to have recyclable material sorted at source in the household as the difference in value to us of sorted recyclable material is £10 of income for every tonne against mixed recycled material, which costs the council £65 cost for every tonne.
6. It is vital that this good work is continued and is placed at the heart of both regional waste strategies (York and North Yorkshire Waste Partnership “Let’s talk less rubbish” strategy) and local strategies (including One Planet York). In this very positive environment there still exists a significant tonnage of residual waste produced by households and businesses every year.
7. Historically, the approach to this, across the UK, has been to landfill residual waste. As well as this presenting environmental issues, it also presents a high cost to Local authorities and residents as there is a landfill tax that UK national government levies on Local Authorities. In the financial year 2016/17 the cost of sending waste to landfill for the authority was in the region of £5.7m

#### **Allerton Waste Recovery Park project**

8. In December 2010, CYC entered into a Joint Waste Management Agreement (JWMA) with NYCC. This supported NYCC entering into a contract with AmeyCespa (identified as preferred bidder in 2009) for the provision of a long term (25 year) Waste management service. The objective of this is to deliver a long term, sustainable alternative to landfill for the treatment of residual waste.

9. AmeyCespa were required to secure planning (February 2013) for a Waste recovery facility at Allerton quarry before confirming the final cost (June 2014). The final cost was presented and NYCC agreed to financial close in September 2014. CYC agreed to progress a JWMA with NYCC at the same time.
10. Key to CYC's ambitions for the contract around recycling, the mechanical treatment process will recover recyclable material (such as metals and plastics) and it is anticipated that it will increase by more than 1% on our reported recycling figures and work is ongoing to increase the amount further. This recycling figure doesn't factor in additional materials that are recovered and recycled, such as the bottom ash from the incinerator and bricks and rubble, which are recycled in road aggregate and in building materials and provides a further 12% (this is an estimated figure based on the typical performance of an EfW facility) to the material that is recovered and recycled. A minimum of 90% waste will be diverted from landfill.
11. The key benefits of the project are as below:
  - Taking control of our waste long term and de-risking cost;
  - Reliability and security of technologies;
  - 24MW per hour of electricity = 40,000 homes;
  - Additional separation of recyclable material that would have gone to landfill;
  - Gas emissions reduced – equivalent of taking 12,000 cars off the road;
  - Jobs 700 construction and 70 permanent;
  - Economy £220m GVA over the life of the contract;
  - Savings of £256m over life of the contract
12. It is estimated that the Waste management contract will cost CYC, £153m, over the 25 year contract length between NYCC with AmeyCespa. It is therefore the largest contractual collaboration that the council has ever entered into.
13. The largest element of the cost is the Unitary Charge which is primarily fixed for the period of the contract other than a small proportion which is index linked. There are however a number of risks that the council has accepted which may impact the overall cost to the council. These risks were highlighted as part of the report to Executive "Financial Close for the Long Term Waste Management Service Contract" (9<sup>th</sup> September 2014). Many of the financial risks were fixed at financial close including the level of interest rates, exchange rates and capital spend (see summary in **Risks** section).

14. There are also potential opportunities across the life of the contract. It is in the interests of the Operator and the Local Authorities, to advance the use of the facility in terms of recycling and district heating and as the facility becomes more mature there will be a constant examination of getting the best from the investment and environmental outcomes. There is an opportunity for the councils to request the refinancing of the project should the funding terms in the market being more favourable than those within the Financing Agreements. This would usually be following a successful period of operation and electricity generation. The benefit of refinancing would be shared between the Operator and the Local Authorities.

## **Operations**

15. AWRP is designed to treat waste through a series of processes including mechanical separation of recyclable materials (known as mechanical treatment or MT), anaerobic digestion (AD) and thermal treatment through incineration and generation of electricity (known as Energy from Waste or EfW). Incineration is standard practice across the continent as a solution for managing residual waste and has a positive environmental impact compared to landfilling waste.
16. In order to make the haulage of the Waste more efficient, a network of transfer stations across has been constructed across York and North Yorkshire. All residual waste in the City of York administrative area will go to the Harewood Whin transfer station that opened in the summer 2017.
17. The waste is then delivered from Harewood Whin to AWRP into the tipping hall where it is tipped into large bunkers. These are for Mechanical treatment or direct to Energy from Waste (EfW). Cranes then lift the waste from the bunkers to start the Mechanical Treatment process.
18. The Mechanical Treatment plant (MT) separates metals, plastics and paper and is capable of sorting up to 320,000 tonnes per year. The MT plant also separates approximately 40,000 tonnes per year of organic waste for treatment through the Anaerobic Digestion (AD) plant.
19. To give an example of the recovery of food waste, the material enters the MT plant into a tromell, which separates bags of waste. The bags are then shredded and pushed to another tromell, which separates items of under 7cm (included in this would be food waste – plate scrapings, mouldy cheese, etc). A magnet that takes out any pieces of metal (for



recycling), then there are further processes (including an x-ray machine that identifies and separates inert waste) that separate out the organic material and this is fed into the anaerobic digester. The mechanical treatment processes run at more than 90% efficiency, so there is a high level of confidence that any waste food a resident puts in their residual rubbish bin will be fed into the anaerobic digester and will be generating energy. So there is a definite message to residents to put plate scrapings and unwanted items from the fridge into their residual bin.

20. The Anaerobic Digestion (AD) plant uses microbes to break down the organic waste in the absence of air to produce a gas and compost like output known as digestate. This process will produce around 1mw per hour of energy.
21. The remaining waste is burnt in the Energy from Waste (EfW) incinerator. The heat from the EfW is used to produce steam and drive a turbine which produces electricity for export to the national grid. The capacity of the EfW is approximately 320,000 tonnes per year and it will produce around 24MW per hour of energy, which is enough to power around 40,000 homes.

### **Construction and commissioning**

22. The commissioning period started in July 2017 and it tested the full operation of the facility over a 6 month period. A requirement of this was that during this period the volume of waste is built up to the volumes that will be delivered at service commencement. This gave the opportunity to test all elements of the facility individually and together.
23. The commissioning phase is now complete and full service commenced on the 1<sup>st</sup> March 2018. The Mechanical Treatment, Anaerobic Digester and Energy from Waste facilities demonstrated their capability over the required continuous days, with the required volumes of Waste in order to fulfil the requirements for the sign off for each of the components. During commissioning there was the expected process issues and equipment failure, but these were managed within the parameters of the project and the contract.
24. The commissioning process for the Anaerobic Digester involves the build up of material in the tank and the addition of micro organisms that break up the material as part of the Anaerobic Digestion process. During commissioning the levels of ammonia in the tank rose to levels where the micro organisms had not been at optimum health (this had been due to a

higher nitrogen to carbon ratio in the input material than envisaged, which in real terms meant there was too much meat and not enough vegetables in the food waste recovered from the commissioning waste).

25. Proactive mitigating measures were put in place to counteract the balance of input materials and it took time to for a balance to be achieved that allowed the required throughput to satisfy the takeover test (a 28 day process to test that the required volumes of waste can be processed by the AD). The consequence is that the take over test was delayed around a month, which then delayed full service commencement by a month. This was within the parameters of the project and it is estimated that most facilities of this nature have an extension of around 3 months to the commissioning period, so in context this can be viewed as very successful.
26. The transfer station at Harewood Whin has functioned well during the commissioning period and work is ongoing between the NYCC, CYC, Yorwaste and Amey to ensure that the waste delivered to AWRP can be processed as efficiently as possible. The commissioning period has required CYC refuse collection vehicles to tip at the transfer station and at the landfill site and an exercise is ongoing to ensure related performance data can be reconciled. Once full service commenced in February all waste was tipped at the transfer station for onward transport to Allerton Park.

### **Partnership with North Yorkshire County Council**

27. A key point to note is that the AmeyCespa contract is a shared asset and liability with NYCC. The 2010 JWMA provides for sharing of costs between NYCC and CYC relating to the procurement of the long term service provided by AmeyCespa, but has not been renewed since NYCC let the Contract with Amey Cespa so does not reflect the final commercial position achieved nor does it extend to arrangements for formal management of that contract which if not included will entail a duplication of work by the Councils. In order that CYC and NYCC can fully exploit the Amey Cespa contract and optimise the management and auditing of both Councils waste disposal functions both Councils officers are recommending to formally collaborate in the management of contracted waste disposal services including AWRP but also for other waste disposal authority functions provided through Yorwaste and other third party contractors.

28. The objectives of further collaboration and joint management of contracted services are to:
- Minimise bureaucracy
  - Reduce duplication of effort
  - Improve decision making
  - Improve resilience
  - Share resources and assets
  - Improve capability to recognise and take advantage of opportunities
  - Strengthen team skills
  - Achieve optimum balance of waste movements to disposal facilities to ensure maximum joint financial benefit/ least cost to both parties
29. Work is currently ongoing between the teams at CYC and NYCC to agree the detail of the collaboration and it is expected that the final agreements will be ready for consideration Summer 2018.
30. The likely outcome to the work is a joint role that will be responsible for Waste disposal across the CYC and NYCC administrative areas. This will be designed in a similar way to the shared Health and Safety service that the Council operates with NYCC. With regard to the Health and Safety service, the Head of Service is shared between CYC and NYCC and a single team, funded by agreed proportions and with the capability and capacity to service the needs of both organisations, reports to the Head of Service and is managed through services agreements. The main difference with the shared Waste disposal arrangement will be that the AWRP contract is also treated as a shared resource with proportional liabilities arising from it. In this arrangement both Councils would retain their separate duties as Waste Disposal Authorities.
31. A further paper will be presented to the Executive in the summer detailing the proposals for joint working arrangements.

## **Council Plan**

32. The Allerton Waste Recovery Park project delivers against the focus on frontline service council priority and also delivers on local and regional waste and sustainability strategies including One Planet York.

## Implications

33.

- **Financial**  
Financial implications are detailed in the body of the report
- **Human Resources (HR)**  
There are no HR implications
- **One Planet Council / Equalities**  
The AWRP project is managed by North Yorkshire County Council and relevant impact assessments are conducted by them. The AWRP project delivers against a number of One Planet objectives, including minimising Waste and sustainable energy.
- **Legal**  
Legal implications are detailed in the body of the report.
- **Crime and Disorder**  
There are no crime and disorder implications
- **Information Technology (IT)**  
There are no IT implications
- **Property**  
There are no property implications
- **Other**  
None

## Risk Management

34.

Risk area	Potential Impact
Waste composition	The contract states that through it an additional 5% recycling will be achieved. This is dependent on the composition of the materials being sent to AWRP reflect the compositions that were assumed when the requirements for AWRP for specified.
Waste Tonnages	The council has access to a range of tonnages from a minimum (Guaranteed Minimum Tonnage) to Maximum Threshold. Should the actual tonnages be outside this range there will potentially be costs to the council(s)
Change in Law	Should there be a legislative change that the Operator is able to claim a Qualifying Change in Law could increase costs to the council(s)

Inflation / Landfill Costs	Whilst inflation is only applied to a small proportion of the costs, the level will impact overall costs. There are also pass through costs such as landfill costs that are payable by the council(s) which will be at the prevailing rate.
Teckal Waste	The Council(s) have sought to optimise revenues by using Waste sourced by Yorwaste to be used in the facility. These revenues will be dependent on tonnages available and the prevailing market price for waste in the geographical area

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

**All**

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**Background Papers:**

None.

## **Annexes**

None

## **List of Abbreviations Used in this Report**

AWRP – Allerton Waste Recovery Park

NYCC – North Yorkshire County Council

CYC – City of York Council

HWRC – Household Waste Recycling Centres

Bring bank – A bring bank is a recycling disposal point that can be situated in a number of locations commonly supermarket car parks

24MW – in the energy output, mw stands for mega watts

T PA – Tonnes per annum

Tromell – is a series of cylindrical drums that each have holes at a set size (with each drum having different sized holes), and the rotate and work together in order to separate material of different sizes.



**Executive**

**26 April 2018**

Report of the Director of Economy and Place

## **Animal Welfare Licensing Policy**

### **Summary**

1. In accordance with the requirements of the Council's Constitution, this report seeks the Executive's formal adoption of the new Licensing Policy which relates to animal welfare licensing. It advises of the consultations undertaken, and the amendments made to the draft policy following the consultation. The Licensing Policy was approved by Gambling, Licensing and Regulatory Committee (GLR Committee) on the 6 March 2018.

### **Recommendations**

2. That Members **approve Option 1** of this report and adopt a new Licensing Policy relating to animal welfare licensing (incorporating standard conditions), and that any amendments made to the Licensing Policy following the introduction of new regulations are delegated to an officer decision in consultation with the Executive Members for Culture, Leisure and Tourism and Housing and Safety Neighbourhoods.

Prior to their approval of the proposed Licensing Policy the GLR Committee took into consideration the responses received to the public consultation.

**Reason:** This will allow the Council to implement a robust Licensing Policy and conditions relating to animal welfare licensing.

### **Background**

3. The Council issues licences for the following activities relating to the welfare of animals:
  - Animal boarding establishment licences

- Dangerous wild animal licences
  - Dog breeding establishment licences
  - Horse riding establishment licences
  - Pet shop licences
  - Zoo licences
4. The exhibit and training of any performing animal must be registered with the Council.
  5. These licences are regulated by the Council in accordance with the following Acts:
    - Animal Boarding Establishment Act 1963
    - Dangerous Wild Animals Act 1976
    - Breeding Dogs Act 1973 and 1991
    - Breeding and Sale of Dogs (Welfare) Act 1999
    - Riding Establishment Act 1964 and 1970
    - Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
    - Zoo Licensing Act 1981
    - Performing Animals (Regulation) Act 1925
  6. The Council must also take the Animal Welfare Act 2006 into consideration, as this is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards that must be maintained by all people who are responsible for an animal.
  7. Unlike other licensing regimes, there is no statutory requirement for local authorities to set policies in relation to animal welfare licensing. The Council do, however, consider it best practice to do so as the benefits bring transparency, accountability, certainty, consistency and the promotion of good standards in licensing. Policies are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
  8. In 2017 the Government consulted on Draft Regulations relating to 'The Animal Welfare (Licensing of Activities Involving Animals) Regulations'. It is proposed that Regulations will come into effect at some point during 2018. At this time a date has not being determined. The Animal Welfare Licensing Policy will be amended accordingly once the Regulations are in force.



9. The Draft Regulations include the standard conditions published in guidance by Chartered Institute of Environmental Health which have been included within the Animal Welfare Licensing Policy. These conditions related to:
  - Animal Boarding
  - Dog Breeding
  - Pet Shops
10. Through the implementation of the Policy the Council will adopt these conditions. In order to ensure consistent standards across the authority and fair trading, it is proposed that all existing establishments are given three years from the implementation date of this policy to upgrade their facilities if necessary to meet this new requirement. A three year period has being deemed an appropriate timeframe; this may be extended in exceptional circumstances if a written request is made by the licence holder. New applications received after the implementation of this policy will be expected to meet the new requirements.

#### Proposed Licensing Policy

11. The proposed Licensing Policy can be found at Annex 1.

#### **Consultation**

12. An eight week consultation was carried out on the proposed Licensing Policy, from the 18 September to 13 November 2017.
13. Current licence holders and relevant agencies/organisations were consulted via the Council's website and by direct mailing. The list of consultees can be found at Annex 2.
14. Six responses were received to the consultation. Consolidating the policy is welcomed by consultees. Some of the responses sought to impose more wide ranging controls that are not within the present legislation or port of the Council's as Licensing Authority to require. Other referenced the prospective regulations, and have been reassured that the policy would be updated to reflect any changes when the Regulations to effect. The responses can be found at Annex 3.

#### **Options**

15. Option 1 – approve and adopt the Licensing Policy (incorporating standard conditions) at Annex 1 to this report, and that any amendments made to the Licensing Policy following the introduction of new regulations are delegated to an officer decision in consultation with the Executive Members for Culture, Leisure and Tourism and Housing and Safety Neighbourhoods. Prior to their approval of the Licensing Policy GLR Committee took into consideration the responses received to the public consultation.
16. Option 2 – make further minor amendments and editing changes to the revised Licensing Policy at Annex 1 to this report which do not alter the substance of the document prior to approval and adoption. That any amendments made to the Licensing Policy following the introduction of new regulations are delegated to an officer decision in consultation with the Executive Members for Culture, Leisure and Tourism and Housing and Safety Neighbourhoods.

### **Analysis**

17. The Council currently licences the following animal welfare establishments:
  - Animal Boarding – 8
  - Animal Boarding (home boarding) – 26
  - Dangerous Wild Animals – 1
  - Dog Breeding – 1
  - Pet Shops – 8
  - Riding Establishments – 4
  - Zoo – 1
18. The Council also registers 8 people to have performing animals.
19. Prior to the grant of a licence all establishments are inspected by an authorised officer of the Council and if it is a legal requirement, or deemed appropriate by the authorised officer, by a veterinary surgeon instructed by the Council.
20. Once a licence is granted subsequent inspections are carried out in accordance with legal requirements or on a risk based process.

## Council Priorities

21. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

## Implications

22. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications for the council.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** – An equalities impact assessment will be undertaken in relation to the new Licensing Policy.
  - (d) **Legal** – There is no statutory requirement to adopt a Licensing Policy however, the Council believe it is best practice to do so.
  - (e) **Crime and Disorder** – The Licensing Policy introduces requirements to aid the prevention of crime and disorder.
  - (f) **Information Technology (IT)** - There are no IT implications.
  - (g) **Property** - There are no property implications.
  - (h) **Other** - There are no other implications.

## Risk Management

25. There are no known risks associated with this report.

## Contact Details

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<b>Report Approved</b>	√	<b>Date</b>	03/04/18	
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<b>Wards Affected:</b>	<b>All</b>	√
<b>For further information please contact the author of the report</b>		

### **Background papers**

Agenda and minutes of Gambling Licensing and Regulatory Committee on the 6 March 2018.

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=10987&Ver=4>

**Annex 1** – Licensing Policy (incorporating standard conditions)

**Annex 2** – List of consultees

**Annex 3** – Consultation responses



# **Animal Welfare Licensing Policy**



Further information relating to this policy can be obtained from:

E-mail: [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk)

Tel: 01904 551438

Web: [www.york.gov.uk/licensing](http://www.york.gov.uk/licensing)

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## Introduction

### 1. Introduction

- 1.1 City of York Council (the Council) is responsible for licensing a number of activities relating to the welfare of animals under a number of different Acts of Parliament. This legislation is aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the City of York without first being licensed by the Council.
- 1.2 This document states the Council's policy on the regulation of animal establishments. The purpose of the animal establishment's legislation set out below to protect the health, safety and welfare of animals and prevent the spread of disease.

### 2. Licences issued by the Council

- 2.1 The Council issues licences for the following activities relating to the welfare of animals:
  - Animal boarding establishment licences
  - Dangerous wild animal licences
  - Dog breeding establishment licences
  - Horse riding establishment licences
  - Pet shop licences (also known as pet vending)
  - Zoo licences
- 2.2 The exhibit and training of any performing animal must be registered with the Council, who maintains a register of animals involved in performances.

### 3. The Legislation

- 3.1 The above licences are regulated by the Council under the following Acts:
  - Animal Boarding Establishment Act 1963
  - Dangerous Wild Animals Act 1976
  - Breeding Dogs Act 1973 and 1991
  - Breeding and Sale of Dogs (Welfare) Act 1999
  - Riding Establishment Act 1964 and 1970
  - Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
  - Zoo Licensing Act 1981
  - Performing Animals (Regulation) Act 1925
- 3.2 These Acts are referred to in this policy as the 'primary licensing Acts'.

### 4. Animal Welfare Act 2006 (2006 Act)

- 4.1 This Act is the primary piece of legislation controlling the welfare of animals in England and Wales and established set welfare standards that must be maintained by all people who are responsible for an animal. It has consolidated animal welfare legislation in areas such as preventing unnecessary suffering, mutilation and animal fighting. The act also places

responsibilities on to numerous enforcement agencies.

- 4.2 The Act introduces a 'duty of care' on any person that is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the 'duty of care' to apply.
- 4.3 The Act creates an offence of failing to provide for the needs of an animal in a person's care and increases the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the Act will also be disqualified from holding a licence under any of the primary licensing Acts.
- 4.4 The Act permits the Department of the Environment, Food and Rural Affairs (DEFRA) to pass regulations that may repeal or amend any of the primary licensing Acts or to create new forms of licences.

## **5. Animal Welfare**

- 5.1 Section 9 of the 2006 Act creates five overarching principles of animal welfare. The Act refers to these as the 'five needs' of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met, they are:
  - a) The need for a suitable environment;
  - b) The need for a suitable diet;
  - c) The need to be able to exhibit normal behaviour patterns;
  - d) Any need to be housed with, or apart from, other animals; and
  - e) The need to be protected from pain, suffering, injury and disease.

## **6. Objectives**

- 6.1 When carrying out its function under the primary licensing Acts the Council will seek to promote the following objectives:
  - a) Animal Welfare – the five needs
  - b) Public Safety

## **7. Licensing Regime**

- 7.1 The primary licensing Acts set out individual application requirements and standards that the Council must be satisfied of before it can grant a licence. Each of those primary licensing Acts permits the Council to impose conditions on each licence it grants.
- 7.2 Unless legislation states otherwise, licences will remain in force for a 12 month period. All licences that have not been renewed by their expiry date will be invalid and trading must cease until such time as a new licence has been granted.
- 7.3 Applications made to the local authority must be completed using the relevant application forms available from the Council website or on request from the Licensing Section.
- 7.4 A veterinary inspection may be required prior to the grant or renewal of a licence. In the case of some activities it is a requirement of the primary licensing Acts, in other cases it may be a requirement of the Council's licensing process. The Council will nominate the

veterinary surgeon for the inspection and make the appropriate arrangements.

- 7.5 Each of the primary licensing Acts states clearly the criteria which the Council must be satisfied with before any licence is granted. Where the relevant Council Officer is not satisfied that the relevant legal requirements are met, or where a Council Officer or the Veterinary surgeon has raised concerns that the legal requirements or standards are not met or unlikely to be met, the applicant will be notified.

**8. Fees**

- 8.1 A fee for processing the application is charged and is revised annually. A separate charge will also be made for any veterinary inspections required in support of the licence application. The charges are to be paid by the applicant, regardless of whether the licence is granted or not.
- 8.2 Payments can be made by credit or debit card over the phone or on-line, by Bacs and by cheque made payable to City of York Council.

## **Animal Boarding Establishments**

### **9. Animal Boarding Establishments Licence**

- 9.1 Any person who wishes to carry on the business of providing accommodation for other people's dogs or cats must obtain a Licence from the Council under the Animal Boarding Establishments Act 1963. This Act applies equally to commercial premises such as catteries and kennels and to residential dwellings.
- 9.2 On receipt of an application and fee Council Officers will inspect the premises. The Council may also instruct a veterinary surgeon to inspect the premises. The cost of the veterinary surgeon will be met by the applicant. The Council Officer and the veterinary surgeon will assess the arrangements in place, the suitability of the premises and the individual licence holder.

### **10. Considerations**

- 10.1 Before granting a licence the Council must be satisfied that:
- the animals will be kept in suitable accommodation at all times. Suitable accommodation takes into account the construction and size of the accommodation, the number of animals to be housed in it, facilities for exercising the animals, cleanliness and temperature, lighting and ventilation provisions.
  - suitable food, drink and bedding materials will be provided and that the animals are exercised and visited regularly.
  - all reasonable precautions will be taken to prevent and control the spread of disease among the animals and that isolation facilities are in place.
  - adequate protection is provided to the animals in the case of fire and other emergencies.
  - a register is kept. The register shall contain a description of all animals received, their arrival and departure date and the name and address of the owner. The register shall be available to be inspected at any time by a Council Officer, veterinary surgeon or practitioner.
- 10.2 Council Officers and the veterinary surgeon, if required, will determine the maximum number of animals that can be boarded taking the above points into consideration.

### **11. Conditions**

- 11.1 The Council may attach any conditions to the licence that it feels are necessary and expedient for securing all or any of the points detailed in the considerations above.
- 11.2 The Chartered Institute of Environmental Health published guidance on standard conditions relating to these licences in May 2016 'dogs' and November 2013 (updated June 2016) 'cats'. These conditions have been adopted by the Council. These conditions do not apply to home boarding establishments.

- 11.3 In order to ensure consistent standards across the authority and fair trading, all existing animal boarding establishment licence holders as of the X XXXXXXXX 2017 will be expected to upgrade their facilities if necessary so they meet the Council's new requirement within a three year period. A three years has being deemed an appropriate timeframe by the Council, the Council may extend this period in exceptional circumstance if a written request is made by the licence holder.
- 11.4 New application received after the implementation of this policy will be expected to meet the new requirements.
- 11.5 As of the X XXXXXXXXXX 2020, any existing animal boarding establishment that does not meet the Council's licensing conditions may not be granted a licence.
- 11.6 Animal boarding establishment conditions can be found at Appendix 1, home boarding conditions can be found at Appendix 2.

## **12. Licences / Renewals**

- 12.1 Licences are issued for one year.
- 12.2 Licence holders will be invited to renew their licence prior to the expiry date. *It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.*
- 10.3 The renewal process will usually require an inspection by Council Officers each year.

## **13. Powers of Entry**

- 13.1 Council Officers upon production of their authorisation may inspect a licensed animal boarding establishment and any animals found there at all reasonable times. It is a criminal offence to wilfully obstruct or delay Council Officers.

## **14. Disqualifications and Cancellations**

- 14.1 After securing a conviction under the Animal Boarding Establishment Act 1963 or under the Protection of Animals Act 1911, the Protection of Animals (Scotland) Act 1912 or the Pet Animals Act 1951, the court may cancel any Animal Boarding Licence held by the person and may disqualify him or her from holding such a licence, whether or not he or she currently holds one for any specified period. The cancellation or disqualification may be suspended by the court pending an appeal.
- 14.2 Local authorities must refuse applications for animal boarding licences from persons disqualified under:
- The Animal Boarding Establishment Act 1951;
  - The Pet Animals Act 1951 from keeping a pet shop;
  - The Protection of Animals (Amendment) Act 1954 from having the custody of animals.

## Dangerous Wild Animals

### 15. Dangerous Wild Animals Licence

- 15.1 The keeping of certain species of wild animals is controlled by the Dangerous Wild Animals (DWA) Act 1976 (as amended). No person may keep any dangerous wild animal without first obtaining a licence from the Council. These licences are required regardless of whether the animal is kept for commercial purposes or as a pet.
- 15.2 The animals classed as DWA are listed in the DWA Act 1976 (Modification) (No.2) Order 2007. Any person who is unsure if their animal is classed as dangerous should consult that order or seek advice.
- 15.3 The licensing procedure does not apply to animals in:
- A zoo within the meaning of the Zoo Licensing Act 1981;
  - A circus;
  - Pet shops; and
  - Places which are designated establishment under the Animals (Scientific Procedures) Act 1986.
- 15.4 The person making the application must be the person who owns and possesses or proposes to own and possess the animal to which the application applies. The licence must be obtained and held before the owner actually has possession of the animal.
- 15.5 On receipt of an application and fee the Council will instruct a veterinary surgeon to inspect the premises, Council Officers will also be present at this inspection. The cost of the veterinary surgeon will be met by the applicant. The Council Officers and the veterinary surgeon will assess the arrangements in place, the suitability of the premises and the individual licence holder.

### 16. Considerations

- 16.1 Before granting a licence the Council must be satisfied:
- i) It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
  - ii) The applicant is suitable;
  - iii) Animals will:
    - i) be held in secure accommodation suitable in size for the animals kept and which is suitable as regards construction, temperature, lighting, ventilation, drainage and cleanliness; and
    - ii) have adequate and suitable food, drink and bedding and be visited at regular intervals;
  - iv) Be appropriately protected in case of fire or other emergency;
  - v) Be subject to precautions to control infectious diseases;
  - vi) Be provided with adequate exercise facilities.

## **17. Conditions**

17.1 The Council is required to specify conditions which:

- Require the animals to be kept only by persons specified on the licence;
- Require the animals to be normally held at the premises specified in the licence;
- Require the animals not to be moved from those premises unless in circumstances allowed for in the licence;
- Require the licence holder and person keeping the animals to be insured against liability for damage caused by the animals to the satisfaction of the local authority;
- Restrict the species and numbers of animals;
- Require a copy of the licence to be made available by the licence holder to persons entitled to keep the animals; and
- Any other conditions necessary or desirable to secure the objectives specified in Section 16 'Consideration'.

17.2 Due to the individual nature of a dangerous wild animals licence it is anticipated that bespoke conditions will be attached to every licence issued.

17.3 Some conditions are mandatory under the Act. Other conditions imposed by the Council may be revoked, modified or new conditions added. If the licence holder requests a variation to the licence, it will come into effect immediately on approval by the Council. If the Council initiates variation of the licence it must notify the licence holder and allow him/her reasonable time for compliance.

17.4 Dangerous wild animal conditions can be found at Appendix 3.

## **18. Licences / Renewals**

18.1 Licences are issued for two years.

18.2 Licence holders will be invited to renew their licence prior to the expiry date. *It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.*

18.3 The renewal process will require an inspection by Council Officers and a veterinary surgeon.

## **19. Powers of Entry**

19.1 Council Officers upon production of their authorisation, may inspect a licensed dangerous wild animal and the animal's accommodation at all reasonable times. It is a criminal offence to wilfully obstruct or delay Council Officers.

## **20. Disqualifications and Cancellations**

20.1 Where a person is convicted of an offence under the Dangerous Wild Animals Act 1976 or under:

- Protection of Animals Act 1911, 1964;
- Protection of Animals (Scotland) Act 1912, 1964;



- Pet Animals Act 1951;
- Animal Boarding Establishment Act 1963;
- Riding Establishment Act 1964, 1970;
- Breeding of Dogs Act 1973.

20.2 The court may cancel any licence they may hold to keep a dangerous wild animal and disqualify them, whether or not they are the current holder, from holding such a licence for such period as the court thinks fit. The cancellation or disqualification may be suspended by the court in the event of an appeal.

## **21. Seizure of Animals**

21.1 If a dangerous wild animal is being kept without the authority of a licence or in contravention of a licence condition, the Council may seize the animal and retain it, destroy it or otherwise dispose of it. The Council is not liable to compensation and may recover costs from the keeper of the animal at the time of the seizure.

## Dog Breeding Establishments

### 22. Dog Breeding Establishment Licences

- 22.1 A person keeps a breeding establishment for dogs if, at any premises, he or she carries on the business of breeding dogs for sale, whether or not the breeding is done by him/her. The Breeding of Dogs Act 1973 (as amended), in conjunction with the Breeding of Dogs Act 1991 (as amended) and the Breeding and Sale of Dogs (Welfare) Act 1999 (as amended), governs the activities of dog breeders.
- 22.2 Commercial dog breeding establishments are premises having five or more litters of puppies in any 12 month period. An establishment breeding less than five litters would require a licence, where the dogs are bred for sale as a business. The occasional or hobby breeder does not require a licence. A person is presumed to be carrying on a business of breeding dogs for sale where they breed and sell more than two litters in a 12 month period, or during any 12 month period, five or more litters are born to his/her bitches.
- 22.3 On receipt of an application and fee the Council will instruct a veterinary surgeon to inspect the premises, Council Officers will also be present at this inspection. The cost of the veterinary surgeon will be met by the applicant. The Council Officers and the veterinary surgeon will assess the arrangements in place, the suitability of the premises and the individual licence holder.

### 23. Considerations

- 23.1 Before granting a licence the Council must have regard to the following matters:
- That dogs will at all times be kept in accommodation suitable as respects construction, size or quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
  - That the dog will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals;
  - That all reasonable precautions will be taken to prevent and control the spread among dogs of infections or contagious disease;
  - Appropriate steps will be taken for the protection of the dogs in case of fire and emergency;
  - That all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to and from the breeding establishment;
  - That bitches are not mated if they are less than one year old;
  - That bitches do not give birth to more than six litters of puppies each;
  - That bitches do not give birth to puppies before the end of the period of 12 months beginning with the day on which they last gave birth to puppies; and
  - That accurate records in the form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the Council, or any veterinary surgeon or veterinary practitioner, authorised by the Council to inspect the premises.

## **24. Conditions**

- 24.1 The Chartered Institute of Environmental Health published guidance and model conditions relating to these licences in January 2014. These conditions have been adopted by the Council.
- 24.2 Dog breeding establishment conditions can be found at Appendix 4.

## **25. Licences / Renewals**

- 25.1 Licences come into force on the day on which they are granted and expire on 31 December that year.
- 25.2 Licence holders will be invited to renew their licence prior to the expiry date. *It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.*
- 25.3 The renewal process will usually require an inspection by Council Officers each year.

## **26. Powers of Entry**

- 26.1 Council Officers upon production of their authorisation, may inspect a licensed dog breeding establishment at all reasonable times. Persons wilfully obstructing or delaying Council Officers shall be guilty of an offence.

## **27. Disqualifications and Cancellations**

- 27.1 Persons disqualified under the following provisions may not be granted a dog breeding licence:
- From keeping a dog breeding establishment under this Act;
  - From keeping a pet shop under the Pet Animals Act 1951;
  - From keeping an animal boarding establishment under the Animal Boarding Establishment Act 1963.
- 27.2 The court may cancel any licence held by the convicted person and may disqualify them from holding a licence, whether or not they are a current holder, for such a period as the court thinks fit. The cancellation or disqualification may be suspended by the court in the event of an appeal.

## Riding Establishments

### 28. Riding Establishment Licences

28.1 Riding establishments are premises that are licensed under the Riding Establishment Act 1964 and Riding Establishment Act 1970. The 1964 Act (as amended) defines the keeping of a riding establishment as:

*The carrying on of a business of keeping horses for either or both of the following purposes:*

- *Being let out on hire for riding*
- *Being used in providing, in return for payment, instruction in riding*

28.2 On receipt of an application and fee Council Officers will inspect the premises. The Council will also instruct a veterinary surgeon to inspect the premises. The cost of the veterinary surgeon will be met by the applicant. The Council Officer and the veterinary surgeon will assess the arrangements in place, the suitability of the premises and the individual licence holder.

28.3 The veterinary surgeon must be a member of the Panel of Riding Establishment Inspectors as maintained by the Royal College of Veterinary Surgeons and the British Veterinary Association.

28.4 Persons under 18 years old or person or bodies corporate disqualified under the following provisions may not be given a licence:

- From keeping a riding establishment under the Riding Establishment Act 1964;
- From keeping a pet shop under the Pet Animals Act 1951;
- From having custody of animals under the Protection of Animals (amendment) Act 1954;
- From keeping an animal boarding establishment under the Animal Boarding Establishment Act 1963.

### 29. Considerations

29.1 Before granting a licence the Council must have regard to the following matters:

- Whether the applicant appears to them to be suitable and qualified, either by experience in the management of horses or by being the holder of an approved certificate or by employing in the management of the riding establishment a person so qualified, to be the holder of such a licence; and
- The need for securing:
  - That paramount consideration will be given to the conditions of the horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;
  - That the feet of animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;
  - That there will be available at all times, accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and

cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling;

- That in the case of horses maintained on grass there will be available for them at all times during which they are so maintained adequate pasture, shelter and water and that supplementary feeds will be provided as and when required;
- That horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and will be adequately exercised, groomed, rested and visited at suitable intervals;
- That all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious diseases and that veterinary first aid equipment and medicines shall be provided and maintained in the premises;
- That appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible persons will be kept displayed in a prominent position on the outside of the premises, and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;
- That adequate accommodation will be provided for forage, bedding, stable equipment and saddler.

### **30. Conditions**

30.1 The Council can impose conditions on the licence. The Council, in exercise of its discretion, may take into account the suitability of the applicant/manager, the accommodation and pasture, adequacy of the provision for the horses' health, welfare and exercise, precautions against fire and disease and the suitability of the horses as regards the reasons for which they are kept.

30.2 Riding establishment conditions can be found at Appendix 5.

### **31. Licences / Renewals**

31.1 Licences are issued for one year.

31.2 Licence holders will be invited to renew their licence prior to the expiry date. *It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.*

31.3 The renewal process will require an inspection by Council Officers and veterinary surgeon.

### **32. Powers of Entry**

32.1 Council Officers upon production of their authorisation, may inspect a licensed riding establishment at all reasonable times. It is a criminal offence to wilfully obstruct or delay Council Officers.

### **33. Disqualifications and Cancellations**

33.1 Where a person is convicted of an offence under the Riding Establishments Act 1964 or

under:

- Animal Welfare Act 2006; or
- Animal Boarding Establishment Act 1963

33.2 The court may cancel any licence they may hold to keep a riding establishment and disqualify them, whether or not they are a current holder, from holding such a licence for such period as the court thinks fit. The cancellation or disqualification may be suspended by the court in the event of an appeal.

## **Pet Shops (Pet Vending)**

### **34. Pet Shops Licences**

- 34.1 Under the Pet Animals Act 1951 (as amended), a licence is required where any person keeps animals at a premises for the purpose of being sold as pets. The 1951 Act forbids the sale of animals as pets in any part of a street or public place or at a stall or barrow in a market.
- 34.2 The 1951 Act exempts persons who sell the offspring of an animal they own as a pet from requiring a licence as well as those who breed from a pedigree animal kept by them. However, these exemptions are strict and with certain conditions. The onus is on any person who believes they are exempt from holding a licence to check this.
- 34.3 On receipt of an application and fee Council Officers will inspect the premises. The Council may also instruct a veterinary surgeon to inspect the premises. The cost of the veterinary surgeon will be met by the applicant. The Council Officer and the veterinary surgeon will assess the arrangements in place, the suitability of the premises and the individual licence holder.

### **35. Considerations**

- 35.1 Before granting a licence the Council must have regard to the following matters:
- That the animals are kept in accommodation that is suitable as respects size, temperature, lighting, ventilation and cleanliness;
  - That animals are adequately supplied with appropriate food and drink and (so far as necessary) visited at suitable intervals;
  - That animals, being mammals, will not be sold while they are still being weaned;
  - That all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
  - That appropriate steps will be taken in case of fire or other emergency.

### **36. Conditions**

- 36.1 The Council may attach any condition to the licence that it feels necessary and expedient for securing the considerations above.
- 36.2 The Chartered Institute of Environmental Health published guidance on standard conditions relating to these licences in September 2013. These conditions have been adopted by the Council.
- 36.3 In order to ensure consistent standards across the authority and fair trading, all existing pet shop licence holders as of the XX XXXXXX 2017 will be expected to upgrade their facilities if necessary so they meet the Council's new requirement within a three year period. A three years has being deemed an appropriate timeframe by the Council, the Council may extend this period in exceptional circumstance if a written request is made by the licence holder.

- 36.4 New application received after the implementation of this policy will be expected to meet the new requirements.
- 36.5 As of the X XXXXXXXXXX 2020, any pet shop that does not meet the Council's licensing conditions may not be granted a licence.
- 36.6 Pet shop licence conditions can be found at Appendix 6.
- 36.7 It is recommended that the pet shop licence holders has a written procedure in place in relation to keeping animals longer than the expected time period. The procedure should detail how they will ensure the needs of the animals.

### **37. Licences / Renewals**

- 37.1 Licences are issued for one year.
- 37.2 Licence holders will be invited to renew their licence prior to the expiry date. *It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.*
- 37.3 The renewal process will usually require an inspection by Council Officers.

### **38. Powers of Entry**

- 38.1 Council Officers upon production of their authorisation, may inspect a licensed pet shop at all reasonable times. It is a criminal offence to wilfully obstruct or delay Council Officers.

### **39. Disqualifications and Cancellations**

- 39.1 In making a conviction under the Pet Animals Act 1951 or under the Protection of Animals Act 1911 or the Protection of Animals (Scotland) Act 1912, the court may cancel any pet shop licence held by the person and may disqualify them from holding such a licence, whether or not they currently hold one, for any specified period. The cancellation or disqualification may be suspended by the court pending an appeal.
- 39.2 The Council has no discretion and must refuse licence applications from persons currently disqualified by a court from holding a pet shop licence.



## Zoos

### 40. Zoo Licences

- 40.1 The Zoo Licensing Act 1981 came into force in 1984. The Act was amended significantly by the Zoo Licensing Act 1984 (Amendment) (England and Wales) Regulations 2002. The Act aims to ensure that, where animals are kept in enclosures, they are provided with a suitable environment to provide an opportunity to express most normal behaviour.
- 40.2 Any establishment, other than a circus or shop, when wild animals are kept for public exhibition on seven or more days in any period of 12 consecutive month's period falls within the definition of a zoo and requires a licence from the Council.
- 40.3 Wild animals, for the purpose of the 1981 Act, is wide ranging and means any animal that is not normally domesticated in Great Britain.
- 40.4 Responsibility for the day to day operation of the licensing system and the administration of the Act rests with the local authority, however central government does have a role. The Secretary of State for Environment, Food and Rural Affairs has a responsibility for maintaining a list of zoo inspectors and for setting detailed standards for zoo management with which zoos are expected to comply.
- 40.5 The 1981 Act prescribes the manner in which the application should be notified to the public. The Council must take into account any representations made in determining whether or not to grant a licence. The 1981 Act also prescribes the grounds on which an application can be refused.
- 40.6 On receipt of an application and fee Council Officers and a veterinary surgeon will inspect the premises. The veterinary surgeon must be a specialist in the field of zoo licensing. The cost of the veterinary surgeon will be met by the applicant.

### 41. Considerations

- 41.1 Before determining to grant or refuse a licence the Council are required by the 1981 Act to take into account any representations made by or on behalf of:
- The applicant
  - The chief officer of North Yorkshire Police;
  - North Yorkshire Fire and Rescue Service;
  - The governing body of any national institution concerned with the operation of zoos;
  - Where part of the zoo is situated outside of the authority area, the planning authority for the relevant other area;
  - Any person alleging that the zoo would affect the health or safety of people living in the neighbourhood;
  - Anyone stating that the zoo would affect the health or safety of anyone living near it; and
  - Any other person whose representation might show grounds on which the Council has a power or duty to refuse to grant a licence.

## **42. Conditions**

- 42.1 Any zoo licence issued by the Council will be subject to the standard conditions based on DEFRA's Standards of Modern Zoo Practice. All veterinary surgeons inspecting zoos must have regard to these standards but may amend the conditions to suit the individual establishment. Any amendment to the conditions will be based on the recommendation of the vet.

## **43. Licences / Renewals**

- 43.1 A licence, if granted will, depending on the circumstances set out in the 1981 Act, last for either four or six years for the date of grant.
- 43.2 Licence holders will be invited to renew their licence prior to the expiry date. *It is the licence holder's responsibility to ensure that the licence is renewed prior to its expiry.*
- 43.3 The renewal process will require an inspection by Council Officers and a veterinary surgeon.

## **44. Powers of Entry**

- 44.1 Council Officers upon production of their authorisation, may inspect a licensed zoo at all reasonable times. Persons wilfully obstructing or delaying Council Officers shall be guilty of an offence.

## **45. Disqualifications and Cancellations**

- 45.1 Under the 1981 Act, if the Council believes that a licensee is not adhering to the conditions of their licence, a hearing of the Gambling, Licensing and Regulatory Committee will take place, at which the licence holder will be given the opportunity to make representation. If the Committee is not satisfied that a condition is being met, the Committee will either issue a zoo closure direction under section 16B(5) of the 1981 Act, or will issue a direction under section 16A(2) that certain steps be taken within a specified time period in order to satisfy the relevant condition.
- 45.2 Where the Council has issued a direction under section 16A(2), the licence holder can again be heard before the Committee who will consider varying or revoking the direction.
- 45.3 Where a zoo is closed, the powers under sections 16E and 16F of the 1981 Act regarding animal welfare shall be exercised by the Head of Public Protection.

## **Performing Animals**

### **46. Performing Animal Registrations**

- 46.1 The welfare of animals is provided for the general provisions to avoid suffering and ensure welfare in the Animal Welfare Act 2006. In addition the training and exhibition of performing animals is further regulated by the Performing Animals (Regulation) Act 1925, which requires trainers and exhibitors of such animals to be registered with the Council.
- 46.2 No person can exhibit or train any performing animal unless registered in accordance with the 1925 Act. Any person found performing animals without a registration may be liable for prosecution.
- 46.3 The Council must keep a register for the purpose of this Act, which will be available at all reasonable times for inspection by the public.
- 46.4 In order to become registered an application in the prescribed form must be made to the council of the district in which the applicant resides. The application must be accompanied by a fee. The application must contain the details of the animals and the general nature of the performances in which the animals are to be exhibited or for which they are to be trained. These particulars are entered on the register. Prior to issuing a certificate Council Officers will inspect the premises.
- 46.5 The Council will issue a certificate to a registered person in the prescribed form containing the particulars entered in the register. A copy of every certificate of registration issued by the Council must be sent to the Secretary of State.
- 46.6 There is provision to enable an applicant to vary the contents of the register and the Council to cancel and reissue a certificate following variation.

### **47. Conditions**

- 47.1 There are no standard conditions for a performing animal's registration.

### **48. Powers of Entry**

- 48.1 Council Officers upon production of their authorisation, may inspect any premises in which performing animals are being trained or exhibited, or kept for training and exhibition, at all reasonable times. They may also require any person believed to be a trainer or exhibitor of performing animals to produce their certificate.

### **49. Powers of the Courts**

- 49.1 Where a magistrates court is satisfied following a complaint by a constable or authorised Council Officer that the training or exhibition of any performing animal has been accompanied by cruelty and should be prohibited or allowed subject to conditions, the court may make an order against the person prohibiting the training or exhibition, or imposing conditions.

- 49.2 The court may order that a person be removed from the register of performing animal keepers where a person is convicted of an offence under the Performing Animals (Registration) Act 1925 or the Protection of Animals Act 1911 or of any offence under any of sections 4, 5, 6(1) and (2), 7 to 9 and 11 of the Animal Welfare Act 2006. The court may also in these circumstances disqualify a person from being so registered either for a specified period of time or permanently.
- 49.3 Any person aggrieved by the making of an order or a refusal to make such an order may appeal to the Crown Court. The Council must enter the particulars of any order on the register.

## Appendix 1

### ANIMAL BOARDING ESTABLISHMENT CONDITIONS (DOGS)

#### ENVIRONMENT

##### Kennel construction and principles of design

1. For disease control there must be no possibility of dogs within the kennel Establishment (other than those from the same household), or other animals outside the kennels, coming into direct contact with each other.
2. New builds and extensions must comply with the recommendations for new builds in accordance with the Chartered Institute of Environmental Health (1995) Model Licence Conditions and Guidance for Dog Boarding Establishments: Animal Boarding Establishments Act 1963

#### PHYSICAL CONSTRUCTION AND INTEGRITY

##### General

3. The kennels must be structurally sound, and maintenance and repair of the whole establishment must be carried out regularly.
4. The kennels must be constructed of materials that are robust, safe and durable, and be well maintained in good order and repair.
5. Materials and paints/substances used in construction or maintenance must not expose dogs to any harmful chemicals.
6. The kennels must be built in compliance with good building practice, on a concrete base with a damp proof membrane. Where Building Regulations apply these must be adhered to.
7. There must not be any sharp edges, projections, rough edges or other hazards which present risk of injury to a dog.
8. Windows must be escape-proof at all times.
9. Doors must have secure latches or other closing devices.
10. All wire mesh/fencing must be strong and rigid and kept in good repair to provide an escape and dig proof structure.
11. Timber, if used in existing buildings, must be of good quality, well-kept and any damaged areas sealed or over-clad. Wood must be smooth and treated and properly maintained to render it impervious. It is recommended that wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the dog kennelling area.
12. All exterior wood must be properly treated and of good quality.

13. Any storage areas must be dry and free from vermin.
14. Fixed electrical installations and all portable electrical appliances must be installed and maintained in accordance with current legislation.

#### Drainage

15. The establishment must be connected to mains drainage or an approved, localised sewage disposal system.
16. Waste water must not run off into adjacent pens.
17. Adequate drainage must prevent pooling of liquids. A minimum gradient of 1:80 is advised to allow water to run off.
18. Any drain covers in areas where dogs have access must be designed and located to prevent toes/claws from being caught.
19. Drainage channels must be provided so that urine is not allowed to pass over walk areas in corridors and communal access areas. There must be no access to the drainage channels by the dogs housed in the dog units.

#### Secure Area

20. There must be an escape-proof area beyond the kennel unit to ensure that dogs are unable to escape from the premises.
21. For kennels where there are facing units accessed by an indoor corridor, the corridor must be at least 1.2 m wide. There must be facility for a dog to be able to hide to avoid visual contact with other dogs. Compliance can be achieved in various ways such as the use of indoor kennels or partitions.
22. There must be a securable door from which the secure area of the kennels can be viewed from the outside and this must be kept closed when not in use.
23. The door from the dog unit to the secure area must be escape-proof, securable, strong enough to resist impact and scratching, and to prevent injury. It must not be propped open.
24. The floor must be finished to produce a smooth, non-slip, impervious surface which is easy to clean and disinfect. Holes or gaps between tiles or paving slabs are not acceptable.
25. External doors/gates must be lockable and staff must have easy access to keys in case of emergency.
26. Sufficient lighting must be provided in the secure area to illuminate it all year round. Where practicable this should be natural light during the day.
27. The secure area must not be used as an exercise area.

### Roofing

28. There must be a safe, secure, waterproof roof which should cover all of the sleeping accommodation and at least 50% of the attached individual run. For the run, roof materials used must be capable of filtering UV light and providing adequate shade.

### **DOG UNITS**

29. Dogs from different households must not share dog units.

### Lighting

30. There must be sufficient light in the kennel unit during the day to work and observe the dogs. Where practicable this must be natural light, but artificial light must be available.
31. Lights must be turned off to provide a period of darkness overnight.

### Ventilation and Humidity

32. Ventilation must be appropriate all year round (both cool in hot weather and avoiding cold draughts in winter). Localised draughts in the sleeping accommodation must be avoided.

### Interior Surfaces

33. All interior surfaces to which dogs have access must be durable, smooth and impervious, capable of being cleaned and disinfected, and be kept in good decorative order and repair.
34. Where concrete or other building blocks or bricks are used, they must be sealed to be smooth and impervious.
35. Surfaces which are peeling, scratched, chipped or in disrepair must be repaired or resealed to an acceptable standard, or replaced.
36. Ceilings must be capable of being easily cleaned and disinfected.
37. Junctions between sections must be coved or sealed.
38. Floors must be finished to produce a smooth, non-slip, solid surface and all surfaces must be capable of being easily cleaned and disinfected. (There must be no open gaps if using concrete slabs or tiling). In new constructions, floors must be laid to a minimum fall of 1 in 80, leading to a shallow drainage channel, or effectively covered deep drainage channel.

### Accessing the Dog Units

39. Each unit must be designed to allow staff to access and clean all parts of the dog unit safely.
40. Each unit must be clearly marked (e.g. numbered) and a system in place which ensures that relevant information about the dog in that unit is readily available e.g. feeding or information on medicinal treatments.

41. Each unit must have a securable, full height door for access.
42. Kennel doors must be strong enough to resist impact, scratching and chewing. They must be fitted to ensure they can be effectively secured.
43. Where metal bars and/or mesh and/or frames are used, they must be of suitable gauge (approximately British Standard 14 gauge) with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this must not present a risk of injury to the dog.
44. Gaps or apertures must be small enough to prevent a dog's head passing through, or entrapment of any limb or body parts. To protect against this any such gaps must prevent the passage of a 50mm sphere, or smaller if appropriate. Galvanised Weld Mesh must be a minimum of 2 mm (British Standard 14 gauge) in thickness.
45. Large apertures in order to unlock a door must be avoided.
46. Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.
47. Doors must open inwards in order to protect the health and safety of attending staff.

### **SLEEPING ACCOMMODATION**

48. The following principles must be achieved in order to give dogs a suitable and appropriate comfortable space, and for ease of cleaning and management. A dog must be able to sit and stand at full height, stretch and wag its tail without touching the sides. The floor area must be a minimum of twice that required for a dog to lay out flat i.e. at least twice the area taken up by the dog and also be a minimum of at least 1.9sqm/20sq feet. For two or more dogs sharing, the total area must be at least the sum of that required for each dog.
49. Kennels must have a minimum head room height of 1.8m (6 ft.) to facilitate adequate space for kennel staff to clean and handle the dogs.
50. Partition walls between the sleeping accommodation of adjacent dog units must be of solid construction to a height sufficient to prevent direct nose to nose contact.

### Temperature in Sleeping Accommodation

51. There must be a means of measuring, monitoring and recording temperature (maximum and minimum temperatures) representative of the temperature in the dog sleeping accommodation.
52. Insulation and temperature regulation in the kennels must aim to keep the ambient temperature in the dog sleeping accommodation above an absolute minimum of 10°C and below a maximum of 26°C.
53. There must be a documented policy in place for dealing with extremes of temperature and weather conditions (both hot and cold). There must be documented evidence that this is being implemented i.e. any deviations from the temperature cited .



54. Dogs must be monitored to check if they are too hot or too cold. If an individual dog is showing signs of heat or cold intolerance then steps must be taken to ensure the welfare of the dog.
55. The dog must be able to remove itself from a direct source of heat e.g. lamp.
56. Heaters must not be sited in a manner or location where they present a risk of burning or electrocution to dogs or humans, or a risk of fire. Open flame appliances must not be used. All heating equipment must be installed and maintained in a safe condition.
57. Any electrical sockets in the sleeping accommodation must be waterproof and protected against damage e.g. out of reach or the use of safety cages.

### Bedding

58. There must be a clean resting place to provide comfort and warmth which is situated out of draughts. A raised bed may aid in the avoidance of draughts.
59. A dog must not be left without bedding, unless instructed otherwise by the dog's owner. Soft bedding materials must be provided and adapted if necessary for old, young or infirm dogs to help regulate their body temperature. If a dog chews or destroys its bedding, it must be replaced with an alternative.
60. Bedding must be made of a material that is easy to wash/disinfect, or is disposable.
61. Bedding must be changed between dogs. Dog units and bedding must be cleaned and disinfected on being vacated.
62. All beds and bedding areas must be kept clean and dry.

### **DESIGNATED RUN (in addition to and not including sleeping accommodation)**

63. Any part of the run to which the dog has access must be easily cleanable and maintained in good repair. Any replacement wood must be clad with a smooth impervious material.
64. The floor must be finished to produce a smooth, impervious, slip-resistant surface and all surfaces must be capable of being easily cleaned and disinfected. There must not be any open gaps if using concrete slabs or tiling.
65. Where dogs have access to mesh, the diameter of the wire must not be less than 2.0 mm (BS 14 gauge welded mesh). Mesh size must not exceed 50 mm in any direction.
66. The run must not be used as the primary sleeping / bedding area.
67. The attached run must be roofed to a minimum of half the area, sufficient to give the dog protection against the weather. The roofing material must be translucent material capable of filtering UV light and providing shade.
68. The solid partition between individual attached runs must be sufficiently high to prevent

direct nose to nose contact.

69. Where a dog poses a health and welfare risk to other dogs, he or she should be kept in a dog unit with full height solid partition walls (these can be temporary).

### **OUTDOOR EXERCISE AND EXERCISE AREAS (separate from dog units)**

70. Dogs must be monitored whilst in outdoor exercise areas.
71. Exercise areas must not be used by more than one dog at any one time unless they are from the same household or prior written consent has been obtained from owners, in accordance with the documented Standard Operating Procedure (SOP). The owner must stipulate what mixing is to take place i.e. whether it is mixing with dogs selected by the proprietor or with named dogs only.
72. Exercise areas must be cleared of all potential hazards between dogs. Faeces must be picked up between dogs/occupancy and at least daily to prevent the roundworm *Toxocara canis* and other parasites from being established.
73. Dogs must not be restricted to such an area when climatic conditions may cause them distress. They must have constant access to fresh, clean water and shade and shelter so that they can seek protection from the weather.
74. Informed written consent from owners must be obtained to enable a dog to be walked outside the kennel facility.
75. An outdoor exercise area must be safe. For example dogs should not be exercised on grass which has been treated with a chemical dangerous to dogs. Where artificial turf is used, it must be maintained in good repair to avoid ingestion hazards.
76. Exercise areas for common use, if used, must be suitably drained. Surface ponding of water must not occur and land drainage should be provided where necessary if normal site drainage proves inadequate.
77. Equipment such as tunnels, platforms and toys must be safe and maintained in a safe and clean condition.

**FIRE AND OTHER EMERGENCIES** - Appropriate steps need to be taken to prevent fire and to protect dogs and staff in case of fire and other emergencies.

78. A Fire Safety Risk Assessment and implementation of all necessary control measures must be in place.
79. There must be a written emergency plan (acceptable to the local authority) which must be on display and known to staff, including a contingency plan should the premises be uninhabitable. This must include an evacuation plan for the dogs. An emergency telephone list must include fire, police and vets.
80. Fire fighting equipment must be provided and maintained in good working order. Records of maintenance and inspection must be kept and made available for inspection.

81. Fire exits must be clearly marked and access left unrestricted.
82. The premises must comply with current legislation with regards to electricity, gas and other services (if connected).
83. There must be a residual current circuit breaker system installed on the electrical supply to each block of kennels.
84. There must be adequate means of raising an alarm in the event of a fire or other emergency.

## **DIET**

### Drinking

85. Fresh water suitable for human consumption must be available at all times. Clean water must be provided daily in a clean container and changed or refreshed as often as necessary.
86. Water bowls must be non-porous and easy to clean/disinfect or disposable. They must be cleaned at least once daily.

### Eating

87. There must be exclusive facilities (animal kitchens), hygienically constructed and maintained, for the storage and preparation of food for the dogs.
88. Refrigeration facilities must be provided.
89. A sink with an adequate supply of hot and cold water (suitable for human consumption) must be provided for the washing of food equipment and eating and drinking vessels. The sink must be connected to a suitable drainage system.
90. A separate hand wash basin with an adequate supply of hot and cold water, soap and hygienic hand drying facilities, and connected to a suitable drainage system must be provided for staff to wash their hands.
91. Clean, safe containers must be provided for the storage of foods and must be insect and rodent proof.
92. Dogs must be fed a balanced diet of a quantity and frequency suitable for their age, health status, reproductive status and lifestyle. This should be at least once per day. The type of food, specific diet or prescription diet is usually by agreement with the owner.
93. Food must be unspoilt, palatable, and free from contamination.
94. Food must not be left for excessive periods to prevent it being spoiled and attracting flies. Unconsumed wet or fresh food must be removed from the dog unit before it deteriorates, and before the next feed time. Dry food can be fed as indicated by the manufacturer.
95. One feeding bowl must be provided per dog.

96. Food bowls must be non-porous and easy to clean and disinfect, or disposable.
97. Food intake must be monitored daily and any problems recorded.
98. Dogs must not remain inappetent (not eating) for longer than 24 hours without seeking veterinary advice. If there are specific concerns veterinary advice must be sought earlier.
99. Dietary requirements, agreed with the owner, must be followed. If there are concerns about an individual dog's diet, veterinary advice must be sought.
100. Dogs displaying significant weight loss/gain during their stay must be evaluated by a vet and treated as necessary.

## **BEHAVIOUR**

### General points on dog behaviour

101. The behaviour of individual dogs must be monitored on a daily basis and changes in behaviour and/or behaviours indicative of stress, fear, pain and anxiety must be recorded and acted upon. Those struggling to cope must be given extra consideration as per long stay dogs.
102. Any equipment used to walk dogs must protect the dog's welfare and must be correctly fitted and used. Items must be removed when the dog is returned to the kennel and kept in an easily accessible location. Items specific to a particular dog must be identified as such.
103. All dogs must receive toys and / or feeding enrichment unless veterinary advice suggests otherwise. The kennel must obtain the owner's written consent and discuss the provision of toys with the owner. Toys must be checked daily to ensure they remain safe.
104. Dogs need to be exercised on a daily basis away from the kennel unit. This can be on lead or off lead in a secure exercise area. Dogs which cannot be exercised must be provided with alternative forms of mental stimulation. This can include positive interaction with people and additional forms of toy and food enrichment.

### Noise

105. Procedures, management and the kennel construction must contribute towards avoiding exposure to excessive / continuous noise.
106. Dogs likely to be or showing signs of being nervous or stressed must be located in a suitable part of the kennels, bearing in mind their individual disposition. This could include:
  - Elderly dogs
  - Nervous dogs
  - Dogs on some medicationsWhere a dog is showing signs of being nervous or stressed, steps must be taken to address this.
107. Dogs may be adversely affected by the sound of other barking dogs. This is particularly the

case for puppies below the age of seven months, which can be susceptible to developing undesirable behaviour if stressed, frightened or anxious. Puppies under 7 months of age, must be located in the quietest part of the kennel establishment.

#### Long stay dogs

108. A written Standard Operating Procedure (SOP) must be in place explaining how to ensure the health and welfare of long stay dogs.

### **COMPANY**

#### Canine company and interactions

109. Only dogs from the same household may share a dog unit.

110. Dogs which share a dog unit must have sufficient space and adequate resources.

111. Dogs from different units must not share exercise runs or an exercise area at the same time unless prior consent is given.

112. Where possible dogs must be able to avoid seeing other dogs if they choose to. This facility should be included in the design for any new builds.

113. Where a dog may pose a risk to other dogs he/she must be kept in a dog unit with solid partitions.

#### Human company and Interactions

114. All staff must have the competence to handle dogs correctly and be able to identify dogs that are anxious or fearful about contact. Dogs must always be handled humanely and appropriately to suit the requirements of the individual dog.

115. All dog handling equipment must be suitably maintained.

116. A protocol must be in place for dealing with difficult dogs, to include members of staff appropriately trained in the use of dog handling equipment.

117. Dogs must receive daily beneficial human interactions appropriate to the individual dog.

#### Multi-dog units

118. For any multi-dog unit (only appropriate for dogs from the same household) written authorisation must be obtained and dogs must be monitored. Consent from the owner must also include authority for separating dogs, should problems arise (e.g. dogs fighting or appearing 'stressed'). Agreeing to a kennel's Terms and Conditions will satisfy this.

119. There must be multiples of all resources (food and water bowls and sleeping areas), equal or greater than the number of dogs in the unit, to ensure that some dogs cannot monopolise resources and prevent the others from accessing them. Dogs must be carefully monitored, especially at feeding time.

120. There must be sufficient space for multiple dogs in the dog unit.

121. A separate bed must be provided for each dog.

### Handling dogs

122. All handling must be safe and minimise fear, stress, pain and distress and dogs must never be punished so that they are frightened or exhibit aversive behaviour.

123. All staff must have the competence to handle dogs correctly.

124. Harsh, potentially painful or frightening equipment must not be used by kennel staff e.g. electric shock collars, spray collars, pinch/prong collars, choke/check chains. If such equipment is present when the dog arrives, these must be removed once the dog is in its kennel unit. Alternative handling equipment must be used throughout the kennel stay.

125. When removing individual dogs from dog units, staff must try to minimise disturbance to dogs in neighbouring dog units, e.g. staff must choose the exit that passes the fewest dogs.

## **HEALTH AND SAFETY**

### Keeping records

126. If records are kept electronically they must be backed up. All records are to be kept for a minimum of 24 months in a manner that allows an authorised officer easy access.

127. If a dog on the Index of Exempted Breeds to be boarded the owners must produce a copy of the dog's licence and insurance certificate in order to admit the dog. The exemption certificate must be produced and be complied with throughout the dogs' stay in kennels. Dogs must not participate in any communal activities. Inspectors have authority to demand paperwork relating to boarders. The paperwork must be produced on demand and be appropriate and correct.

128. Dog units must be numbered and referenced with the records kept.

### Monitoring dogs

129. All dogs must be observed regularly throughout the day. Dogs must be checked daily for signs of illness, injury, stress, fear, anxiety and pain, and/or abnormal behaviour for that dog and to ensure that their needs are being met. Any signs of ill health or unusual behaviour must be recorded and advice sought without delay.

130. The kennel proprietor or responsible person must visit the dogs at regular intervals (of no more than 4 hours apart during the working day e.g. starting at 8.00 am, until 6.00pm), or as necessary for the individual health, safety and welfare of each dog.

131. Presence or absence of faeces and urine must be monitored daily. Any abnormalities in excreta must be recorded or acted upon as appropriate.

Disease control

132. Documented Standard Operating Procedures (SOPs) must be in place and followed to prevent spread of disease, and staff trained in these procedures.
133. Dogs must not share a dog unit with another dog unless it is from the same household.
134. Dogs must not be allowed to roam in the secure area (safety corridor).
135. All dog units, corridors, common areas, kitchens etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
136. Generally, dogs must remain in their assigned unit and must not be moved to other units (rotation) or to a holding unit, except for moving to an isolation facility or in the interest of the dog's welfare.
137. Facilities must be provided for the proper reception, containment and disposal of all waste in compliance with relevant waste legislation. Particular care should be taken to segregate waste arising from the treatment and handling of dogs with infectious diseases.
138. Isolation facilities must be available.
139. When there is any cause for concern regarding the health status of a particular dog, the dog must be isolated and the disease control SOP activated.
140. Any other activity undertaken by the proprietor, such as work with rescue dogs, stray dogs, or the breeding of dogs must be kept completely separate, and extra precautions taken to prevent the spread of disease, including separate facilities away from boarded dogs.

**CLEANING REGIMES**

Cleaning and Disinfectant Products

141. Products must be suitable to use and effective against the pathogens, (especially canine parvovirus) for which the dogs are at risk and under the conditions present in the environment in which they are used.
142. Cleaning agents and disinfectants must be non-toxic to dogs if and when used appropriately.
143. The compatibility of different bactericides, fungicides and virucides (if used together and/or with a detergent) must also be taken into account.
144. Manufacturers' recommended guidelines for use, correct dilutions and contact time for use in cleaning and disinfection procedures must be followed. Standing water must not be allowed to accumulate in areas around the dog units due to the possibility of pathogens residing in these moist environments.

Cleaning and disinfecting routines for units when dogs are resident:

145. There must be cleaning and disinfection routines in place for day-to-day management of the dogs and for ensuring a dog unit and all equipment is cleaned and disinfected effectively before a new dog comes in.
146. Beds and bedding material must be checked daily and be maintained in a clean, dry and parasite-free condition.
147. Drinking and feeding vessels must be changed/cleaned and disinfected at least once a day, or disposed of.
148. Food and water dishes need to be cleaned and disinfected. This must not be at the same time, and preferably not in the same place, as other soiled items e.g. toys.
149. Grooming equipment must be kept clean and in a good state of repair and serviced according to manufacturer's guidelines. If provided by the owner, it must only be used on that dog and must be sent home with the dog.
150. Any equipment that has been used on an infectious or suspected infectious animal must be cleaned and disinfected after use.
151. Toys must be cleaned and disinfected between use for different dogs, disposed of, or returned to the dog's owner (if they came in with the dog).
152. Each kennel must be thoroughly cleansed, disinfected and dried between dogs. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.
153. Kennels of long stay dogs will require periodical thorough cleaning, disinfection and drying.

Handling Dogs

154. A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site. Staff must be trained and competent in the safe and effective use of such items.

**VACCINATION, FLEAS, WORMS AND OTHER PARASITES**

155. There must be a documented policy for dogs coming to the kennels having protection against appropriate diseases (Occasionally there will be veterinary advice on a specific dog regarding vaccination and its health status and this should be taken into account).
156. An up-to-date veterinary vaccination record must be seen to ensure that dogs boarded have current vaccinations against canine parvovirus, canine distemper, infectious canine hepatitis (adenovirus) and, leptospirosis. The date of the most recent vaccination must be recorded preferably with a valid until date. Certification from a veterinary surgeon of a recent protective titre test may be accepted in individual cases as evidence of protection against adenovirus, distemper and parvovirus. The certificate must state that it is valid for the period of stay at the kennels. It is the decision of the kennel proprietor whether to accept such a certificate.



- 157. Primary vaccination courses must be completed at least 2 weeks before boarding.
- 158. Homoeopathic vaccination is not acceptable as it will not protect against infectious diseases.
- 159. If there is evidence of external parasites (fleas, ticks, lice) the dog must be treated with an appropriate and licensed insecticide. Treatment must be discussed with a veterinary surgeon before administering. Consent from the owner will be required.

### **ISOLATION ARRANGEMENTS**

- 160. All establishments must provide appropriate isolation to allow for the care of sick dogs that develop signs of infectious diseases.
- 161. If the isolation facilities are provided by the attending veterinary practice, a letter must be provided by the practice stating that they are prepared to provide such facilities. If not, the stated isolation protocols must be followed.
- 162. The isolation area must provide separate, self-contained facilities for the isolation of suspected infected dogs and must have a separate entrance to the rest of the dog units.
- 163. Protective clothing and footwear must be worn when handling dogs in the isolation facility, and sanitation protocols adhered to, to avoid the transmission of disease. Whilst in use, the clothing should be kept in the isolation unit and not be removed other than for cleaning and disinfection.
- 164. Protective garments must be changed and laundered with an appropriate disinfectant or disposed of immediately after handling a dog with a suspected infectious disease.
- 165. Hands must be washed and disinfected between handling dogs.
- 166. Separate feeding and water bowls, bedding and cleaning utensils must be stored in the isolation unit ready for immediate use. The use of different coloured cleaning utensils to the rest of the kennels may help with this.
- 167. Any dogs in the isolation facility must be checked regularly and unless a separate person is caring for them, they should be visited after the other dogs.
- 168. A documented Standard Operating Procedure (SOP) is required for barrier nursing.
- 169. Should a dog need to be removed from its unit it must wear a collar and tag.
- 170. In emergency cases, such as admission of unvaccinated dogs because of owner hospitalisation, there must be provision to be able to place these animals in isolation.

### **VETERINARY TREATMENT AND HEALTHCARE**

- 171. If medication is necessary, it must only be used for the dog for which it is intended and written instructions for use must be followed.
- 172. A veterinary practice must be appointed for the establishment. The name, address and

telephone contact number, including out of hours provision, of the veterinary surgeon used by the establishment must be displayed in a prominent place, close to the telephone and accessible to all members of staff.

173. Where dogs require wiping of eyes, grooming or other cleaning regimes, these must be carried out frequently enough to keep the dog clean and comfortable providing it is safe to do so.
174. When a dog is suspected of being ill or injured (staff should be trained to recognise when a dog requires veterinary care), a veterinary surgeon (and where possible, this should be the dog's own vet) must be contacted for advice immediately. Any instructions for treatment given by a veterinary surgeon must be recorded and strictly followed with further advice sought if there is ongoing concern.
175. Medicines must be stored safely and securely in a locked cupboard, at the correct temperature and used in accordance with the veterinary surgeon's instructions. Any unused medications must be returned to the owner or prescribing vet.
176. Procedures must be in place in case of death or escape and all staff must be made fully aware of these procedures. Arrangements for the storage of cadavers must be in place until the owner can be contacted e.g. prior written agreement with the attending vet. Contact with the owner must be made as soon as possible.

## **HOLDING KENNELS**

177. Holding kennels may be provided for temporarily kennelling a dog for not more than 12 hours. Holding kennels, if provided, must comply with conditions as required for main kennels. Holding kennels must be a minimum area to allow the dog to exhibit normal traits i.e. dog must be able to sit and stand at full height, stretch, lie flat and wag its tail without touching the sides.
178. Dogs must be provided with a bed, food and water.

## **TRANSPORTATION OF ANIMALS**

179. Any relevant transport legislation must be complied with to protect welfare, prevent injury or unnecessary suffering.
180. Dogs must be comfortable and suitably restrained whilst in transit.
181. All vehicles and equipment must be kept clean and disinfected after each collection or delivery.
182. Dogs must not be left unattended in vehicles.
183. External temperature can pose a risk to a dog's welfare; therefore vehicles must have adequate ventilation and temperature control.

**ANIMAL BOARDING ESTABLISHMENT CONDITIONS (CATS)**

**ENVIRONMENT**

Cattery construction and principles of design

Physical construction and integrity

General

1. The cattery must be structurally sound.
2. The cattery must be constructed of materials that are robust, safe and durable and be well maintained in good decorative order and repair.
3. Materials used in construction or maintenance must not expose cats to any harmful chemicals.
4. The cattery must be built in compliance with good building practice (e.g. local authority guidelines), on a concrete base with a damp proof membrane. Where Building Regulations apply these must be adhered to.
5. There must be no sharp edges, projections, rough edges or other hazards which present risk of injury to a cat.
6. Windows must be escape-proof at all times.
7. Doors must have secure latches or other closing devices.
8. All wire mesh/fencing must be strong and rigid and kept in good repair to provide an escape-proof structure.
9. Timber, if used, must be of good quality, well maintained and any scratched areas sealed or over-clad.
10. Any storage areas must be dry and free from vermin.
11. Electrical equipment must be installed in line with current legislation and maintained in a safe condition.

Drainage

12. Waste water must not run off into adjacent pens.
13. Adequate drainage must prevent pooling of liquids.
14. Any drain covers in areas where cats have access must be designed and located to prevent toes/claws from being caught.

Safety corridor/entrance lobby

15. There must be an escape-proof area (safety corridor/entrance lobby) at the exit of each cat unit.
16. For catteries where there are facing units accessed by an indoor corridor, the corridor must be at least 1.2 m wide, or the doors of the units must be solid or have sneeze barriers.
17. At the end of the safety corridor there must be a securable door through which the inside of the cattery can be viewed from the outside and this must be kept closed when not in use.
18. The door from the cat unit to the safety corridor must be escape-proof, securable, and strong enough to resist impact and scratching and kept closed at all times.
19. The floor must be finished to produce a smooth, impervious surface which is easy to clean and disinfect. Holes or gaps between tiles or paving slabs are not acceptable.
20. Outdoor safety corridors must be roofed.
21. External doors/gates must be lockable and staff must have easy access to keys in case of emergency.
22. Sufficient lighting must be provided in the safety corridor to illuminate all year round. Where practicable this should be natural light during the day.
23. The safety corridor must not be used as an exercise area.

Roofing

24. There must be a safe, secure, waterproof roof over all of the cat units (sleeping accommodation and run) and the safety corridor. For the run, materials used must be capable of filtering UV light and providing adequate shade.

**CAT UNITS**

25. Cats from different households must not share cat units.

Lighting

26. There must be adequate lighting in the cat unit.

Ventilation and humidity

27. Ventilation must be appropriate all year round (both cool in hot weather and avoiding cold draughts in winter). Localised draughts in the sleeping accommodation must be avoided.

Interior surfaces

28. All interior surfaces to which cats have access must be durable, smooth and impervious, capable of being cleaned and disinfected, and be kept in good decorative order and repair.

29. Where concrete or other building blocks or bricks are used, they must be sealed to be smooth and impervious.
30. Surfaces which are peeling, scratched, chipped or in disrepair must be repaired or resealed to an acceptable standard, or replaced.
31. Ceilings must be capable of being easily cleaned and disinfected.
32. Junctions between sections must be covered or sealed.
33. Floors must be finished to produce a smooth, non-slip, solid surface and all surfaces must be capable of being easily cleaned and disinfected. (There must be no open gaps if using concrete slabs or tiling).

#### Accessing the cat unit

34. Each unit must be designed to allow staff to access and clean all parts of the cat unit safely.
35. The unit must have a securable, full height door for access.
36. Each unit must be clearly marked (e.g. numbered) and a system in place which ensures that relevant information about the cat in that unit is readily available.

#### Litter trays

37. Litter trays of a suitable size or type must be provided at all times.
38. Each unit must have space to allow for at least 60 cm separation between the litter tray, resting place and feeding area. This allows cats to sit, rest and eat away from areas where they urinate and defecate.
39. Trays must be impermeable, easy to clean and disinfect, or be disposable.
40. A safe and absorbent litter material must be provided.
41. In a multiple cat unit the number of trays must be appropriate to the number of cats.
42. Trays must be regularly and appropriately cleaned.

### **SLEEPING ACCOMMODATION**

#### Size of full height walk-in unit sleeping accommodation

43. The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Existing buildings, floor area and dimensions of full height walk-in sleeping accommodation			
	Minimum Area	Smallest dimension must be a minimum of:	Minimum height
One cat	0.85 m <sup>2</sup>	0.9 m (eg 0.90 m x 0.95 m)	1.8 m
Up to two cats	1.5 m <sup>2</sup>	1.2 m (eg 1.20 m x 1.25 m)	1.8 m
Up to four cats	1.9 m <sup>2</sup>	1.2 m (eg 1.20 m x 1.60 m)	1.8 m

#### Shelving or raised area for a full height walk-in unit

44. All resting areas/shelving must be large enough for each cat to lie on.
45. Facilities must be easily accessible and provide safe easy access to the shelf for elderly, ill, very young or disabled cats if required.
46. Shelving or raised areas must be made of impervious, easily cleanable materials.
47. The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.
48. Facilities must be easily accessible and provide safe easy access (ramp/steps) to the penthouse. Extra consideration may be needed for elderly, ill, very young or disabled cats. Existing buildings, floor area and dimensions.

Existing buildings, floor area and dimensions of penthouse sleeping accommodation (box)			
	Minimum Area	Smallest dimension must be a minimum of:	Minimum height of box
One cat	0.85 m <sup>2</sup>	0.9 m (eg 0.90 m x 0.95 m)	1 m
Up to two cats	1.1 m <sup>2</sup>	1.2 m (eg 0.9 m x 1.20 m)	1 m
Up to four cats	1.7 m <sup>2</sup>	0.9 m (eg 0.9 m x 1.90 m)	1 m

#### Temperature in sleeping accommodation

49. There must be a means of measuring, monitoring and recording temperature (maximum and minimum temperatures) representative of the temperature in the cat sleeping accommodation.
50. Insulation and temperature regulation in the cattery must aim to keep the ambient temperature in the cat sleeping accommodation above an absolute minimum of 10°C.
51. There must be part of the cat's sleeping accommodation where the cat is able to enjoy a minimum temperature of 15°C – this additional heat may be in the form of a heated bed/pad etc.

52. The cat must be able to remove itself from the source of heat.
53. Heaters must not be sited in a manner or location where they present a risk of burning or electrocution to cats or humans, or a risk of fire.
54. Open flame appliances must not be used.
55. All heating equipment must be installed and maintained in a safe condition.
56. Additional forms of heating can be in the form of heated beds, heated pads or similar but these must not be the main source of heat for the cats. Use should be tailored to the needs of individual cats.
57. Any sockets in the sleeping accommodation must be waterproof and as far out of reach of cats as possible.
58. There must be a policy in place for dealing with high temperatures and a means of keeping cats cool.

#### Bedding

59. There must be a clean resting place to provide comfort and warmth which is situated out of draughts.
60. Soft bedding materials must be provided and adapted if necessary for old, young or infirm cats to help regulate their body temperature.
61. Bedding must be made of a material that is easy to wash/disinfect, or is disposable.

#### Access to run

62. A cat must have access between the sleeping accommodation and run (e.g. a cat flap) so it can easily and safely access all parts of its unit.

#### **EXERCISE RUN (in addition to and not including sleeping accommodation)**

63. Any part of the run to which the cat has access must be easily cleanable and not damaged by scratching. Any replacement wood must be clad with a smooth impervious material.
64. The floor must be finished to produce a smooth, impervious surface and all surfaces must be capable of being easily cleaned and disinfected. There must be no open gaps if using concrete slabs or tiling.
65. Where cats have access to mesh (catteries with gaps rather than sneeze barriers), the diameter of the wire must not be less than 1.6 mm (16 gauge welded mesh). Mesh size must not exceed 25 mm in one direction and should be positioned on the inside of the framework of runs to prevent damage of uprights by cats scratching any woodwork.
66. All exercise runs must be roofed to provide protection from the elements.

67. Communal exercise areas must not be used.

Size of exercise run for full height walk-in unit and penthouse style unit

68. The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Existing buildings, floor area and dimensions of full height and penthouse exercise runs			
	Minimum Area	Smallest dimension must be a minimum of:	Minimum height
One cat	1.65 m <sup>2</sup>	0.9 m (eg 0.9 m x 1.85 m)	1.8 m
Up to two cats	2.2 m <sup>2</sup>	1.20 m (eg 1.20 m x 1.85 m)	1.8 m
Up to four cats	2.8 m <sup>2</sup>	1.20 m (eg 1.20 m x 2.35 m)	1.8 m

Sneeze barriers

69. Full height, full width solid sneeze barriers must be installed between cat units. Alternatively, where the cattery is built with gaps between outdoor units rather than sneeze barriers, these must be a minimum of 0.6m wide.

70. Sneeze barriers must be in place on the end walls of the exercise run at each end of the cattery block to prevent contact with animals from outside.

Shelving or raised areas in exercise run

71. Shelving must be made of impervious, easily cleanable materials.

72. There must be a shelf or facility for providing a raised area in the exercise area.

73. All resting areas/shelving must be large enough for each cat to lie on.

74. Extra help (eg steps) to provide safe easy access to the shelf for elderly, ill, very young or disabled cats must be available if required.

**FIRE AND OTHER EMERGENCIES**

75. There must be a written emergency plan (agreed by the local authority) which must be on display and known to staff and a contingency plan should the premises be destroyed or uninhabitable.

76. Premises and activities must be risk assessed (including fire). These risk assessments must be recorded and relayed and understood by all staff.

77. Fire fighting equipment must be provided, maintained in good working order (maintenance must be evident and should show date checked) and easily accessible.



- 78. Fire exits must be clearly marked and access left unrestricted.
- 80. The premises must comply with current legislation with regards to electricity and gas (if connected).

## **DIET**

### Drinking

- 81. Fresh water must be available at all times. Clean water must be provided daily in a clean container or changed sooner if it is visibly soiled.
- 82. Food and water must be kept separate (Joint feeding and water bowls must not be used).
- 83. Water must be positioned well away from the litter tray, as cats will not drink if it is placed too close to a toilet site.
- 84. Adequate water bowls must be provided for multi-cat units.
- 85. Water bowls must be non-porous and easy to clean/disinfect.

### Eating

- 86. There must be exclusive facilities, hygienically constructed and maintained, for the storage and preparation of food for the cats.
- 87. Refrigeration facilities must be provided.
- 88. A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels.
- 89. Clean, safe containers must be provided for the storage of foods and must be insect and rodent proof
- 90. Cats must be fed a balanced diet suitable for their age, health status, reproductive status and lifestyle. The type of food, specific diet or prescription diet is usually by agreement with the owner.
- 91. Food must be unspoilt, palatable, and free from contamination.
- 92. For healthy adult cats at least two meals a day must be offered at a minimum of 8 hours apart, as appropriate to the individual's requirements.
- 93. Unconsumed wet or fresh food must be removed before it deteriorates, and before the next feed time. Dry food can be fed as indicated by the manufacturer.
- 94. Food must not be left for excessive periods to prevent it being spoiled and attracting flies. This will vary with temperature conditions and type of food.
- 95. All food must be positioned well away from the litter tray, (minimum 60cm), as cats will not

eat if it is placed too close to their toilet site.

96. One feeding bowl must be provided per cat.
97. Food bowls must be non-porous and easy to clean and disinfect, or disposable.
98. Food intake must be monitored daily and any problems recorded.
99. Veterinary advice must be followed if feeding debilitated, underweight or ill cats, or those with specific dietary requirements.
100. Cats displaying marked weight loss/gain must be evaluated by a vet and treated as necessary.

## **BEHAVIOUR**

### General points on cat behaviour

101. The behaviour of individual cats must be monitored on a daily basis and abnormalities or changes noted and acted upon if necessary.
102. Cats must be able to access different levels within the unit.
103. Cats must be given the opportunity for play and exercise.

### Hiding places

104. A hiding place must be provided for cats in the sleeping accommodation.

### Play

105. Any toys provided must be safe and be disinfected between use in the cattery, or disposed of. If provided by the owner toys must be kept within that cat's unit and used solely for that cat and returned to the owner and the end of the cat's stay.

### Scratching

106. Cats must be provided with suitable facilities for scratching.
107. Any surface available for scratching must either be disinfected between use for different cats, or disposable. If provided by the owner it must be kept within that cat's unit and used solely for that cat and returned to the owner and the end of the cat's stay.

### Noise

108. Cats must not be exposed to excessive noise of barking boarded dogs or other excessive/continuous noise.

### Long stay cats

109. A Standard Operating Procedure (SOP) must be in place explaining how to ensure the

health and welfare of long-term stay cats.

## **COMPANY**

### Feline company and interactions

110. Cats from different units must not share exercise runs or an exercise area either at the same time or sequentially.

### Human company and interactions

111. Cats must always be handled humanely and appropriately to suit the requirements of the individual cat.

### Multi-cat units

112. For any multi-cat unit (cats from the same home) cats must be monitored and consent obtained from the owner for separating cats, should problems arise (e.g. cats fighting or 'stressed').

113. There must be multiples of all resources (food and water bowls, litter trays and sleeping areas (warmed if required), depending on the number of cats, to ensure that some cats cannot monopolise resources and prevent the others from accessing them.

114. A separate bed must be provided for each cat.

115. A separate hiding place must be provided for each cat eg a cardboard box, igloo bed.

116. Separate feeding bowls (not double feeders) must be provided for each cat.

117. Several sources of water must be provided if multiple cats are housed.

## **HEALTH AND WELFARE**

### Monitoring cats

118. All cats must be observed regularly throughout the day. Cats must be checked daily for signs of illness and/or injury and to ensure that their needs are being met. Any signs of ill health or unusual behaviour must be recorded and advice sought without delay.

119. The cattery proprietor or responsible person must visit the cats at regular intervals (of no more than 4 hours apart during the working day), or as necessary for the individual health, safety and welfare of each cat.

120. Presence or absence of faeces and urine in trays must be noted daily. Any signs of abnormalities in excreta must also be noted or acted upon as appropriate.

121. Drinking and eating habits must be monitored and any problem investigated.

Keeping records

122. A register must be kept of all cats boarded and available to key members of staff and to local authority inspectors if requested. Records should be backed up and records kept for a minimum of 24 months. The information kept must include the following:
- Date of arrival and departure.
  - Name, sex, description of cat and microchip number.
  - Number of cats sharing from same household.
  - Name, address, phone number and email of owner (including emergency contact details).
  - Name, address, email and phone number of emergency local contact (who is able to take the cat if necessary).
  - Cat's veterinary surgeon.
  - Cat's diet and relevant requirements.
  - Cats' relevant medical history.
  - Consent forms eg veterinary treatment, consent to share or separate cats if needed,
  - record of baskets/toys etc left at the cattery (Check vet consent forms i.e. own vet or designated vet if not in area).
  - Record of vaccination.
  - Any medical treatment must be recorded and visible to prevent mis-dosing.

Disease control

123. Where work with rescue cats or breeding cats is also undertaken, this must be kept completely separate, and extra precautions taken to prevent the spread of disease.
124. When there is any cause for concern regarding the health status of a cat, that cat must be handled last and the unit must be cleaned after all the others.
125. Cats must remain in their assigned unit and not be moved to other units (rotation) or to a holding unit for cleaning purposes, except for moving to an isolation facility.
126. Standard operating procedures (SOPs) must be in place and followed to prevent spread of disease, and staff trained in these procedures.
127. Facilities must be provided for the proper reception, containment and disposal of all waste and meet with local authority approval.
128. Isolation facilities must be available.

**HYGIENE PRACTICES**

Cleaning and disinfectant products

129. Products must be suitable to use and effective against the pathogens, (especially feline parvovirus (FIE) and ringworm)) for which the cats are at risk and under the conditions present in the environment in which they are used.
130. Cleaning agents and disinfectants must be non-toxic to cats.

131. The compatibility of different bactericides, fungicides and virucides (if used together and/or with a detergent) must also be taken into account.

Cleaning and disinfecting routines for units when cats are resident

132. There must be cleaning and disinfection routines in place for day-to-day management of the cats and for ensuring a cat unit and all equipment is cleaned and disinfected effectively before a new cat comes in.
133. Each unit must be supplied with its own dustpan, brush and scoop, to be used exclusively in, and kept in that unit, until departure of the cat, and then cleaned and disinfected before re-use, or disposed of prior to the next resident.
134. Litter trays must be emptied and cleaned and disinfected at least once a day, or more frequently as necessary.
135. Beds and bedding material must be checked daily and be maintained in a clean, dry and parasite-free condition.
136. Drinking vessels must be changed/cleaned and disinfected at least once a day.
137. Grooming equipment must either be cleaned and disinfected between use on different cats, or be disposable. If provided by the owner, it must only be used on that cat and must be sent home with the cat.
139. Toys and scratch posts must be cleaned and disinfected between use for different cats, disposed of, or returned to the cat's owner (if they came in with the cat).

Handling cats

140. Hygiene protocols must be observed between handling cats. Hands must be washed/ disinfected or hand sprays or alcohol gel used between handling of each cat.
141. Protective garments must be changed and laundered with an appropriate disinfectant/ disposed of immediately after handling a cat with a suspected infectious disease.

Vaccination, fleas, worms and other parasites

142. An up-to-date veterinary health record must be seen to ensure that cats boarded have current vaccinations against feline parvovirus (feline infectious enteritis) (FIE)) and against feline respiratory viruses (feline herpes virus and feline calicivirus).
143. Vaccination (including boosters) must have been completed, at the very least, 2 weeks before the cat's arrival in order to ensure maximum protection.
144. Homoeopathic vaccination is not acceptable as it will not protect against infectious diseases.

Isolation facilities

145. The area must provide separate, self contained facilities for the isolation of suspected

infected cats and must have a separate entrance to the rest of the units.

146. Separate cleaning supplies and clothing must be designated for the isolation area and other cattery sections.
147. Protective clothing and footwear must be worn when handling cats in the isolation facility, and sanitation protocols adhered to, to avoid the transmission of disease. Whilst in use, the clothing should be kept in the isolation unit and not be removed other than for cleaning and disinfection.
148. Hands must be washed/disinfected between handling cats.
149. Separate feeding and water bowls, litter trays, litter, a dedicated safe cat basket, bedding and cleaning utensils must be stored in the isolation unit ready for immediate use.
150. Any cats in the isolation facility must be checked regularly and unless a separate person is caring for them, they should be visited after the other cats.
151. A Standard Operating Procedure (SOP) for barrier nursing and information must be provided for staff.
152. Should a cat need to be removed from its unit, it must be carried in a secure and disinfected cat carrier, and the carrier disinfected after use.
153. In emergency cases, such as admission of unvaccinated cats because of owner hospitalisation, there must be provision to be able to place these animals in isolation.

#### **VETERINARY TREATMENT AND HEALTH CARE**

154. A veterinary practice must be appointed for the establishment. The name, address and telephone number of the establishment's veterinary service must be displayed in a prominent position for staff.
155. Where cats require wiping of eyes, grooming or other cleaning regimes, these must be carried out frequently enough to keep the cat clean and comfortable providing it is safe to do so.
156. When a cat is suspected of being ill or injured (staff should be trained to recognise when a cat requires veterinary care), a veterinary surgeon must be contacted for advice immediately. Any instructions for treatment given by a veterinary surgeon must be strictly followed with further advice sought if there is ongoing concern.
157. Medicines must be stored safely, securely, at the correct temperature and labelled correctly according to manufacturer's instructions. Any unused medications must be returned to the owner or prescribing vet.

#### **HOLDING UNITS FOR TEMPORARY HOUSING**

158. If, in an emergency, holding units/pens are used, they must not be sited in the reception.

160. Cats must be provided with a bed, litter tray, food and water.

**TRANSPORTATION OF ANIMALS**

161. Any transport legislation must be complied with.

162. Cats must be secured in durable carrying baskets any time they are transported/carried outside the cat unit (A spare cat carrier should be kept at the cattery for situations where owners do not arrive with their cat in a secure carrier).

163. All vehicles and equipment must be kept clean and disinfected after each collection or delivery.

164. Cats must not be left in vehicles except for transportation.

## Appendix 2

### ANIMAL BOARDING ESTABLISHMENT CONDITIONS HOME BOARDING (DOGS)

#### INTRODUCTION

1. Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
2. Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
3. The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
4. No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
5. Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
6. Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

#### LICENCE DISPLAY

7. A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

#### NUMBERS OF ANIMALS

8. The maximum number of dogs to be kept at any one time is shown on the licence
9. Written consent from the owners of boarded dogs must be obtained where they are boarded with dogs from another household .
10. Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.
11. The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

#### CONSTRUCTION

12. Dogs must live in the home as family pets. There must be no external construction of



buildings, cages or runs.

13. The premises shall have its own entrance and must not have shared access e.g. communal stairs.
14. There must be adequate space, light, heat and ventilation for the dogs.
15. As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.
16. There must be sufficient space available to be able to keep the dogs separately if required.
17. If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

## **MANAGEMENT**

### Training

18. A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

### Cleanliness

19. All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
20. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
21. All bedding areas must be kept clean and dry.
22. Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
23. Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

## **FOOD AND WATER SUPPLIES**

24. All dogs shall have an adequate supply of suitable food as directed by the client.
25. Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

26. Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.
27. Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

### **KITCHEN FACILITIES**

28. Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
29. All bulk supplies of food shall be kept in vermin proof containers.

### **DISEASE CONTROL AND VACCINATION**

30. Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
31. Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
32. Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
33. A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.
34. The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
35. Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
36. The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
37. Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

## **ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

38. Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
39. The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
40. Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
41. The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at veterinary surgeons premises until the owners return.

## **REGISTER**

42. A register must be kept of all dogs boarded. The information kept must include the following:
  - Date of arrival
  - Name of dog, any identification system such as microchip number, tattoo
  - Description, breed, age and gender of dog
  - Name, address and telephone number of owner or keeper
  - Name, address and telephone number of contact person whilst boarded
  - Name, address and telephone number of dog's veterinary surgeon
  - Anticipated and actual date of departure
  - Proof of current vaccinations, medical history and requirements
  - Health, welfare nutrition and exercise requirements
43. Such a register is to be available for inspection at all times by an officer of City of York Council, veterinary surgeon.
44. The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
45. If medication is to be administered, this must be recorded.
46. Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## **SUPERVISION**

47. A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.

48. Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.
49. No home where there are children under 5 years of age will be licensed.
50. Only people over 16 years of age are allowed to walk the dogs in public places.

### **EXERCISE**

51. Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission.
52. There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.
53. The exercise/garden area of the premises and any other area, to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
54. If there is a pond, it must be covered to avoid drowning.
55. Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
56. The Licensing Authority must be informed on the next working day if a dog is lost.

### **FIRE / EMERGENCY PRECAUTIONS**

57. Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
58. The occupier of the property must be aware of the location of the dogs in the property at all times.
59. Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
60. A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.
61. Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.

62. All doors to rooms must be kept shut at night.
63. All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
64. All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.
65. A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

**Appendix 3**

**DANGEROUS WILD ANIMAL CONDITIONS**

1. While any animal is being kept under the authority of this licence:
  - i) the animal shall be kept by no persons other than the person or persons specified in this licence:
  - ii) the animal shall normally be held at such premises as are specified in this licence;
  - iii) the animal shall not be moved from those premises, except in the following circumstances, namely:
    - transport to slaughter
    - transport to sale
    - transport to hospital
  - iv) the person to who the licence is granted shall hold a current insurance policy which insures him and any other person entitled to keep the animal under the authority of this licence against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the City of York Council.
2. The species and number of animals of each species that may be kept under the authority of this licence shall be restricted to those specified in the Schedule within the licence.
3. The person to whom this Licence is granted shall at all reasonable times make available a copy of this Licence to any person entitled to keep any animal under the authority of this licence.
4. Any change in species, or increase in the number of a species, will only be permitted if written consent of the Council is first obtained the Schedule of Animals within the licence is amended by the Council.

**Appendix 4**

**DOG BREEDING ESTABLISHMENTS CONDITIONS**

**ACCOMMODATION**

General

1. Dogs must at all times be kept in accommodation suitable as respects construction, size of quarters, numbers of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness; Breeding and Sale of Dogs Act 1973 S.1(4)(a).
2. Dogs kept in domestic premises must have free access to more than one room and every dog must be provided with continual access to a comfortable, dry, draught-free, clean and quiet place to rest.
3. Dog crates, where used (and whilst not acceptable as permanent housing) must be of sufficient size to allow each dog to be able to sit and stand at full height, step forward, turn around, stretch and lie down in a natural position and wag its tail without touching the sides of the crate and to lie down without touching another individual.

Kennel Construction

4. Where kennels are provided, within converted outbuildings, consideration must be given to cleaning, wildlife access, vermin control, natural lighting and ventilation.
5. All internal surfaces used in the construction of walls, floors, ceilings, partitions, doors and door frames must be durable, smooth and impervious, easily cleaned and disinfected. Kennels must be free from hazards and there must be no projections or rough edges liable to cause injury.
6. Sleeping areas of kennels must be insulated so as to prevent extremes of temperature.

Security

7. The construction must be such that the security of the dog is ensured. Fencing material must be safe and secure.

Walls and Partitions

8. Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleaned and disinfected.

Floors

9. Flooring must be of a non-slip, urine-resistant material. It must be laid in a way and at a fall that avoids the pooling of liquids. Slatted or wire mesh floors must not be used.

10. Floors of all buildings, individual exercise areas and kennels must be of smooth, impervious materials, capable of being easily cleaned and disinfected while providing sufficient grip for the animal to walk or run without sustaining injury.

#### Ceilings

11. Ceilings must be capable of being cleaned and disinfected.

#### Doors

12. Kennel doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

#### Windows

13. Windows must not pose a security risk and must be escape proof for the protection of the dog as well as the public.

#### Drainage

14. The establishment must be connected to mains drainage or an approved sewerage disposal system.

#### Lighting

15. During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible.
16. Lighting must be of sufficient standard to enable efficient working both during and after daylight hours.
17. Supplementary lighting, adequate to allow inspection, must be provided throughout the establishment.

#### Ventilation

18. Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

#### Kennel Design (Size, layout and exercise facilities)

19. Kennels must be divided into sleeping and activity areas.
20. Kennels must be provided with an adequate size of sleeping area, such that dogs can stand, turn around, stretch and lie down flat in a natural position, with sufficient space for the door to open fully.
21. Adequate exercise areas must be provided for all kennels. How much space will depend upon the size of the dog as well as the circumstances of each breeding establishment. Dogs



must be able to walk, turn around easily, wag their tails without touching the kennel sides, and lie down without touching another dog.

22. Kennels and runs must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
23. Exercise areas must not be used as sleeping areas. Outdoor areas where animals exercise and interact cannot have strict temperature regulation. Dogs must not be restricted to such areas when climatic conditions may cause them distress. They must have constant access to fresh clean water, shade and shelter so they can avoid rain, wind, snow, ice or direct sunlight, etc.
24. In adverse weather conditions, the responsible person must decide whether or not dogs are given free access to their run.
25. The run must be at least partially roofed to provide the dog with sufficient protection against all weathers.

#### Beds and Bedding

26. The bed must have clean bedding and be large enough for each dog to lie flat on their side. Beds must be suitable to allow dogs to be comfortable, ie of durable construction, be sited away from and offer protection from draughts and be of a suitable size for the size and type of dogs kept.
27. Bedding must be capable of being easily cleaned and disinfected.

#### Number of Dogs Permitted

28. The maximum number of dogs to be kept at any one time is to be determined by the Local Authority.
29. The number of dogs permitted must relate to the number and size of the kennels or space available and should be stipulated clearly on the front sheet of the licence. The decision regarding the number of dogs permitted to be kept must take into account the maximum likely litter size as well as the effectiveness of site management.

#### Temperature in Accommodation

30. Heating facilities must be available in the kennel and used according to the requirements of the individual dog.
31. Devices used for heating and cooling must be safe and free from risk of burning or electrocution. Manufacturer's instructions must be followed. Open flame appliances must not be used.

Cleanliness

32. All kennels, corridors, common areas, kitchens and so on must be kept clean and free from accumulations of dirt and dust so that disease control is maintained. An agreed SOP must be followed.
33. Each occupied kennel must be cleaned daily at a minimum.
34. All excreta and soiled material must be removed from all areas used by the dogs as necessary.
35. All sleeping areas and bedding must be kept clean and dry.
36. Facilities must be provided for the proper reception, storage and disposal of waste.
37. Measures must be taken to minimise the risks from rodents, insects and other pests within the breeding establishment.
38. Foul waste water must be disposed of by discharge to the appropriate or an approved drainage system. Those wishing to operate an incinerator must seek advice from the Environment Agency and/or the local authority.

Whelping Facilities

39. There must be a separate whelping pen or room for each whelping bitch in which to whelp. There must be direct access to the whelping area for kennel personnel without disturbing the general kennel population. Once separated there must be increased social contact with humans.
40. Each whelping pen must be constructed of easily cleanable impervious materials. The area must be cleaned regularly and a record kept of cleaning procedures. The whelping pen must have a divider to allow the bitch to access an area where she cannot be reached by the puppies. There must be natural daylight.
41. There must be a whelping bed raised off the floor and with sides high enough to prevent new born puppies from falling out. The bed must contain sufficient bedding to ensure a soft surface for the bitch and to enable the absorption of mess resulting from whelping. The bed must be constructed of easily cleanable impervious material and must be thoroughly cleaned and disinfected between litters.
42. The whelping area must be maintained at an appropriate temperature. The bitch must be able to move away from heat spots.
43. Bitches must be adequately supervised during whelping and records kept of:
  - time of birth of each puppy
  - puppies' sex, colour and weight
  - placenta passed
  - any other significant events.

44. Bitches must be allowed a minimum of four periods a day for toileting and exercise away from their puppies.

## **MANAGEMENT**

### General

45. Dogs must be adequately supplied with suitable food, drink and bedding material, adequately exercised, and visited at suitable intervals; BDA 1973 S.1(4)(b).
46. The Animal Welfare Act (2006) sets out the Duty of Care which must be met by the person responsible for the animals.

### Supervision

47. A fit and proper person must always be present to exercise supervision and deal with emergencies.

### Numbers of staff

48. Numbers of staff must be appropriate for the breed/type and number of dogs being bred. Numbers must be sufficient to provide the level of care set out in these model conditions.
49. Sufficient adequately trained staff must be available every day to carry out all the interactions and procedures with dogs specified in this document.
50. Establishing the number of staff required will require an assessment of the conditions at the establishment. As a guideline, it may be considered that a full time attendant may care for up to 20 dogs. In domestic environments, it is advisable for other members of the household, or dog sitters to be provided with guidance notes in regard to general day to day care – feeding, grooming, cleaning, exercise and compatibility issues – especially where several dogs, or breeds of dogs, are involved.
51. Dogs must not be left alone for long periods and must be checked at the start and end of every working day and regularly by a member of staff at least every four hours during the day.

### Environmental Enrichment and Exercise

52. Dogs must be provided with environmental enrichment and the ability to have some control over their environment.
53. Breeding establishments are the permanent home for some dogs and therefore provision of exercise facilities must be adequate for the long term. Dogs must not be kept permanently confined.
54. Arrangements must be made for the dogs to be exercised at least twice a day.

Handling and habituation

55. Breeding dogs must be handled and examined regularly to identify changes in health, weight and behaviour, also to ensure dogs are habituated to handling by people. This is particularly important for bitches, as fear of people will influence development of puppy behaviour

Food and Water Supplies

56. All dogs must be adequately supplied with suitable food. Clean water must be available at all times and changed at least daily. Dogs must be fed a diet appropriate to their age, breed, activity level and stage in the breeding cycle. Dogs must be fed individually with separate bowls. Food must be stored in vermin-proof containers and fresh food must be refrigerated.
57. Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross contamination. They must be maintained in a clean condition and cleaned and disinfected or disposed of after each meal.
58. Dogs must be fed sufficiently well to maintain health.

Weaning Procedures

59. Puppies must start the weaning process as soon as they are capable of ingesting food on their own. The food offered must be appropriate for the stage of development of the puppies.
60. Puppies at weaning must initially be offered food five times a day. It must be ensured that each puppy takes the correct share of the food offered.
61. During lactation, the bitch must have sufficient appropriate food to satisfy the demands being made upon her.

Kitchen Facilities

62. Facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.
63. Where fresh and cooked meats are stored, refrigeration facilities must be provided. Food contamination must be avoided.
64. A sink with hot and cold running water must be available for washing kitchen utensils and eating and drinking vessels.
65. Containers for storing foods must be provided and must be constructed and maintained to guard against insects and other pests.
66. Cross-contamination must be avoided.

First-Aid Kit for Dogs

67. A fully maintained first-aid kit suitable for use on dogs and puppies must be available and accessible on the premises.

### Isolation Facilities

68. Veterinary advice must be sought for any animal with a potentially infectious disease.
69. Facilities for isolation must be available when required. Isolation facilities must be used where the presence of infectious disease is suspected or known.
70. Isolation facilities must be in compliance with the other licence conditions but must be physically separate from other dogs.
71. Hands must be washed after leaving the isolation facilities before handling other dogs.
72. Protective clothing, footwear and equipment, for use only in the isolation facility, must be used to reduce the spread of infection and must not be worn outside the isolation facility.
73. Complete disinfection of the isolation facilities and equipment must be carried out once vacated.

## **DISEASE CONTROL, VACCINATION AND WORMING**

### General

74. All reasonable precautions must be taken to prevent and control the spread among dogs of infectious or contagious diseases; BDA 1973 S.1(4)(c). Licence holders must take all reasonable steps to protect the animal from pain, suffering, injury and disease. All breeding establishments must be registered with a Veterinary Practice and ensure full details are made available to the Licensing Authority.

## **EMERGENCIES/FIRE PREVENTION**

### General

75. There must be Emergency Evacuation and Contingency Plans in place which meets approval with the local authority, and in consultation with the local authority.

## **TRANSPORT**

Section 1(4)(e) of the 1973 Act is concerned with safeguarding the welfare of dogs 'when being transported to or from the breeding establishment'.

### General

76. Dogs and puppies being transported to and from breeding establishments must be properly supervised to ensure compliance with the obligations under the 1973 Act.
77. All appropriate steps must be taken to ensure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment.

78. Bitches must not be transported in the last stages of pregnancy, ideally not from 54 days after mating, unless to a veterinary surgeon for treatment.
79. Bitches must not be transported for 48 hours after whelping unless it is to see a veterinary surgeon for treatment.
80. Whenever dogs are transported they must be fit and healthy for the intended journey. Injured and/or diseased dogs must not be transported (except for minor illness or injury, as determined by trained and competent staff) unless they are being taken to a veterinary surgery.
81. Puppies must not be transported before eight weeks of age without their dam unless a veterinary surgeon agrees otherwise for health and/or welfare reasons, or in an emergency (See Welfare of Animals (Transport) Order (England) 2006 – Council Regulation (EC) No 1/2005).

## **HEALTH AND WELFARE OF THE BREEDING STOCK AND LITTERS**

### Mating

82. Bitches must not be mated if they are less than one year old. BDA 1973 S. 1(4) (f).

### Maximum Number of Litters

83. Bitches must not give birth to more than six litters of puppies each in their lifetime.; BDA 1973 S. 1(4) (g).

### Twelve Months Between Litters

84. Bitches must not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; BDA 1973 S.1(4) (h).

### Social Contact for Dogs and Socialisation of Puppies

#### Adult Dogs

85. Social contact is very important, and all dogs used for breeding must be kept in an environment that allows adequate social contact with both other dogs and people.

#### Puppies See also Puppy Plan (Appendix B).

86. Puppies must be handled regularly from shortly after birth for short periods (e.g. gently picking up and examining) to habituate them to human contact and to examine them for any sign of disease and to ensure they are feeding properly.
87. From 3 weeks old puppies must be habituated to events likely to be encountered in a domestic environment.
88. To learn social skills with other dogs, puppies must be maintained as a litter or with puppies of a similar age and size.

Record Keeping

89. Accurate records in a form prescribed by regulations as shown below must be kept at the premises and made available for inspection there by any officer of the local authority or any veterinary surgeon, authorised by the local authority to inspect the premises; BDA 1973 S. 1(4) (i).
90. The Breeding of Dogs (Licensing Records) Regulations 1999 (SI 1999 No 3192) prescribe the form of records to be kept by licensed breeding establishments. These records must be accurate and kept on the premises and made available to local authority inspectors or any veterinary surgeon authorised by the local authority.
91. A record must be kept by every licensed dog breeder for each breeding bitch providing the name of the bitch, date of birth, address where she is kept, breed, description, date of mating and details of sire. Licensed dog breeders must also keep a record of any litters, including the sex of the puppies, date of birth, weight, description and total number in the litter. The record must also show the details of sale, namely the date of sale, name and address of who was supplied and the status of the purchaser (ie, private owner or pet shop).

**Appendix 5**

**RIDING ESTABLISHMENT CONDITIONS**

1. The number of horses accommodated at the establishment at any one time is stipulated within the licence. All of these horses have been inspected by a veterinary surgeon appointed by the Council.
2. The Council will be notified in writing, within 14 days, in relation to any change(s) made with regards to the provision of these horses. A report from a veterinary surgeon may be required.
3. Horses must be maintained in good health, and in all respects physically fit and, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse must be suitable for the purpose for which it is kept.
4. No horse aged three years or under nor any mare heavy with foal nor any mare within three months after foaling may be let out on hire for riding or used, in return for payment, for instruction in or demonstrating riding.
5. Any riding equipment supplied for a horse let out on hire must be free from visible defect which is likely to cause suffering to the horse or accident to the rider.
6. The feet of all animals must be properly trimmed and, if shod, their shoes must be properly fitted and in good condition.
7. A horse found on inspection of the premises by an authorised officer to be in need of veterinary attention must not be returned to work until the holder of the licence has obtained at his own expense and has lodged with the local authority a veterinary certificate that the horse is fit for work.
8. No horse may be let out on hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over unless (in the case of a horse let out for hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision.
9. In the case of horses maintained at grass there must be available for them at all times during which they are so maintained adequate pasture and shelter and water and supplementary feeds must be provided as and when required.
10. Horses must be adequately supplied with suitable food, drink and (except in the case of horses maintained) at grass, so long as they are so maintained) bedding material, and must be adequately exercised, groomed and rested and visited at suitable intervals.
11. All reasonable precautions must be taken to prevent and control the spread among horses of infectious or contagious diseases and veterinary first aid equipment and medicines must be provided and maintained in the premises.



12. The construction of the riding establishment must be substantial, adequate to contain the animals, and provided with warmth and shelter in clean and hygienic conditions. There must be convenient and safe access to stalls and boxes, Stalls must be large enough to allow the animal to lie down and get up without risk or injury. Boxes must be large enough to allow the animal to turn round.
13. Yards must provide enough space for every animal kept there.
14. Lighting must be adequate to render the use of artificial light unnecessary in daylight.
15. Ventilation must provide fresh air without draughts.
16. Drainage must be adequate to carry away liquid voided by the horses and keep the standings dry.
17. There must be provision for storage and disposal of manure and spoiled straw.
18. Adequate accommodation must be provided for forage bedding, stable equipment and saddlery.
19. The licence holder must ensure that appropriate steps will be taken for the protection and extraction of horses in case of fire and in particular, that the name, address and telephone number of the licence holder or some other responsible person are kept displayed in a prominent position at the outside of the premises and that instructions as to action to be taken in the event of fire with particular regard to the extrication of horses are kept displayed in a prominent position on the outside of the premises.
20. The carrying on of the business of the establishment must at no time be left in the charge of any person under 16 years of age.
21. The licence holder must hold a current insurance policy which insures him against liability for any injury sustained by those who hire a horse from him for riding and those who use a horse in the course of receiving from him, in return for payment, instruction in riding and arising out of the hire or use of a horse as aforesaid and which also insures such persons in respect of any liability which may be incurred by them in respect of injury to any person cause by, or arising out of, the hire or use of a horse as aforesaid.
22. A register must be kept by the licence holder of all horses in his possession aged three years and under and usually kept on the premises which shall be available for inspection by an authorised officer at all reasonable times.

**Appendix 6**

**PET SHOP CONDITIONS**

**SCHEDULE A – GENERAL CONDITIONS**

Licence Display

1. The licence or a copy of the licence must be suitably displayed to the public in a prominent position.

Accommodation

2. Animals must at all times be kept in accommodation designed to prevent escape and an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness. All accommodation must avoid drafts and overexposure to direct sunlight and must be kept in good repair.
3. Ventilation must be provided to all interior areas without the creation of excessive, localized draughts. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere.
4. If animals are displayed outdoors, they must have protection appropriate to their species.
5. In order to control the spread of disease, and to prevent injury, housing must be constructed of non-porous materials or be appropriately treated. Junctions between all sections need to be fully cleanable.
6. Animals must be kept in housing which minimises stress from other animals or the public. Signage must be in place to deter public interference.
7. All animals for sale must be readily accessible and easy to inspect by staff.
8. Accommodation must be cleaned as often as necessary to maintain good hygiene standards.
9. Where accommodation is on a tiered system, water, food or droppings must not be allowed to enter the lower housing.
10. All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.

Exercise Facilities

11. Suitable and sufficient facilities must be available where appropriate.

### Register of Animals

12. A purchase register must be maintained for all animals detailing their source and identification where appropriate.
13. A sales register must be maintained for:
  - Dogs
  - Cats
  - Psittacines
  - Species contained in the Schedule to the Dangerous Wild Animals Act 1976
14. Animals under veterinary treatment must be identifiable.

### Stocking Numbers and Densities

15. No animals other than those specified in the licence, may be stocked.
16. Where appropriate, all animals must be housed in social groups of suitable size.

### Health Disease and Acclimatisation

17. All animals for sale must be in good health.
18. Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff or veterinary surgeons.
19. Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably be expected to be carrying serious infectious diseases.
20. Any animal with an abnormality which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.
21. All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.
22. All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests.

### Food and Drink

23. Animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals, All food must be suitable for the species concerned.
24. Food and Drink receptacles must be appropriate to the species, constructed and positioned to minimise faecal and urine contamination and spillage. Receptacles must be cleaned out at regular intervals.

Food Storage

25. All food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.
26. The containers and equipment used for feeding must be kept in a clean and sound condition.

Observation

27. All animals must be attended to at regular intervals, except where defined in the schedule, at least once daily, and appropriate to the individual animal.

Disposal of Waste

28. All excreta and soiled bedding for disposal must be kept in a hygienic manner and stored in impervious containers with close fitting lids - away from direct sunlight.

Transportation to the Premises

29. When receiving animals, the licensee must make reasonable effort to ensure that they are transported in a suitable manner.
30. Any animals received or consigned shall be transported according to the regulations laid down in current legislation.
31. Animals must be transported or handed to purchasers in suitable containers.

Sale of Animals

32. No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.
33. In the case of non-mammals, they must be capable of feeding themselves.

Dangerous Wild Animals as defined by the Dangerous Wild Animals Act 1976

34. When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species and kept locked.
35. The local authority must be notified in the event that the pet shop wishes to offer for sale, any animal on the Schedule to the Dangerous Wild Animals Act.

Pet care advice, staff training and knowledge

36. New applicants must have a qualification or be registered with a recognized body such as City & Guilds. They must have suitably progressed in 12 months and have completed the qualification within 2 years.

37. The licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care.
38. Appropriate reference materials on the care of each species must always be available for use by staff.
39. Staff members must be able to provide suitable advice to purchasers and answer questions as required by them.
40. The licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling.

#### Fire and other emergency precautions

41. Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of animals.
42. Entrances and exits must be clear of obstructions at all times.
43. Suitable fire fighting, prevention and detection equipment must be provided, maintained, regularly serviced and sited as advised by the local fire protection/prevention officer and approved by the local authority.
44. The licensee, or a designated key holder, must at all times be within reasonable travelling distance of the premises and available to attend in case of emergency.
45. A list of key holders must be logged with the local police and local authority.
46. In the interests of animal welfare, the following notice must be displayed prominently at the front of the premises: "In case of an emergency dial 999".
47. When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the animals.
48. All electrical installations and appliances must be maintained in a safe condition.
49. There must be an effective contingency plan for essential heating, ventilation and aeration/filtration systems, as appropriate.

#### **SCHEDULE B – DOGS**

50. Puppies must be weaned before leaving the mother.
51. The minimum kennel size must be:
  - For a batch of small breed puppies – max 6 pups – 1.5m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
  - For a batch of medium breed puppies – max 4 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
  - For a batch of large breed puppies – max 2 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning. These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

52. Suitable and sufficient exercise facilities must be available and accessible where appropriate.
53. Extreme temperatures must be avoided.
54. General bedding must include an adequate amount of absorbent material.
55. Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.
56. A specific lying place must be provided lined with soft material.
57. Puppies must be fed at least four times daily, at appropriate intervals.
58. Puppies must have frequent, quality contact time with staff.
59. Batches of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.
60. Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing.
61. There must be environmental enrichment in all kennels.

### **SCHEDULE C – CATS**

62. Kittens must be weaned before leaving the mother.
63. The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m<sup>2</sup> additional floor space.
64. Extreme temperatures must be avoided.
65. Disposable or washable bedding must be provided and kept clean.
66. A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.
67. Kittens must be fed at least four times daily, at appropriate intervals.

68. Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.
69. Kittens must have frequent, quality contact time with staff.
70. There must be environmental enrichment in all cages such as toys, climbing frames and platforms.

#### **SCHEDULE D – RABBITS**

71. Rabbits must be correctly sexed and housed in same sex groups.
72. The minimum enclosure size must be:  
0.4m<sup>2</sup> for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m<sup>2</sup> for up to 2 giant breed juvenile rabbits and a height of 0.5m. These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.
73. There must be environmental enrichment in all enclosures. A hiding place must be provided.
74. Extreme temperatures must be avoided.
75. Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.
76. Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.
77. If batches are mixed you must ensure all animals are free from obvious parasitic infection.
78. Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.
79. Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.

#### **SCHEDULE E – OTHER SMALL MAMMALS**

80. All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair).
81. Animals must at all times be kept in suitably sized accommodation.
82. Animals must be provided with a suitable substrate in sufficient amounts.
83. Animals must be provided with a suitable bedding material in sufficient amounts.
84. Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.

85. Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.
86. All rodents must be fed a suitable diet, ad lib and have free access to hay where required.
87. All rodents must be fully weaned on admission.

Minimum accommodation requirements – small rodents (area in square metres)

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Guinea Pigs, Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.90	0.45

#### **SCHEDULE F – FERRETS**

88. Ferrets must be at least eight weeks old.
89. Ferrets must be housed with batch companions.
90. Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.
91. Batches of ferrets must not be mixed.
92. The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m<sup>2</sup> additional floor space.
93. Sleeping quarters must be draught free and dark.
94. Ferrets must have suitable bedding.
95. Extreme temperatures must be avoided.
96. Ferret kibble must be provided at appropriate intervals.
97. Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.



**SCHEDULE G – BIRDS**

98. There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.
99. Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species.
100. Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.
101. There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.
102. Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.
103. Windproof nest boxes must be provided in all outside housing and inside where appropriate.
104. Flooring must be drop-through or easily washed/hosed.

Stocking Densities for Birds in Cages

Type	Length of Bird (cm)	Floor Area (m <sup>2</sup> ) housing up to 4 birds	Linear cms per additional bird on either cage length or depth* <sup>3</sup>
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	more than 17.5	0.225	7.5
Parakeets and Lovebirds* <sup>1</sup>	less than 25	0.42	7.5
	25 – 30* <sup>1</sup>	0.48	7.5
	more than 30* <sup>1</sup>	0.675	7.5
Parrots	less than 30	0.225	10
	30 – 35* <sup>2</sup>	0.4050	15
	more than 35* <sup>2</sup>	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		1.6	

Stocking Densities for Birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	10.5 – 17.5	18
	More than 17.5	12
Parakeets and Lovebirds *1	Less than 25	10
	25 – 35	6
	More than 35	4
Parrots	Less than 30	10
	30 – 35	6
	More than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min height 0.9m)

- \* 1. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights rather than cages per se.
- \*2. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights if more than two birds are housed together.
- \*3. The extra-linear centimetre per additional bird, is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

**SCHEDULE H – REPTILES AND AMPHIBIANS**

105. Stocking and density must be appropriate to the species.
106. The enclosure size must be appropriate to the species and adjusted according to its size.
107. Temperature, humidity, lighting and ventilation must be appropriate to the species.
108. Lighting must be appropriate to the species.
109. Substrate appropriate to the species must be present.
110. Enrichment must be provided appropriate to the species.
111. Food and water must be provided in the appropriate manner for the species.
112. Hygiene – enclosures must be cleaned appropriately.
113. Handling must be kept to a minimum at all times.

## SCHEDULE I – FISH

114. Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards below, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be:

- **Cold Water Species**
  - Free Ammonia max 0.02mg/l
  - Nitrite max 0.2mg/l
  - Dissolved Oxygen min 6mg/l
  - Nitrate max 50mg/l above ambient tap water
- **Tropical Freshwater Species**
  - Free Ammonia max 0.02mg/l
  - Nitrite max 0.2mg/l
  - Dissolved Oxygen min 6mg/l
  - Nitrate max 50mg/l above ambient tap water
- **Tropical Marine Species**
  - Free Ammonia max 0.01mg/l
  - Nitrite max 0.125mg/l
  - Nitrate max 100mg/l
  - pH min 8.1
  - Dissolved Oxygen min 4.0 mg/l

115. Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly on aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

116. Holding systems must be cleaned and checked regularly.

117. No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.

## Appendix 7

### OTHER RELEVANT REGULATIONS AND LEGISLATION

- Antisocial Behaviour, Crime and Policing Act 2014
- The Control of Dogs Order 1992
- Control of Substances Hazardous to Health (COSHH) Regulations 2002
- Control of Substances Hazardous to Health Regulations 1988
- Controlled Waste Regulations 1992
- Dangerous Dogs Act 1991
- The Dangerous Dogs (Amendment) Act 1997
- Clean Neighbourhoods and Environment Act 2005
- Dogs (Fouling of Land) Act 1996
- Electricity at Work Regulations 1989
- Environmental Protection Act 1990
- Health and Safety at Work Act 1974
- Health and Safety (First Aid) Regulations 1981
- Management of Health and Safety at Work Regulations 1999
- The Microchipping of Dogs (England) Regulations 2015
- Personal Protective Equipment at Work Regulations 1992
- Regulation on the Protection of Animals During Transport (EC) 1/2005
- The Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990
- Workplace (Health, Safety and Welfare) Regulations 1992
- Welfare of Animals (Transport) (England) Order 2006
- Regulation on the protection of animals during transport (EC) 1/2005
- Council Regulation (EC) No. 1/2005
- Health and Welfare of the Breeding Stock and Litters
- The Breeding of Dogs (Licensing Records) Regulations 1999 (SI 1999 No 3192)
- Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974, Council Directive 92/65/EEC
- Trade in Animals and Related Products Regulations 2011, Regulation (EC) No 998/2003
- Docking of Working Dogs' Tails (England) Regulations 2007
- Mutilations (Permitted Procedures)(England) Regulations 2007
- EU Wildlife Trade Regulations: Council Regulation (EC) No. 338/97, implements CITES (Convention on International Trade in Endangered Species of Flora and Fauna) in the European Community
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC

DEFRA – Department for Environment, Food and Rural Affairs

RSPCA – Royal Society for the Prevention of Cruelty to Animals

PDSA – Peoples Dispensary for Sick Animals

Specially Zoo Veterinary Surgeon (DEFRA)

Pet Industry Federation

BIAZA – British & Irish Association of Zoos & Aquariums

Dogs Trust

Cats Protection

National Animal Welfare Trust

OATA – Ornamental Aquatic Trade Association

British Horse Society

AHVL A – Animal Health and Veterinary Laboratories Agency

NARPS UK (Home Boarders) – National Association of Pet Sitters and Dog Walkers

APHA – Animal and Plant Health Agency

North Yorkshire Police

North Yorkshire Fire and Rescue Services

North Yorkshire County Council

Current Licence Holders

Ward Councillors

Relevant City of York Council Departments

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**Consultation Responses**

**Annex 3**

Ref :	Name & Address	Comments	Officer Comments
1.	<p>Companion Animal Welfare Team</p> <p>Defra</p>	<p>Earlier this year Defra published the Next Steps document setting out the way forward on the review of animal establishment (activity) licensing in England. This review seeks to modernise and streamline the regimes for dog breeding, pet sales, animal boarding, animal riding and performing animals (training and exhibiting animals for education and entertainment) using powers in the Animal Welfare Act 2006 to replace old and outdated legislation with modern regulations bringing together a number of licensing regimes into one and enhancing animal welfare. You can see that Next Steps document via this <a href="#">link</a>.</p> <p>Since that time we have been putting together draft regulations to put into effect those proposed changes. The intention is to lay the draft regulations in Parliament early next year (2018) with a view to them coming into force in October 2018. The draft regulations are subject to the affirmative procedure – i.e. they have to be debated and agreed by both Houses of Parliament before being agreed and coming into force. We have been working closely with both the equine and pet animal sectors including local authorities and veterinary bodies to develop supporting guidance for use with the regulations and in particular to support the schedules of statutory conditions for each of the regulated activities.</p> <p>One of the key elements of the draft regulations is the transposition of existing Model Conditions into statutory conditions. In some cases new conditions have had to be developed with the relevant sectors' input. As noted above it is envisaged that those schedules of</p>	<p>If new Regulations are implemented the Policy will be updated accordingly.</p> <p>We welcome that fact that it is proposed as part of the Regulations for the model conditions to become statutory conditions.</p>

		conditions will be supported by guidance developed by the sectors and signed off and agreed with Defra (“statutory guidance”).	
2.	Senior Parliamentary Advisor RSPCA	<p><u>General comments</u></p> <ul style="list-style-type: none"> <li>- This policy is clear and concise. It is easy for license holders, council officers and the public to understand what the processes and policies around animal licensing activity are.</li> <li>- There are clear policies around inspections, which demonstrate that the policy is enforceable and will be enforced.</li> <li>- We would like to see a clearer section setting out the procedure by which complaints from members of the public will be addressed, including how these complaints will be assessed in a way which best protects the animals involved and how local authority staff will work with establishments/license holders to make improvements where necessary.</li> <li>- This document is perhaps not the most appropriate place to put it, but there needs to be a procedure for training of licensing officers to ensure they can deliver their duties competently and have an understanding of the requirements of the Model Licence Conditions (MLCs) and how they dovetail with the Animal Welfare Act 2006. Further training for licensing officers assessing dog breeding establishments should be included on the socialisation and behavioural needs of puppies and dogs. Licensing officers are not expected to be experts in every animal species and behaviour and so a list of experts, for example vets, behaviour experts and animal welfare organisations that can be consulted for advice on specific requirements, should be made available to licensing officers.</li> </ul>	<p>Comments welcomed</p> <p>Comments welcomed</p> <p>Not appropriate to include within the policy. Appropriately trained staff are employed by the Council and if required expertise from Vets etc will be obtained.</p>



		<ul style="list-style-type: none"> <li>- The adoption of the most up to date MLCs, clear procedures for enforcement which include prosecution and the recognition that the authority has the power to set standards above the minimum are all things which you should be congratulated for including. The foregrounding of animal welfare generally in the policy is very heartening to see.</li> <li>- It would be useful to see a link made within the policy to any work the council is doing to promote other animal welfare services, eg neutering and microchipping.</li> </ul> <p><u>Specific comments: pet vendors</u></p> <ul style="list-style-type: none"> <li>- If possible, the term 'pet vendors' rather than 'pet shops' should be used.</li> <li>- The policy would be stronger if it made a number of additional specific demands on pet vending licenses, including: <ul style="list-style-type: none"> <li>- Ensuring vendors only sell species they are equipped and sufficiently knowledgeable to care for;</li> <li>- Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;</li> <li>- Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.</li> <li>- Specifying that vendors must have a clear written procedure for ensuring they provide for the needs of animals kept for longer than the expected short, temporary, time-period.</li> </ul> </li> <li>- In addition, we would like to see the policy recognise that</li> </ul>	<p>Comments welcomed.</p> <p>This would not sit within this policy as this relates to domestic pets.</p> <p>Noted and reference made within the policy.</p> <p>The policy is in line with current legislation and the model conditions will be applied.</p> <p>This is included within the model conditions.</p> <p>This is not a legal requirement.</p> <p>Noted and included within the policy.</p>
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		<p>primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment, in the form of the adoption of a policy that recommends primates should not be kept or sold by pet vendors within the local authority area.</p>	<p>If a pet vendor applied for permission to sell primates we would seek relevant expert advice.</p>
3.	Local York Resident	<p><b><u>Comment on Page 13 Dog Breeding Establishments Paragraph 22.2</u></b></p> <p>‘The occasional or hobby breeder does not require a licence.’ I believe this standpoint should be reconsidered, as with the rise of online platforms such as Ebay, Gumtree and so on, many people are now ‘casual’ or hobby’ breeders. These people should not be exempt from any sort of checks as they are not specifically less likely to provide insufficient conditions for animals.</p> <p>While I accept that enforcing checks and records on hobby breeders would be very difficult, online platforms (eBay, gumtree etc) themselves surely leads anyone with internet access to these breeders, through which the authority can find these people and if necessary ask things of them. I believe that these people should at least have to notify the Local Authority of their intention to breed animals for sale or eventual sale and provide basic background information, photos of their situation etc. I raise this with an example in mind, I once heard of some ‘normal’ people in York who bought a valuable bitch with the intention of raising and selling puppies at least once, but due to delays affording the stud fees they had the dog longer than expected, and did not exercise it frequently or care for it especially well. This sort of situation is likely all too common.</p> <p><b><u>Comment on Page 27 Transportation of Animals (under ANIMAL</u></b></p>	<p>The policy states the exemption that are in line with the requirements of current legislation.</p>

		<p><b><u>BOARDING ESTABLISHMENT CONDITIONS (DOGS) Paragraph 182 and 183</u></b></p> <p>‘Dogs must not be left unattended in vehicles.’ and ‘External temperature can pose a risk to a dog’s welfare; therefore vehicles must have adequate ventilation and temperature control.’ I believe there should be some prior inspection and advice offered around these points for all vehicles employed by any animal boarding organisation as we too often hear stories such as ‘police dog died in back of van’ and so on. If an organisation as ‘official’ as the police failed to stop a dog from dying, then I believe all other organisations should be proactively inspected and advised / approved at yearly intervals etc to test the adequacy of their set up and knowledge of the risks etc.</p>	<p>This in not a requirement of current legislation and is not proposed in the new Regulations.</p>
4.	Senior Public Affairs Officer Dogs Trust	<p>Dogs Trust is pleased to be able to response to your consultation on Animal Welfare Licensing Policy, which is welcome groundwork ahead of the upcoming repeal of the older legislation governing this area and its replacement with new Regulations under the Animal Welfare Act 2006.</p> <p>The new Regulations (Licensing of Activities Involving Animals) are currently expected to come into effect in October 2018, but with some transitional provisions. As much of the new Regulations are based on the current Model Licence Conditions for dog breeding, boarding and pet vending, we are encouraged to see you will be using these until the new regulations come into force. As you will be aware the Model Licence Conditions are being reviewed and included in the Schedules of the new Regulations.</p>	<p>As stated at point 1 above</p>

		<p>Going forwards, the new Regulations will bring in some additional requirements. These include:</p> <ul style="list-style-type: none"> <li>• All sales of puppies below the age of eight weeks will be prohibited via the removal of the exemption that currently exists in the Breeding and Sale of Dogs (Welfare) Act 1999.</li> <li>• The statutory licensing threshold for dog breeders will be reduced from five to three litters per year.</li> <li>• Licensed sellers of pets will be required to display their licence number when advertising.</li> <li>• A proposal to legally require pet sales to provide written information when selling animals, as a part of licence conditions. The information will be required to cover the five freedoms as sent out in the Animal Welfare Act 2006.</li> </ul> <p>Changes to the licensing system itself will see the introductions of:</p> <ul style="list-style-type: none"> <li>• Licences issued for a fixed term set at any point in the year (they currently are restricted to run from January – December only).</li> <li>• Licences may be issued for up to three years; this will be linked to a requirement for local authorities to use a standard risk-based assessment system.</li> </ul>	
5.	Local Green Ward Councillor for Micklgate Ward	<p>Thank you for consulting with us, it is great to see animal protection is recognised as an important aspect of council responsibilities.</p> <p>Please find below the response of the Green Group to your consultation on a policy in relation to Animal Welfare Licensing.</p> <p>1. 'Dog breeding establishments' and 'Pet shops':</p>	

		<p>There are many problems associated with the inadequate socialisation of puppies and kittens (see the attached article in Annex 1 for a good explanation) and there are serious health implications of poor breeding strategies. We believe a pet shop cannot provide the correct environment for healthy socialisation or give any certainty about the parentage of puppies and kittens.</p> <p>We suggest that kittens and puppies should not be sold by a third party i.e. only directly from the breeder unless it is being rehomed by an animal rescue organisation.</p> <p>2. Performing animal registrations:</p> <p>There is no likelihood that a travelling circus can provide suitable living conditions for wild or domesticated animals (see the RSPCA article in Annex 2). You can even say that the animal acts in circuses are cruel and degrading to performer and observer alike.</p> <p>We suggest CYC should re-affirm existing policy and completely prohibit the use of performing animals in circuses and no licences should be issued.</p> <p>3. Wildlife Management</p> <p>Vertebrate wildlife management (we ask to avoid using the term ‘pest control’ as such labelling seems to justify ignoring the suffering of these animals) is given very little scrutiny, we believe York, as most councils do, contract out the work and do not keep records of the methods and extent of wildlife control activities. Choosing humane, and largely preventative actions could save money as well as reducing harms done to so many wild animals through poisoning and trapping.</p> <p>We suggested to attempts to outline a framework to judge the</p>	<p>The policy states the requirements of current legislation.</p> <p>This policy covers the requirements of animal welfare licensing, a policy of this nature would not form part of policy.</p> <p>This is not relevant to this policy.</p>
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		<p>appropriateness of control measures:</p> <p>We suggest as a bare minimum that the council endeavours to keep records of the 'pest control' activities funded by the council and regularly evaluate and review whether the activities:</p> <ul style="list-style-type: none"> <li>· Are justified</li> <li>· Proofing and prevention has been attempted</li> <li>· Have been successful</li> <li>· Have been part of a strategic approach (not just reactive measures)</li> <li>· Are accurately targeted</li> <li>· Are using the most humane methods available.</li> </ul> <p>As said above we would also ask the Council to refer to "Vertebrate wildlife management" and not "pest control" in its policies.</p> <p>4. Horse and greyhound racing</p> <p>Horse and greyhound racing may seem innocuous but that is because the death and injury rates of animals used in this way are not publicised, nor is the destiny of animals that are bred for racing but not considered suitable for those who have been 'retired' (see HorseDeathWatch.com and the attached Defra Select committee report on greyhound welfare). There should be a requirement for full traceability of all animals involved in racing throughout their lives (using microchip technology where applicable) and full publication of injury and death statistics. These statistics should be used as evidence to close dangerous tracks and ban trainers with poor records.</p> <p>We suggest as a minimum collecting and making public, data concerning death and injuries in horse and greyhound racing in the York council area.</p> <p><a href="http://www.parliament.uk/business/committees/committees-a-">http://www.parliament.uk/business/committees/committees-a-</a></p>	<p>The welfare of animals used for horse and greyhound racing is not a function undertaken by the Council.</p> <p>The British Horseracing Authority are responsible for the welfare of race horses.</p> <p>The Greyhound Board of Great Britain are responsible for the welfare of racing greyhounds.</p>
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		<a href="https://www.parliament.uk/commons/select/environment-food-and-rural-affairs-committee/inquiries/parliament-2015/greyhound-welfare-15-16/">z/commons-select/environment-food-and-rural-affairs-committee/inquiries/parliament-2015/greyhound-welfare-15-16/</a>	
6.	Evidence and Policy Manager PDSA	Sent details of their response to the Government's consultation on the draft Animal Activities Licensing Regulations.	We will await the implementation of the Regulations and make necessary amendments at that time.

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## Executive

26 April 2018

Report of the Corporate Director of Health, Housing and Adult Social Care

Portfolio of the Executive Member for Adult Social Care and Health

### **A Further Phase of the Older Persons' Accommodation Programme: deciding the Future of Morrell House Older Persons' Home**

#### **Summary**

This report will provide Members with the results of the consultation undertaken with the residents, relatives and staff of Morrell House residential care home to explore the option to close the home with current residents moving to alternative accommodation, and asks for Members to make a decision about whether to close Morrell House.

#### **Recommendations**

1. The Executive will be asked to:
  - a) Receive the outcome of the consultation undertaken with residents, family, carers and staff of Morrell House to explore the option to close the home with current residents moving to alternative accommodation.
  - b) Make a decision about whether to close Morrell House residential care home and, if a decision is made to close it, require that residents' moves to their new homes are carefully planned and managed in line with the Moving Homes Safely protocol.
  - c) If a decision is made to close Morrell House, note that potential alternative uses of the Morrell House site will be examined in accordance with the Corporate Asset Strategy.

#### **Background**

2. York's older population is growing rapidly with the number of 75+ residents expected to increase by 50% by 2030 (up from 17,000 to 26,000). York does not currently have sufficient accommodation with care to cater for this rising population. Further, current supply is no longer fit for purpose, particularly Council run Older Persons' Homes

(OPHs) which are outdated and lack modern facilities; for example, just 8 of the 29 bedrooms at Morrell House have en-suite facilities.

3. On 30 July 2015, the Council's Executive agreed detailed plans for Older People's Accommodation in the city. These plans seek to address the needs of York's ageing population, replacing the council's seven out-dated Older People's Homes with more modern accommodation.
4. One of the key aims of the plan is to maximise use of York's existing Sheltered Housing stock, converting some to Extra Care Housing and therefore making it more accessible for people with higher care needs by increasing the care and support available. We have re-named the Extra Care schemes the "Independent Living Service" (ILS). This will include increasing overnight care services and developing individual packages of care so people can remain independent in their own home. This work has begun: Auden House, Glen Lodge and Marjorie Waite Court Independent Living Services now have 24/7 care available. These changes allow a person with high care needs – including dementia - to live in these services as a viable alternative to residential care. Glen Lodge in November 2017 benefited from the opening of a 27 home extension, with facilities specifically designed for the needs of people living with dementia.
5. The Older Persons' Accommodation Programme will provide accommodation to facilitate the replacement of the Council's remaining OPHs. Furthermore, it creates additional capacity in order to allow for population change. The provision of accommodation for those with high care needs is particularly important as it means that the needs of the increasing number of people with complex care needs including dementia can be met.
6. Good progress is being made on the delivery of these outcomes and by 2020 we expect to have:
  - a) delivered 553 new residential and nursing care beds of which 11% (approximately 60) will be block-purchased at the Council's Actual Cost of Care rates, helping to upgrade the quality of care accommodation available in the city and delivering financial certainty for the Council;
  - b) delivered 380 Independent Living apartments and bungalows with at least 30% of occupants having high care needs, therefore creating a viable alternative to residential care
7. The expected outcomes and those already achieved are listed in Table 1 below:

Table 1: Expected outcomes achieved by the Programme

Where	When	Total	High Care Needs	Medium Care Needs	Low Care Needs
Auden House Independent Living	Done	41	16	15	10
Glen Lodge ILS (existing)	Done	42	17	15	10
Marjorie Waite Court ILS	Done	42	17	15	10
Chocolate Works Care Home	Done	90	90		
Glen Lodge ILS (extension)	Done	27	20	4	3
Burnholme Care Home	Q2-19	80	80		
New Lodge – Care Home	Q2 -19	44	44		
New Lodge - Independent Living	Q2-19	105	35	35	35
Fordlands Care Home	Q4-19	64	64		
Green Lane Care Home	Q4-19	66	66		
Regency Mews ILS extension	Q4-19	25	9	8	8
<i>Lincoln Court ILS (net new provision)</i>	Q3-19	9	0	3	6
<i>Oakhaven ILS Scheme</i>	Q4 -19	56	24	16	16
<i>Marjorie Waite Court extension</i>	Q4-19	33	20	8	5
<i>Lowfield Green Care Home</i>	Q4-19	70	70		
<i>Carlton Tavern Care Home</i>	2020	74	74		
<i>New Haxby Hall Care Home</i>	2020	65	65		
<b>TOTAL</b>		<b>933</b>	<b>711</b>	<b>119</b>	<b>103</b>

Note: items marked in italics are subject to receipt of planning consent.

8. Clifton ward is relatively well served with accommodation with care for older people, particularly given its demographic profile which is younger than other areas. Clifton has 163 units of accommodation with care, giving a rate 29 beds/homes per 100 people over 75 compared to a city wide average of 15. It should also be noted that the neighbouring ward, Clifton Without, is also well served with accommodation with care and planning consent was recently awarded to build a new 66 bed care home on Green Lane which will cater for people living with dementia.
9. The Older Persons' Accommodation Programme should also be seen in the context of our wider efforts to re-model the provision of care services and, in particular, our work with Health colleagues to modernise reablement services, align step-down and short stay provision and extend support for people living with dementia. In the last two years we have delivered a 26% increase in the support to older people to help them to continue to live independently in their own home.

## The Context for the Consultation

10. Following the decision of Executive on 28<sup>th</sup> September 2017 to agree “that, this autumn, a six week period of consultation is undertaken with the residents, family, carers and staff of one of the Council’s Older Persons’ Homes to explore the option to close the home, with current residents moving to alternative accommodation and that a further report on the outcome of this consultation be received by Executive before a final decision to close is made and that this process is repeated in the first half of 2018 in respect of a further Council operated Older Persons’ Home” it was agreed that Morrell House on Burton Stone Lane in Clifton ward is the subject of this consultation on closure. The reasons for choosing this home are described in **Annex 1**.
11. Permanent residents of Morrell House have come from across the city – few are local to the area, as shown on the map in **Annex 2**. Similarly, their relatives also live across the city and further afield, as shown in **Annex 2**.
12. While one third of residents moved into Morrell House in the last year, a further third have lived there for approximately two years and a third have been there longer, as illustrated below:

Moved in 2018 or 2017	Moved in 2016	Moved in 2015 or before
32%	36%	32%

13. Of the 21 permanent residents at Morrell House when consultation began, 3 have a low dependency score, 14 medium score and 4 are assessed as having high dependency.

## The Consultation Process

14. It was agreed that we would follow the same approach to consultation and, subject to Member decision, closure, as was followed for other homes. For these homes we used the Moving Home Safely Protocol which proved to be appropriate and successful. It was reviewed and updated following its earlier uses. A copy is attached as **Annex 3**.
15. Residents, relatives and staff have been engaged in consultation. Each was invited to a meeting on 26<sup>th</sup> February 2018. Everyone received a letter giving more detail of the reasons why closure was being considered, setting out how the consultation would be conducted and informing them of when a response to the consultation will be received. Residents also received a copy of the Moving Homes Safely Protocol which was discussed at the meeting, and individuals were offered the

support of an independent advocate, should they wish one.

16. The consultation allows the opportunity for each person who would be affected by closure to talk on a one-on-one basis about the proposals. Each resident who had the capacity to do so was able to be consulted individually and face-to-face with a care manager. Residents had the option to have a family member or close friend present, and could request support from an independent advocate. At meetings we:
  - a) Talked through and explained the proposals and discussed wishes.
  - b) Explained and explored the options that could be open to the resident should the closure be agreed. This is based on each individual resident's need and could include moving to Independent Living Extra Care accommodation or to an alternative care home.
  - c) Talked through the Moving Homes Safely protocol so residents are able to fully understand – and hopefully be reassured – by the process that would be followed should closure be agreed.
17. Residents and their family/friends were also able to respond to the consultation in writing. All communications with residents and family were recorded.

### **The Outcome of the Consultation**

18. The consultation closed on 10<sup>th</sup> April 2018.
19. All residents, relatives and advocates were invited to a meeting on 26<sup>th</sup> February to discuss the future of Morrell House. 15 relatives attended. Following the meeting everyone was given a letter with a copy of the Moving Homes Safely Protocol [**Annex 3**], and a copy of the meeting notes. Relatives were also given the opportunity to speak to Council staff on an individual basis; 7 relatives did this.
20. Four residents were identified prior to the start of the consultation as needing nursing care. Out of the remaining 21 residents, the review manager has had contact from 16 families, 10 of which have had a review, 6 further reviews are planned. The five remaining residents have reviews planned which involve an advocate. All parties are aware that a decision regarding closure will not be made until the Executive meeting on 26<sup>th</sup> April 2018.
21. A meeting took place on 26 February with the staff team, HR and Union representatives. 18 staff attended. The residents/relatives consultation process was discussed along with commencement of the 30 day staff consultation. Staff have completed redeployment profiles and these

have been discussed at the formal 1:1 consultations. As part of this process we have agreed to offer interview/CV writing skills to all staff.

22. The response to the consultation has been neutral, with families aware that Morrell House is part of a wider modernisation agenda and, therefore, residents and relatives have received the information and engaged positively in discussion of the issues and opportunities that the option to close presents.
23. Ten residents and relatives have already begun to look at new accommodation. Since the consultation began some have chosen to move in order to meet their current care needs. By 26<sup>th</sup> April 2018 these 10 residents will have moved leaving 11 permanent residents at Morrell House. Each move has been undertaken or planned in the clear knowledge that no decision has yet been taken to close the home.

Residents, their relatives and staff

24. Morrell House has the capacity to accommodate 29 residents. By the time that this report is considered it is expected that the home will have 11 permanent residents remaining. The care home has 33 staff in total, the majority of whom work part time.
25. The following engagements were made and/or responses received:

Residents and relatives	<p>21 letters inviting to February meeting sent to residents and relatives. (Relatives decided if they wanted their relative to receive a copy of the letter.)</p> <p>19 courtesy calls made to relatives to inform of and discuss the meeting.</p> <p>17 residents and their relatives attended the meeting on 26<sup>th</sup> February 2018.</p> <p>Each resident and relative was given a copy of the Moving Homes Safely protocol and a letter detailing the meeting.</p>
Staff	<p>Staff briefing attended by 18 members of staff.</p> <p>Each member of staff received a letter explaining the consultation process.</p> <p>HR formal consultation sessions ran from 8 March 2018 until 6 April 2018 and were attended by a total of 33 staff.</p> <p>No further comments were received during the consultation.</p>

26. Sixteen residents wished to meet and begin their review during the consultation period, five residents have a review planned with an advocate prior to the Executive decision being made. Discussions with both residents and their relatives with the care home managers and review manager have been recorded. A significant number of residents do not have the capacity in terms of decision making to fully engage with the consultation process, and in these cases relatives have been contacted and discussions with them have taken place. These moves are in accordance with their care plan and are undertaken in the full knowledge that no decision has yet been taken to close the home.
27. No direct comments from external parties were received during the consultation process.

### **Responses to the issues raised during consultation**

28. Issue: Residents and relatives queried whether the decision to close was already a foregone conclusion.
29. Response: Residents and relatives were informed that this was not the case, that families are asked to put their views forward during the 6 weeks and only once all views were collected will they be presented to Executive Committee for Councillors to make the decision regarding closure. However, residents and relatives were also informed that the consultation is set in the context that the home does not meet modern building care standards.
30. Issue: The choice of alternative accommodation available.
31. Response: There are a range of options for new accommodation available to residents, and the review manager either has or will work through and discuss these options with each resident to allow them and their relatives to come to a conclusion on where they move to. This will take into account each individual resident's needs. Some residents will be able to move to a nursing care home, which the council cannot provide ourselves, giving them the opportunity to have access to a higher level of care that better meets their needs. Other residents may perhaps feel they can move into Independent Living Extra Care, a number of which are council run, giving them an option for greater independence. The council-run residential care home, Haxby Hall, remains an option for residents.
32. Issue: The cost of new accommodation available.
33. Response: When the Council funds a care bed on behalf of a resident who is assessed as being eligible for support, we seek to buy the most

appropriate bed to meet their needs, at the best price. Our Actual Cost of Care bed rate guides these discussions. The resident only pays what they can afford with this determined by a nationally agreed calculation of need. For customers who fund their own care, we can assist them in finding a suitable home but the cost of that care remains their responsibility until they, too, become eligible for local authority financial support.

34. Issue: The quality of care offered at other care homes.
35. Response: The quality of any care home in York is regulated by the Care Quality Commission and is further monitored by City of York Council. Care Quality Commission reports are readily available and can be used by any resident and relatives as they consider options.
36. To date, the impact of change upon the care market in York has been benign, as illustrated in the section entitled “The operation of the care market in York”, below.

#### Staff Issues

37. Morrell House has 33 members of staff (one person has left during the consultation period) the majority of whom work part-time. Staff were informed of the consultation on closure and its implications at a staff briefing held on 26 February 2018. Formal one to one consultation meetings with all staff were also held throughout the consultation period for staff members to discuss these issues, and a letter with guidance was delivered to each individual member of staff. In accordance with Council policy, appropriate redeployment opportunities in other teams are being identified for members of staff and expressions of interest in voluntary redundancy will be considered.
38. Discussions with staff have also been undertaken through supervision and team meeting sessions.
39. Should a decision to close be made, a dedicated resource from the Workforce Development Unit will work one day per week with individual staff to tailor training and support to ensure staff are up-skilled and competent in their new role moving forward. This includes ensuring there is a benchmark for all staff to achieve i.e. NVQ Level 2 in care. Courses relating to change management and development are an integral part of this.

#### **Morrell House Transition Plan**

40. Should the decision be made to close Morrell House, we have assessed what a likely transition plan would look like.



41. There are expected to be 11 permanent residents at Morrell House at the time of consideration of this report. Should Members decide to close the home, individuals will be moved following a robust assessment in line with the Moving Homes Safely Protocol within a timescale which suits the needs of the residents and their families. The remaining reviews will take place in the following month.
42. There is currently a good supply of alternative accommodation options available including Ebor Court, Minster Grange and Chocolate Works, (where CYC rates are negotiated).

### **Moving Homes Safely – progress to date**

43. To date, the Programme has, following consultation, closed five council run care homes. These have closed because the buildings are no longer fit for purpose.
44. Residents from these homes have moved safely to other accommodation with care, as follows:

Table 6: Destination of residents moving from closed care homes

	Grove House	Oakhaven	Willow House	Woolnough House	Windsor House	
Care Home	7	11	9	7	18	58%
Haxby Hall	8	6	6	2	0	25%
In hospital	0	1	5	0	1	8%
Extra Care	1	1	1	0	0	3%
Out of area	0	1	1	1	1	4%
Home	0	0	1	0	0	1%
<b>TOTAL</b>	<b>16</b>	<b>20</b>	<b>23</b>	<b>10</b>	<b>20</b>	<b>89</b>

45. The Programme has also invested in new Extra Care accommodation in the city as a viable alternative to residential care. To date this has delivered 152 new units of accommodation.
46. Extra care accommodation allows an individual or couple to live independently in their own home and to benefit from on site domiciliary care, available night and day. This arrangement provides the support and safety which allows those with higher care needs to live independently.
47. Of the three schemes where we have invested in 24/7 care and new accommodation, we now see an increasing number of residents living with care needs, as the table below shows. At the beginning of the programme, in 2015, just 8% of Extra Care residents had “high” care needs; the UK benchmark is 30%. Table 5 below shows that our fleet

of Extra Care schemes now accommodate more people with care needs than previously and that the percentage with high care needs has grown to 13%.

Table 7: Care needs of residents living in Extra Care

Level of planned care need funded by the Council	Auden House	Glen Lodge	Marjorie Waite Court	TOTAL
Total number of homes	41	69	42	152
High Care needs (more than 14 hours of care per week)	7	10	3	20
Medium care needs (8 to 14 hours of care per week)	7	16	6	29
Low Care needs (less than 8 hours of care per week)	9	10	3	22
<b>Percentage with care</b>	<b>56%</b>	<b>52%</b>	<b>28%</b>	<b>46%</b>
... and with high care needs	17%	14%	7%	13%

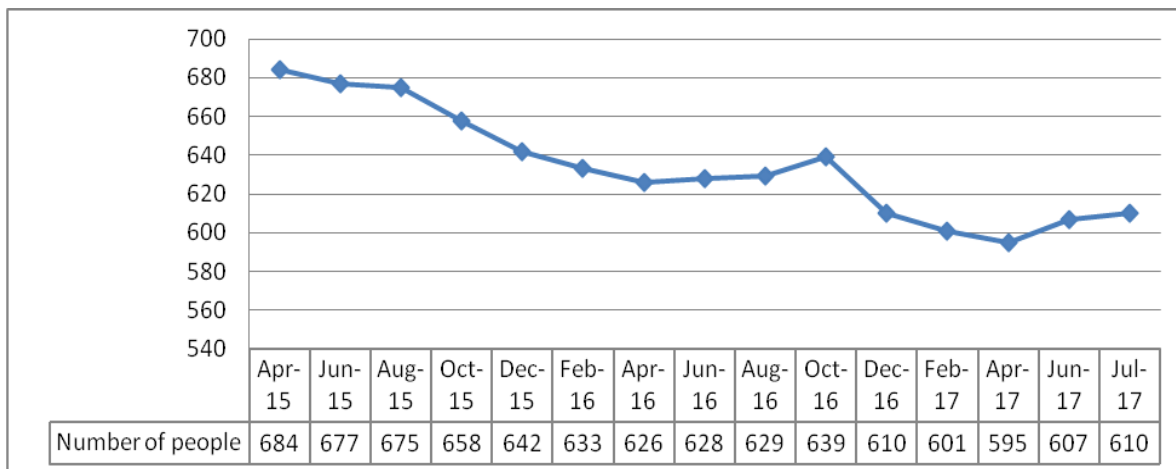
*Note: 24/7 care at Marjorie Waite Court only began in April 2017.*

48. Of the new lettings to our Extra Care schemes, the level of care at the point of moving in was:
- a) Auden House: six new lettings of which 4 had medium care needs and 2 had high care needs.
  - b) Glen Lodge: 20 new lettings of which 2 had low care needs, 13 had medium care needs and 5 had high care needs.
  - c) Marjorie Waite Court: two new lettings, 1 to a person with high care needs and 1 to a person with low care needs.
49. Further work will be undertaken during 2018 to ensure that we continue to increase the number of people accommodated in Extra Care who have high care needs, aiming to move closer to the national benchmark of 30%.

### **The operation of the care market in York**

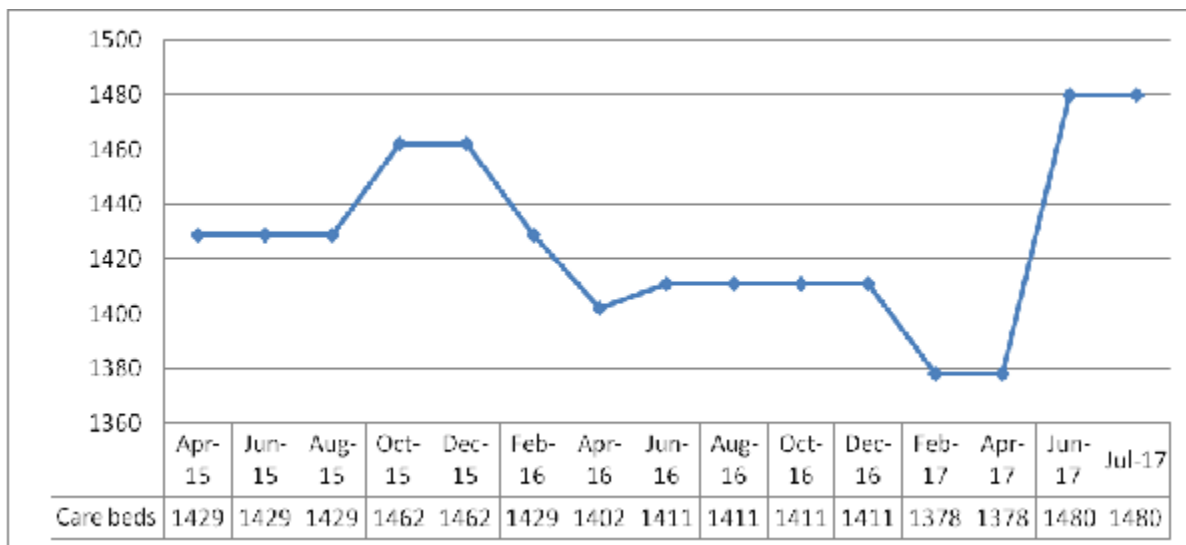
50. As the Programme has progressed, and as we continue to drive to support people to live independently in their own home as an alternative to nursing and residential care, we have seen a slow but steady reduction in the number of older people who are supported by the Council to live in permanent residential and nursing care, as shown in Table 2.

**Table 2:** Numbers of people in permanent residential and nursing care funded by the council, both CYC provision and independent sector (Snapshot at month end)



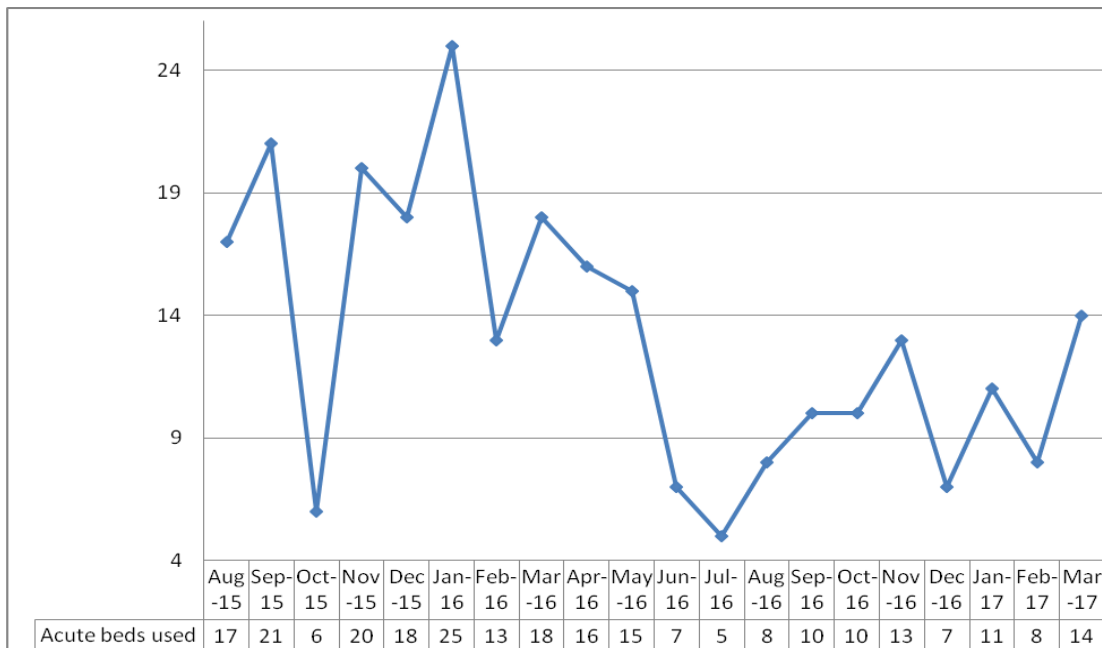
51. At the same time, the total number of care beds available for use in the city has initially fallen (as Council-run homes are closed) and is now beginning to increase as new provision, such as The Chocolate Works, is brought into use, as Table 3 shows.

**Table 3:** Care beds available for use



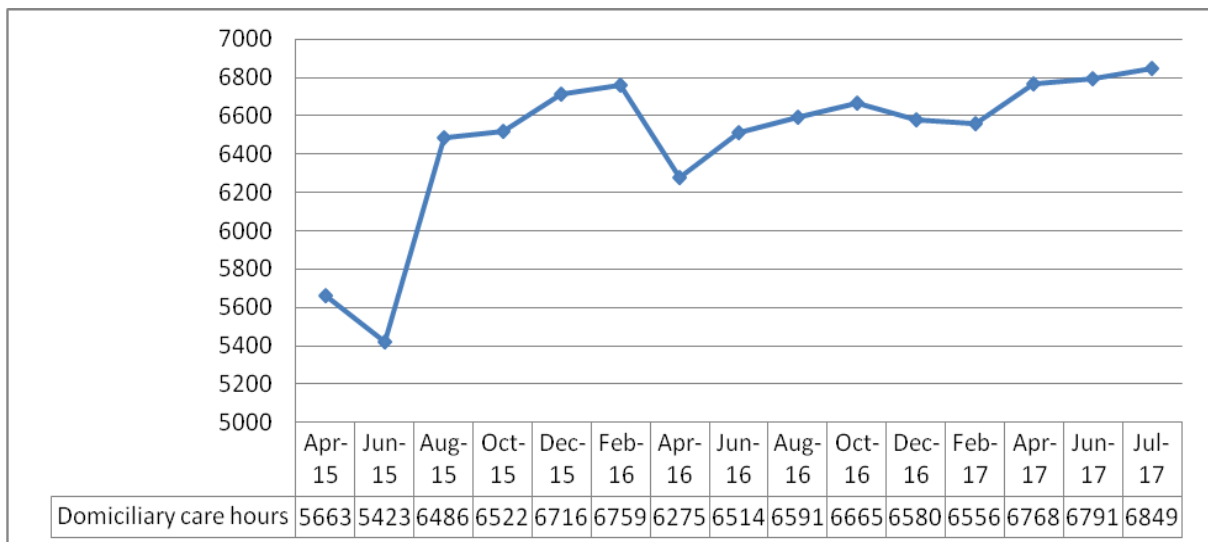
52. The changes in the number of residential care beds over the same period and including the closure of Grove House, Oakhaven and Willow House, does not appear to have had a detrimental effect upon the number of people awaiting discharge from hospital, as the graph in Table 4 shows.

**Table 4:** Numbers in acute hospital beds occupied by someone “awaiting discharge” (Snapshot on last Thursday of month)



- 53. Finally, we see from the trend in use of domiciliary care over the same time period that more activity is recorded, suggesting that those with higher care needs are being helped to continue to live independently at home, as Table 5 shows.

**Table 5:** Net change in domiciliary care hours



**Consultation**

- 54. The portfolio holder for Adult Social Care and Health is responsible for this Programme and receives regular briefings and updates on its progress to ensure that it is delivered in a timely and effective manner.
- 55. Ward Members have been briefed and kept informed.

56. Briefings have also been offered to the Central York MP.
57. The Health and Adult Social Care Policy and Scrutiny Committee will scrutinise delivery of this Programme and assess and monitor its impact upon the health and social care services in the city. They most recently received a report on the work of the Programme at their meeting on 15<sup>th</sup> January 2018.
58. The Health and Wellbeing Board will also be kept informed.
59. We have followed the approach that has served us well when previously consulting on the potential to close OPHs: delivering sensitive messages in a careful, well managed sequence:
  - a) Briefing key external stakeholders who have been actively involved to date (e.g. Age UK York and York Older People's Assembly).
  - b) Briefing OPH Managers/staff & Care Management colleagues.
  - c) Updating OPH residents/relatives.
  - d) Updating all other stakeholders, including NHS commissioner and provider organisations.
  - e) Media briefing.

### **Council Plan 2015-2019**

60. The Programme is set in the context of the Council Plan for 2015-19 and will contribute to achieving its ambitions. Based on our statutory responsibilities and the aims of the new administration, the plan focuses on three key priorities:
  - a prosperous city for all - where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - a focus on frontline services - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
  - a council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities
61. To support these corporate priorities and under the guidance of the Health & Wellbeing Board, York has developed proposals to achieve a new focus for adult health and social care which delivers:
  - a) self care and self management;

- b) better information and signposting;
- c) home is best;
- d) early intervention and prevention;
- e) reablement and intermediate care (targeted resources);
- f) managing long term conditions;
- g) delivering services at a community level where this is desired and possible;
- h) to reduce loneliness and increase social interaction amongst older persons and their communities; and
- i) that York becomes a dementia friendly environment.

## **IMPLICATIONS**

### **Balancing Competing Priorities**

62. In order to make a decision on the future of the residential homes, members must take into account a number of factors. The following is a summary of matters which Members are asked to consider:
- The views expressed in the consultation process by participants including residents of Morrell House and their relatives, staff working at Morrell House and their union representatives and members of the Older Persons' Accommodation Programme reference group including Age UK and York Older Persons' Assembly.
  - Legal responsibilities such as those pertaining to the Human Rights Act and Equality Act. A copy of the Equality Impact Assessment dated 21<sup>st</sup> November 2017 is attached at **Annex 4**.
  - Potential impact on residents and families.
  - Financial impact on the authority and its Council Tax payers.
  - Responsibilities to staff.
  - Future demand and needs as expressed through commissioning strategies.
  - Research and knowledge about demand for older people's accommodation.
  - Central Government policies, directives and financial targets.
  - Value for money in service delivery.

- Current standards of care.
- Supply and demand for residential care in City of York
- Occupancy levels of each home.
- The estimated cost of maintaining or improving the buildings.
- The availability of alternative provision.
- The service development opportunities in that location.

63. All these issues have been considered extensively in the work to date on this Programme and covered in the reports to Executive on the matter and listed at the end of this report.

### **Equalities**

64. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

65. The Equalities Act 2010 explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

66. An Equality Impact Assessment for the Older Persons' Accommodation Programme was produced for the 15 May 2012 Executive Report and was reviewed and most recently updated in November 2017. It particularly highlighted the potential implications of the programme for

the health, security and wellbeing of frail residents and also female members of staff who are older and also carers themselves.

67. The Equality Impact Assessment for the Older Persons' Accommodation Programme takes into account the circumstances at Morrell House, including:
  - a) The 'Moving Homes Safely' Protocol that was originally developed in 2012, has been continuously reviewed and updated and will be implemented should the decision to close the home be taken. The protocol, which is provided to residents and their relatives, outlines what will happen at each stage of the closure to ensure that the process is clear. It has been used successfully to guide the closures of Fordlands, Oliver House, Oakhaven, Grove House, Willow House, Woolnough House and Windsor House care homes.
  - b) The project team will continue to work with OPH managers, staff, trade unions and Human Resources to ensure a fair and transparent process for staff should the decision be taken to close Morrell House. The majority of staff will be able to transfer to a new OPH or take voluntary redundancy. A formal consultation with staff has taken place.
68. The Equality Impact Assessment for the Older Persons' Accommodation Programme dated 21 November 2017 is attached as **Annex 4**.
69. An OPH Wider Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Programme unfolds. The project team also continues to use established channels to communicate with, and gather the views of, OPH managers and staff, care management staff and Health colleagues.

### **Financial**

70. The annual net cost of running Morrell House is £597,330 per year.
71. Should some customers require it, provision has been made to fund care beds in the independent sector. Provision has also been made to fund the cost of staff change.
72. Overall, the Older Persons' Accommodation Programme is forecast to deliver an annual recurring savings of £553k by 2019/20.
73. It is estimated that, should the decision be made to not to close or delay the closure Morrell House the authority will incur an additional monthly cost to the Programme of £47,700.



## **Legal**

74. The consideration of the closure of existing council run OPHs should follow a clear and consultative path. There are a number of potential challenges to local authorities during the process of closing OPHs which have been considered. Previous advice is held and has been updated by specialist legal colleagues. This advice includes an examination of the application of the Human Rights Act and the Equalities Acts. The Equalities Act considerations are highlighted in preceding paragraphs. A decision to close the home might impinge on the human rights of residents. In particular the right to respect for private and family life and, in some circumstances, the right to life. The right to respect for private and family life is not an absolute right and proportionate interference can be justified on public interest considerations. These include economic grounds, protecting the rights and freedoms of other people and protecting health. By following the Moving Home Safely process the Council will minimise any risk to residents.
75. Legal advice has been sought and has guided the approach to consultation and the wording of letters.

## **Human Resources**

76. HR held a number of sessions for staff based at Morrell House. Should a decision to close be made, the impact upon staff can be managed via a combination of re-deployment, vacancy management and voluntary redundancy, in order to mitigate the need to make compulsory redundancies

## **Property Services**

77. Morrell House was built in the late 1960s as a purpose build care home. It has been kept in good repair but the changing care needs of residents' means that it is no longer fit for purpose.
78. Morrell House sits on a 0.59 acre site in a residential area close to both local authority rented and privately owned housing. It backs on to Bootham Stray.
79. If members decide to close the care home the potential alternative uses of the Morrell House site will be examined in accordance with the Corporate Asset Strategy. Should no relevant Council use be identified for the site then it would be sold for its capital receipt.

## **Better Decision Making Tool**

80. This matter forms part of an existing project agreed by Executive and which has been the subject of extensive scrutiny of the Business Plans and Equality Impacts and, therefore, a Better Decision Making Toolkit form has not been prepared.

### Other Implications

81. There are no other implications arising from this report.

### RISKS

82. The process of closure of care homes, should that be the decision made, has risks associated with it; these have been identified, will be kept under review and will be carefully managed. However, because the authority has done this before, and followed a similar process, it is believed that these risks are manageable.

ref	Risk	Mitigating Action
a)	Options for accommodation for older people do not match the expectations and aspirations of current residents.	A wide range of options are made available and current residents are supported to assess these against their needs and wishes.
b)	Those with high care needs and their carers/advisers/assessors do not recognise Extra Care accommodation as suitable because there are limited examples in York of this type of accommodation and the care pathways are unclear.	A dedicated care manager will work with residents to explore with them and their relatives how Extra Care operates, how it can be a flexible model for those with high care needs and how it operates elsewhere as a viable alternative to residential care.
c)	The Morrell House site does not realise the anticipated level of capital receipt included in the financial model.	Work closely with partners & the Council property team to maximise the capital receipt including open marketing and a competitive bidding process.
d)	Insufficient funding to deliver all elements of the project.	The Programme financial model is regularly reviewed and is expected to deliver both its revenue and capital targets.
e)	Title / related property issues, incorrect procurement of capital works and/or development.	Applying due diligence to ensure Council's normal approach to the disposal of land, procurement of

ref	Risk	Mitigating Action
		capital works and/or a development partner is applied.
f)	Risk of the new developments/deals driving up the price the Council pays to external residential care providers	Undertaking negotiations with Independent providers. Actual Price for Care rates agreed and is proving to be at a level to secure beds.
g)	Loss of OPH staff morale leading to negative impact on service provided to existing OPH residents	Maintain staff morale and focus through regular, open and honest briefings/updates; engagement through OPH Managers and staff groups; investment in staff training, support & development.
h)	The cost of any associated redundancy is greater than estimated.	The financial model has been “stress tested” to assess the impact of a 50% increase in the cost of staff change and is still viable. Staff change will be managed carefully in order to minimise cost and legal risks.
i)	Challenge and negative publicity from existing OPH residents and relatives, OPH staff/TUs, other stakeholders, opposition parties, wider public	Development of well planned Communications approach through briefings to Residents and relative, Executive, group leaders, TUs, OPH Management & Staff, OPH Review Wider Ref Group, Media.

**End**

**Contact Details**

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	<b>Report Approved</b>	✓	<b>Date</b> 16 April 2018
<b>Specialist Implications Officer(s)</b> Legal – Gerry Allen (Ext 2004) and Melanie Perara (Ext 1087) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Tim Bradley (Ext 3355)			
<b>Wards Affected:</b> Clifton			
<b>For further information please contact the authors of the report</b>			

**List of tables in the report:**

- Table 1: Expected outcomes achieved by the Programme.
- Table 2: Numbers of people in permanent residential and nursing care funded by the council, both CYC provision and independent sector (Snapshot at month end).
- Table 3: Care beds available for use.
- Table 4: Numbers in acute hospital beds occupied by someone "awaiting discharge" (Snapshot on last Thursday of month).
- Table 5: Net change in domiciliary care hours.
- Table 6: Destination of residents moving from closed care homes.
- Table 7: Care needs of residents living in Extra Care.

**Annex 1** - How have we decided which homes should be the first to be consulted on closure?

**Annex 2** - Maps showing previous addresses of residents and current addresses of relatives

**Annex 3** – The Moving Homes Safely Protocol

**Annex 4** - Equality Impact Assessment

**Plan of the Morrell House Site**

**Abbreviations:**

CQC – Care Quality Commission

ILS – Independent Living Service

NHS – National Health Service

OPH – Older Persons' Home, previously referred to as – Elderly Persons' Homes

TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended by the 2014 amendment regulations

**Background Papers:**

19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive seeking approval of the Business Case for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close Grove House and Oakhaven.

29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the <b>Site</b> ) in Heworth ward.
14 July 2016	Report to Executive by the Director of Adult Social Care. Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.
28 Sept 2016	Report to the Audit & Governance Committee by the Programme Director, Older Persons' Accommodation, providing an update on progress of the Programme and actions taken to address External Audit recommendations.
24 Nov 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreement to close Willow House and sell the site.
7 Dec 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The report obtained consent to complete the next phase of delivery of the Burnholme Health & Wellbeing Campus including sanction for the investment of £4.73m in new and refurbished community and library facilities, subject to Department for Education (DfE) approval to dispose of redundant land, as well as £200,000 in urgent repairs and works to the sports facilities on site.
9 Feb 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive agreed to sell the site of the former Fordlands Road older persons' home to Octopus Healthcare who propose to develop a residential and nursing care home on the site.
16 March 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received an update on progress made towards delivering health & wellbeing services at Burnholme and agreed to enter into a long lease with a care

	home developer over a portion of the Burnholme Health & Wellbeing Campus site. Executive also agreed to enter into a head lease over the Community & Library facilities and the disposal of the Tang Hall Library site.
16 March 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received an update on progress made towards delivering an Extra Care facility at Oakhaven on Acomb Road. Executive agreed to sell the Oakhaven site to an Extra Care developer. As part of this procurement the Council will secure nomination rights to 25 affordable rented and discount sale apartments.
31 August 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received the results of the consultation undertaken with the residents, relatives and staff of Woolnough House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreed to close Willow House and the site 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.
31 August 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care and the Corporate Director of Children, Education and Communities. Executive received information on the outcome of public consultation concerning the future of Burton Stone Lane Community Centre and agreed to confirm its closure and approve investment into the provision of a 33 home extension to Marjorie Waite Court Extra scheme to provide accommodation for older people and new community facilities.
28 September 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care and the Corporate Director of Children, Education and Communities. The Executive received information that demonstrated the progress of the Older Person's Accommodation Programme towards delivering over 900 new units of accommodation with care for older people. The Executive gave consent to undertake consultation on the option to close two further Council run older persons' homes.
7 December 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received the results of the consultation undertaken with the residents, relatives and staff of Windsor House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreed to close Windsor House and the site to be use being for 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, then for the site to be sold forthwith in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.
15 March 2018	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received a report on the outcome of an investment review which demonstrated that investment in the long term future of Lincoln Court will allow us to set out a new model for Independent Living (Sheltered Housing) in York, called Independent Living. Executive agreed that investment be made at Lincoln Court to increase the number of homes from 26 to 35 and create an Independent Living with Support facility as part of the Older Persons' Accommodation Programme.



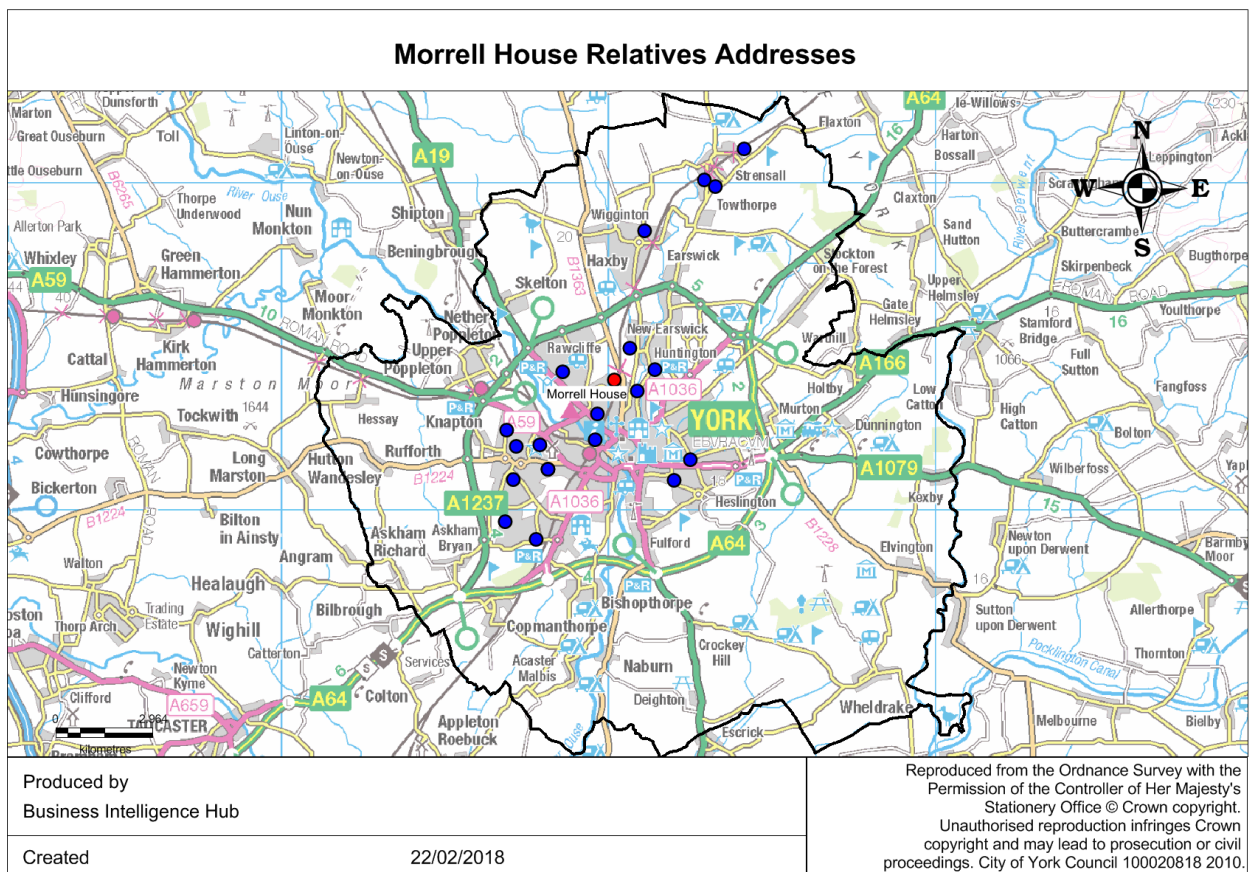
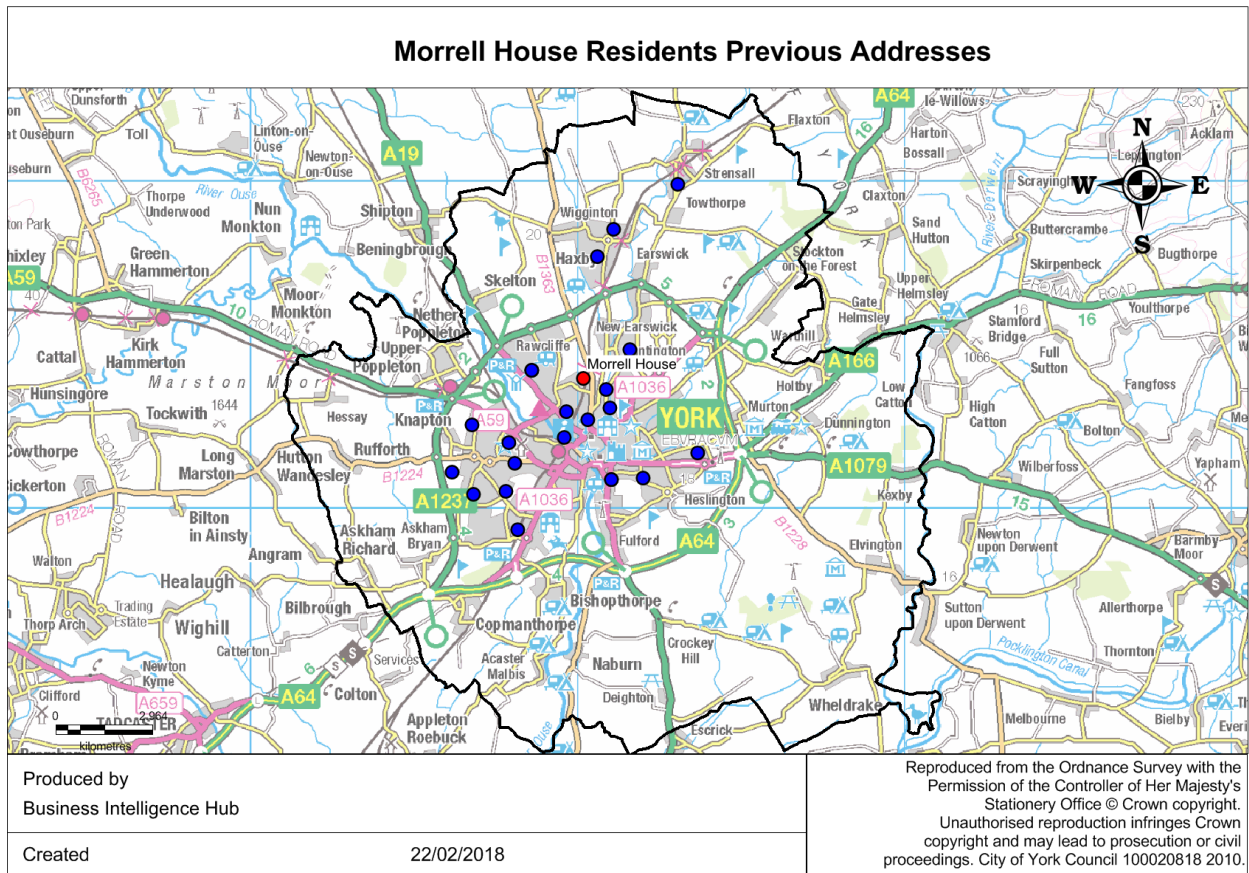
**Annex 1 – How have we decided which homes should be the next to be consulted on closure?**

1. The criteria for deciding which should be the next are:
  - a. the presence of serious physical or other building related problems which, if they cannot be addressed in a cost-effective manner, would impact on the quality of care provided to residents;
  - b. the potential alternative uses for the OPH site in order to deliver the wider Older Persons' Accommodation Programme;
  - c. whether a home accommodates a resident who has already been moved from another Council run OPH which was the subject of closure; and
  - d. the size of the home, with the smaller homes struggling to provide a cost-efficient service to residents.
2. These are the criteria which were applied and that guided the decision to consult residents, relatives and staff at Grove House, Oakhaven, Willow House, Woolnough House and Windsor House.
3. Morrell House is the last home which is scheduled for consultation on the option to close. Haxby Hall is to be the subject of procurement to find a partner to take it on as a going concern with a commitment improve.
4. Applying these criteria to Morrell House we find that:
  - a. Morrell House does not have serious physical or building related problems. However, we spend more on repairs and maintenance each year on Morrell House than at other, recently closed, homes.
  - b. Morrell House does not have strong potential for alternative uses for the current site although it is a good location for housing.
  - c. One resident living at Morrell House previously lived in another Council run care home and moved to Morrell House in the knowledge that the home would be the subject of consultation on the option to close.

OPH	Residents (permanent)	Ward	No Physical Problems	Alternative Programme Uses	Residents who have moved previously
Morrell House	29 (at time assessed 21 perm)	Clifton	✓	x	✓

*Note: ✓ means that the selection criteria is positive and therefore applies*

**Annex 2 – Maps showing previous addresses of residents and current addresses of relatives**



**Annex 3 – The Moving Homes Safely Protocol**



A Protocol/Residents Guide For

**Moving Home Safely**  
**How City of York Council**  
**Will ensure residents move safely**  
**When faced with a planned care home**  
**closure**

**How City of York Council will support the residents of care homes**  
**which are facing planned closure**

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## **Purpose of this document**

This document describes the process that will be followed when a registered care home, run by the council, faces planned closure, and its residents need to be re-assessed and moved to a new home. In developing this protocol we have considered the evaluation undertaken by York St. John University of the initial Moving Homes safely Protocol, guidance from the Department of Health, Association of Directors of Adult Social services (ADASS), CQC, and Southwark Council Care Home Closure Protocol.

Once we know that a home is expected to close we will make sure we tell you, and your representative as soon as we can. We know this will be worrying news for everyone concerned, and so we will make sure we tell you in a way which gives you as much support as possible. We will explain things clearly and simply. We will involve families and friends, or appointed advocate, and we will ensure that you know who to speak to if you have any questions.

Following this, there are four main stages within the process:

- Stage 1 – Re-assessment
- Stage 2 – Choosing a new home (this includes all accommodation as detailed on page 9)
- Stage 3 – Moving safely to a new home
- Stage 4 – Reviewing the move.

This document outlines what will happen at each stage of the process, and who will be involved in supporting you (the resident) along the way.

We recognise that moving home can be a stressful event for anyone. The aim of this document is to help reassure you and your family and friends that

we plan to do everything possible to ensure that your move to a new home is well planned and carefully managed. You will be involved in all aspects of the decision as to where you move.

## **Basic principles underpinning the process**

*There may be some occasions where a decision has to be made urgently but if we have to decide to close a home we will, wherever possible, consult with residents and representatives before a decision is taken.*

*We will make you aware of the reasons why a move is necessary.*

*We will review your needs (where necessary a full reassessment may be carried out) and planning your move to a new home we will ensure that:*

- Your wishes, preferences and hopes are identified and considered.
- Your current support needs are taken into account, and that changing or future support needs are also considered.
- Discussions are conducted in your preferred language and in a way that suits you.
- You can have support from your family and friends and/or an independent advocate to support you if you wish (we talk more about advocates on page 6).
- All available options will be fully shared with you – we will be open and honest about the reasons if any preferred option is not available.
- Your review will be timely, efficient and comprehensive and will be carried out in a sensitive way.
- You will be kept up to date with what is happening.

## Stage 1 –Re-assessment

A Review manager will lead the process to review and reassess your needs and help you move to a new home. Where a full reassessment is needed a social worker will be involved.

The allocated Review Manager will co-ordinate your re-assessment and support planning. The Review Manager will work with you and with a number of other people and professionals, for example:

- Your family and friends
- An independent advocate
- Care Home Manager (Manager registered with the Care Quality Commission)
- Care home staff – and especially your key worker
- Health Care Professionals
- Social Worker

You will have a detailed review and reassessment of your care and support needs.

The manager in your current home will highlight any areas of support where you may have specialist needs or be vulnerable.

The manager and staff in your current care home know you well and will be heavily involved in supporting you through the whole process of re-assessment, choosing your new home, and moving into it.

**Advocacy** is a very important part of the moving home process. You may be happy for a friend, family member, or an organisation who knows you to help

you to think about what the move means for you. If you do want more advice and support you and your family/friends will have access to independent information, support and advocacy services. Here are some examples of advocacy services.

- York Advocacy is a local advocacy service, which offers support to people who are able to make their own choices but may find it helpful to have someone to talk things over with.
- Older Citizens Advocacy York-support for older people.
- Cloverleaf is a specialist advocacy service for people who may not have the mental capacity to make a reasoned choice, or anyone who is able to act on their behalf. An IMCA (Independent Mental Capacity Advocate) will be appointed to talk to the person and to try and understand what their views may be and how their wishes for the future can be met. An IMCA is also appointed where there is a potential disagreement between the local authority and the person acting on your behalf. In these instances, a Best Interest Meeting is held to capture everyone's opinions and views and to resolve any issues.
- Older Citizens Advocacy York-support for older people
- Deprivation of Liberties Safeguards (DoLS) - Residents who do not have the mental capacity to consent to their care and accommodation arrangements must be considered for DoLS by the home before they move. The home applies to CYC and a Best Interest Assessor and Mental Health Assessor will be allocated to assess them against the DoLS criteria. This will be authorised (if appropriate) by CYC.
- If you want help contacting an advocacy organisation, or another organisation that you would trust to help you, we will help you to do this. Please let either your Review Manager, or a member of staff know.



**Life Profile.** Many care homes already complete a 'This is me profile' with each resident as a means of recording personal aspects of your life. The content is decided by you and can include such things as a personal history, likes and dislikes, relationships, education, memories, and interests and photographs both past and present. This profile can go you when you move. A member of staff at your current care home, probably your key worker, will work with you to ensure that you have such a profile and that it is fully up to date before your move.

*Social care assessment and Support Plan record. **The Review manager will complete a social care assessment and Support plan record - which represents the assessment information collected from yourself, the care staff, and any family members / friends and will reflect your care and support needs prior to your move to a new home. This will be shared with yourselves and the home – if you are in agreement. You will also have an opportunity to meet staff from your new location who will also gather information regarding your care and support needs.***

## Stage 2 – Choosing a new home

It is important for you to feel that you have choice and control over your future home and support arrangements. This means making sure that you are able to:-

- Consider all available options
- Make a positive choice about which future support service you prefer

The options for you to consider will include: –

- Another registered residential or nursing care home in York or in an area nearer family and friends.

Some people may want to think about other options that can increasingly help people live with support in their own homes. If you are interested in thinking about other options these may include:

- Extra Care Housing, where you would have your own apartment with on site support and a flexible care team for residents
- Sheltered Accommodation with monitoring & support available
- Independent/supported living
- Living with family and others.

If you have friends in your current care home that you would ideally like to move with, it is important to discuss this with them and your Review Manager as you explore the various options. If you have a pet that you would like to move with you, you will need to make this known. It may affect the options open to you, as some homes may not be able to accept pets.

Once you have decided which option you want to pursue, your Review Manager will find out as much information as possible about what support and services are available. We will encourage and support, with the help of the current care home staff, opportunities to visit potential accommodation.

If we have any information that suggests that some of the options may not be suitable to meet your needs we will discuss this with you. For some people we recognise the number of choices may be limited.

The Review Manager will have up-to-the-minute information on vacancies in registered care homes and extra care/sheltered housing units and will try, as far as possible, to match people's preferred choices with available places.

Funding Arrangements of various options will be considered and discussed and, where necessary, financial assessments can be reviewed, so that you have all the information you need about future costs before making a final decision about which is the best option for you.

## **Stage 3 – Moving to a new home**

Moving to a new home is a significant event for anybody, and needs to be carefully planned.

Staff at your current care home will work closely with you in the lead up to the move to ensure that everything that needs to be done is done. We have developed a series of checklists which will be worked through with you to ensure that everything is covered. For example, we will help notify everybody who needs to know about your move (e.g. GP, bank, DWP).

We will make sure your new home has all the information they need to care for you properly and ensure continuity of care for you.

In terms of your own furniture and possessions, you will need to think about what you want and are able to take with you to your new home. We will provide opportunities for you to visit your new home before the move, ensuring your new environment meets your needs. We will give you updated information of the date of your move, and the staff who will support you on the day of the move. We will also provide help with packing up your belongings and unpacking them in your new home.

The actual day of your move will be carefully planned so that the right staff support and transport is available, to ensure the move is managed as smoothly as possible.

If you have any worries or problems we want to know about them as soon as possible so that we can try to sort them out.

## **Stage 4 – Reviewing the move**

A review of your new care arrangements will be co-ordinated by your Review Manager 4/6 weeks after you have moved into your new home. An earlier review can be arranged if required. A review can involve you, a relative or friend, your Review Manager, the manager from your new home, and anyone else you would like to involve (e.g. advocate, your key worker or manager from your old care home).

The review will consider what went well with your move and what is working well in your new home, but it will also explore any difficulties that may have arisen or concerns you may have. It will consider what you had hoped to experience in your new home and consider whether your actual experience has met these expectations. It will also identify whether there are new opportunities you would like to access in your new home, and how this might be achieved. Your Support plan record will be amended as necessary as a result of the discussion at the review and a written review form will be completed with actions as required.

Even if the first review does not raise any issues of note that need attention, your Review Manager will continue to be your allocated worker for a further 28 days to ensure consistency in case of any issues that arise. At the end of this period the responsibility for monitoring your placement will transfer back to the team responsible for reviewing placements. Reviews will take place annually, assuming that you are funded by the Local authority. An annual review for those customers self funding their placement can be arranged directly with the home management or you can ask the local authority to do this on your behalf should you wish.

## For more information

### Terminology:

For more information please speak to your current Care Home Manager in the first instance. He or she should be able to help you or advise you on who is best placed to deal with your specific query or concern.

If, however, you wish to speak to someone else please try the following contacts.

Care Management Team	(01904) 555858
York Advocacy	(01904) 414357
Cloverleaf	(01904) 557644
Older Citizens Advocacy - York	(01904) 676200

We will be able to give you a list of all the care homes in York and other housing options. This information can also be accessed at <http://www.york.gov.uk>.

The Care Quality Commission is another source of information on the quality of care provided by different homes, see <http://www.cqc.org.uk/>. Your friends, family, or advocate may help you to get information you want, but we can also help you get information on the homes you are interested in.

Mental Capacity Act: making decisions GOV.UK. See <https://www.gov.uk/government/mental-capacity-act-making-decision>

City of York Council Website home page:

<https://www.york.gov.uk>

Older Citizens Advocacy York  
52 Townend Street  
York  
YO31 7QG

Tel: 01904 676200

Email: [info@ocay.org.uk](mailto:info@ocay.org.uk)

York Advocacy – [www.yorkadvocacy.org.uk](http://www.yorkadvocacy.org.uk)

The Care Act 2014 – <https://www.york.gov.uk> – Under Adult Social Care

### **Our complaints procedure**

If you have not been able to sort out a concern or problem through talking to us, or you are unhappy about the service you have received please contact the Complaints Manager, who will agree with you how best to deal with your complaint - Tel: (01904) 554080 or email [haveyoursay@york.gov.uk](mailto:haveyoursay@york.gov.uk).

## Annex 4 - Equality Impact Assessment

## City of York Council

## EQUALITY IMPACT ASSESSMENT

1	<b>Name and Job Title of person completing assessment</b>	Programme Director, Older Persons' Accommodation
2	<b>Name of service, policy, function or criteria being assessed</b>	Policy regarding the future provision of accommodation for older people, especially residential care.
3	<b>What are the main objectives or aims of the service/ policy/ function/ criteria?</b>	<p>The Older People Accommodation strategy is based on meeting people's needs and in-particular the demographic challenges we face. This is a modernisation programme to support more people to maintain living independently i.e. through the provision of more extra care (new Independent Living Communities). The provision of the right care in the right place at the right time This is expected to be achieved through:</p> <ol style="list-style-type: none"> <li>1. Re-providing up-to-date fit for purpose accommodation with care for those who are in residential accommodation at the moment.</li> <li>2. Investing in supporting older people to stay in their own homes and live independent lives for as long as possible.</li> <li>3. An increase in overall capacity to meet the growth in demand; as we recognise that the current Council's physical provision is poor and does not reflect what we would expect from other providers.</li> <li>4. Care will be provided throughout the locality using key partners. Currently the minority of relatives live within a 3 mile radius of the two homes detailed in phase one of the</li> </ol>



		modernisation programme. Therefore movement across the City is expected. Many residents have only lived in each area for a short amount of time. Re-provision will include extra care (Independent Living Communities), and alternative residential or nursing care.
4	<b>Date</b>	21/11/2017 (Updating the EIA of 14/08/2017)

### Stage 1: Initial Screening

5	<b>What evidence is available to suggest that the proposed service/policy/function/criteria could have an adverse impact on quality of life outcomes (as listed at the end of this document) for people (both staff and customers) with protected characteristics? Document the source of evidence, (e.g. past experience, anecdotal, research including national or sectoral, results of engagement/consultation, monitoring data etc) and assess relevance of impact as: <i>Not relevant / Low / Medium / High.</i></b>
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	Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact	
		Cust	Staff	Cust	Staff	Customers	Staff
a	Race	X	X			Consultation with communities of Interest	Consultation with staff
b	Religion/Spirituality/ Belief	X	X			Consultation with communities of Interest	Consultation with staff
c	Gender	X			L	Consultation with communities of interest	The OPH staff profile shows that the majority of the current workforce are women and those who are older may suffer adversely if seeking alternative work

Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact		
	Cust	Staff	Cust	Staff	Customers	Staff	
						and may have the added responsibility of caring obligations. However, over the next period our capacity will need to increase as we develop further provision for Older People, which will give staff a greater opportunity of employment.	
d	Disability		X	H		National studies show that older and significantly frail residents may face poorer prospects in terms of health and wellbeing.	Consultation with staff.
e	Sexual Orientation	X	X			Consultation with communities of Interest	Consultation with staff
f	Age			H	H	National studies show that older and significantly frail residents	The OPH staff profile shows that the majority of the current workforce are women and those who are

Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact		
	Cust	Staff	Cust	Staff	Customers	Staff	
						may face poorer prospects in terms of health and wellbeing.	older may suffer adversely if seeking alternative work and may have the added responsibility of caring obligations.
g	Pregnancy/ maternity	X			L	Consultation with communities of Interest	Consultation with staff (one staff member affected)
h	Gender Reassignment	X	X			Consultation with communities of Interest	Consultation with staff
i	Marriage and Civil Partnership	X	X			Consultation with communities of Interest	Consultation with staff
j	Carers of older and disabled people			M	M	Information in our corporate Carer's Strategy shows that there may be adverse effects on the carers of older and frail people if they do not settle in their new environment	Information in our corporate Carer's strategy, as well as information from the York Carers' Centre, shows that middle-aged women who are carers themselves find it difficult to find and keep any type of employment.

**If you assess the service/policy/function as not relevant across ALL the characteristics, please proceed to section 11. If you assess the service/policy/function as relevant for ANY of the characteristics, continue to Stage 2, Full Equality Impact Assessment.**

<b>Stage 2: Full Equality Impact Assessment</b>		
6	Are there any concerns that the proposed or reviewed service/policy/function/criteria may be discriminatory, or have an adverse impact on members of the public, customers or staff with protected characteristics? If so record them here	
a	Public/ customers	Yes – possible negative effects on health, security and well-being of frail residents.
b	Staff	Yes – older women especially those who are also carers in their home environment with limited ability to move and find other jobs.
If there are no concerns, go to section 11. If there are concerns, go to section 7 and 8 amend service/ policy/ function/ criteria to mitigate adverse impact, consider actions to eliminate adverse impact, or justify adverse impact.		
7	Can the adverse impact be justified? E.g. in terms of community cohesion, other legislation, enforcement etc. NB. Lack of financial resources alone is NOT justification!	
Customers – Yes. There are studies that show that frail residents may suffer detriment if moved from current homes. However, our quality assurance studies as well as the results of consultation showed that the current OPHs, whilst in reasonably good condition, are 40-50 years old and no longer meet current residents' needs and also are not fit for the future. Their size and design make it more difficult for staff and other practitioners to care for people living with dementia and high dependency care needs. Staff – Yes because staff consultation shows that above all else they want to improve the care environment for our customers and also are obliged by changes in national policy to deploy resources differently.		
8	What changes will you make to the service/policy/function/criteria as result of information in parts 5&6 above?	
There will be no changes to the proposed policy of reprovision. However, we shall put in place a number of remedial actions, which are listed in item 10 below.		
9	What arrangements will you put in place to monitor impact of the proposed service/policy/function/criteria on individuals from the protected characteristics?	
OPA Programme Board will oversee the consultation over the review proposals, and subsequent implementation of Members' decisions. Assessment & Safeguarding Care Managers and OPH Managers will monitor the impact of any changes on individual residents. They will also track feedback from relatives and, where appropriate request independent advocates looking out for the interests of individual residents. Commissioning & Contracts Managers will monitor the quality of service provided in whatever model of service provision is decided upon by		

<p>Members.          OPH Managers, Human Resources, and Trade Unions will support OPH staff through any change process that flows from the Members' decision on this OPH Review.</p>		
10	<p>List below actions you will take to address any unjustified impact and promote equality of outcome (as listed at the end of this document) for staff and other people with protected characteristics. Consider action for any procedures, services, training and projects related to the service/policy/function/criteria which have the potential to promote equality in outcomes.</p>	
Action	Lead	When by?
<p><u>Customers</u>          We have developed a 'Moving Homes Safely' protocol. The document describes the process that will be followed when a care home faces planned closure, and its residents need to be re-assessed and moved to a new home. The document is written in Plain English and outlines for residents and their relatives what will happen at each stage of the process, which includes: Re-assessment; Choosing a new home; Moving to a new home; Reviewing the move; and who will be involved in supporting them along the way. Age UK, Older Citizens Advocacy York (OCAY) and the York LINK Readability Panel has previously commented on the protocol to ensure that, from a resident's perspective, the process and document are clear and make sense.</p>	<p>Head of Service (Operations)</p>	<p>Until the project has been completed.          Consultation Discussed 9 October 2017.</p>
<p>The Older Persons' Accommodation Programme is focused on the delivery of a range of accommodation with care options for older people, both those affected by home closure and the growing older population who follow them. Within this provision is a focus on accommodation suitable for people living with dementia.</p>	<p>Programme Director Older Persons' Accommodation</p>	<p>Until the project has been completed.</p>

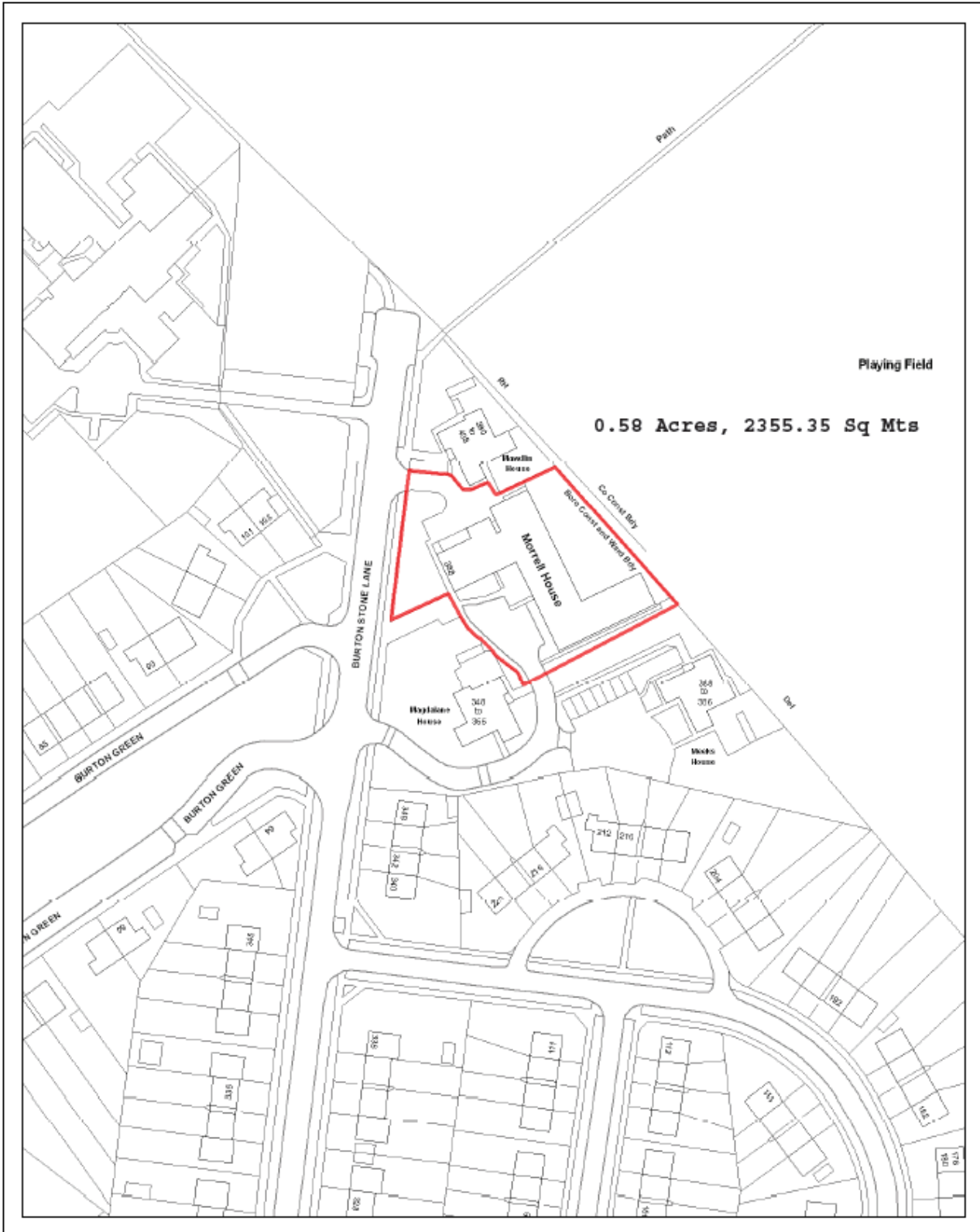
<u>Staff</u>	<p>The modernisation programme agreed will take in the order of three years to implement. This timescale (2015-2018) combined with current vacancies and requests for early retirement indicate that there will be minimal need for compulsory redundancies. We will work closely with OPH Managers and staff, the Trade Unions and Human Resources to ensure that there is a fair, open and transparent process for dealing with staff moves between current homes, and into the new care homes, when built.</p>	Head of Service (Operations)	Until the project has been completed.
11	Date EIA completed	21/11/2017 (Updating the EIA of 14/08/2017)	
<p>Author: Roy Wallington          Position: Programme Director, Older Persons' Accommodation          Date: 21/11/2017</p>			
12	Signed off by	[signature removed for on-line publication]	
<p><b>I am satisfied that this service/policy/function has been successfully equality impact assessed.</b>          Name: Martin Farran          Position: Director – Adult Social Care          Date: 21/11/2017</p>			

**Quality of Life indicators**  
(aka 'The 10 dimensions of equality')

We must ensure there is no adverse impact in terms of:

- ❑ Longevity, including avoiding premature mortality.
- ❑ Physical security, including freedom from violence and physical and sexual abuse.
- ❑ Health, including both well-being and access to high quality healthcare.
- ❑ Education, including both being able to be creative, to acquire skills and qualifications and having access to training and life-long learning.
- ❑ Standard of living, including being able to live with independence and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport.
- ❑ Productive and valued activities, such as access to employment, a positive experience in the workplace, work/life balance, and being able to care for others.
- ❑ Individual, family and social life, including self-development, having independence and equality in relationships and marriage.
- ❑ Participation, influence and voice, including participation in decision-making and democratic life.
- ❑ Identity, expression and self-respect, including freedom of belief and religion.
- ❑ Legal security, including equality and non-discrimination before the law and equal treatment within the criminal justice system.

# Plan of the Morrell House Site



Resources  
Property Services

## Morrell House Elderly Peoples Home



SCALE 1:1,250 DRAWN BY: GR DATE: 02/11/2010

Originating Group: Property Services

Drawing No. E00640

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**Executive****26 April 2018**

Report of the Corporate Director of Children, Education and Communities  
Portfolio of the Executive Member for Children, Young People and Education

**Developing a Centre of Excellence for Disabled Children and their families in York****Summary**

1. A report on Developing a Centre of Excellence for Disabled Children and their families in York was presented at the City of York Council Executive on 25<sup>th</sup> January. This report set out a proposal for a capital budget of £4.274m, and this was to be supported by funding from capital receipts, and Council borrowing. The Council borrowing costs could be met from the service budget.

Since then, a further review has been undertaken on the level of capital receipts that can be generated. This figure has reduced now by £350,000, and as such the Council borrowing required increases by £350,000.

This report will provide for a revised recommendation to Full Council in relation to the capital budget.

**Recommendations**

2. That the Executive:
  - a. Agree the revised financial business case for the development of a Centre of Excellence for Disabled Children and their families in York.
  - b. Recommend to Council the approval for a capital budget of £4.274m to support the development of a Centre of Excellence for Disabled Children and their families. This is being financed by the sale of The Glen (net capital receipt £500,000, after deducting assumed Windsor House receipt) and £3.774m prudential borrowing. The costs of this

borrowing will be met from the existing budget provision for the service.

## **Background**

3. The report on Developing a Centre of Excellence for Disabled Children and their families in York which was presented at the City of York Council Executive on 25<sup>th</sup> January is contained (without annexes) in Annex B and provides background information required for this report.
4. As a point of clarification, where there is reference in the report (capital and revenue) to 'The Glen' this relates to The Glen Short Breaks provision, not The Glen House, which is Registered Children's Home.
5. The projected timescale for delivery and opening of the Centre of Excellence for Disabled Children and their families is spring 2020.

## **Options and analysis**

6. The options for financing the capital budget have been given further consideration and subsequent detail and clarity is now contained in the business case contained in Annex A, and the implications summarised below.

## **Implications**

### **Financial**

7. If the 'Do Nothing' option is agreed, there will be a capital cost of £3.058m to renovate and develop existing provision to the required specification. In addition it would be unlikely that the Glen revenue budget saving of £150,000 pa (£75,000 in both 2017/18 and 2018/19) could be delivered.
8. The recommended new build option requires a capital investment of £4.274m.
9. The business case in Annex A demonstrates that the revenue budget position for the new provision is financially sustainable, including funding the annual capital repayment (for the borrowing costs) of £195k delivering the £150k pa budget saving for The Glen and a further saving of £100k pa on Out of Area placements.

	£k
Total Capital Required	4,274
Windsor House Valuation	400
Receipt from the sale of The Glen	(900)
<b>Borrowing requirement</b>	<b>3,774</b>
Annual repayments – For 30 years	195

**Contact Details**

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**Principal Officer**  
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**Jon Stonehouse**  
**Corporate Director**

**Children, Education and Communities**

**Children, Education and Communities**

**Report Approved**



**Date 16/4/18**

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

**All**



**For further information please contact the author of the report**

## **Annexes**

### **Annex A** Financial Business Case

**Annex B** Executive Report 25<sup>th</sup> January - Developing a Centre of Excellence for Disabled Children and their families in York

### **List of Abbreviations Used in this Report**

FIRST – Family Intensive Rapid Support Team

WWY – Work with York

LA – Local Authorities

NY – North Yorkshire

ER – East Riding

DSG – Designated School Grant

H&D – Health and Disability

FTE – Full Time Equivalent

K – Thousand

HR– Human Resources

### **Definitions**

**FIRST** - is a specialist Clinical Psychology led service that supports families with children/ young people who have a learning disability or autism spectrum condition, and those with the most complex behavioural needs. FIRST provides intensive holistic assessment and intervention to meet the needs of the child and family. FIRST is a collaborative initiative between CAMHS and Social Care. The collaborative approach helps to bring together local professionals and providers in order to maximise expertise and provide wrap-around, consistent support. This model of care, also known as Intensive Support involving aspects of Positive Behaviour Support, has received national backing through government led initiatives.

**The Glen** – The Glen Short Breaks Centre provides short break residential support and accommodation for disabled children and their Families. It is based in Ousecliffe Gardens in Clifton.

**The Glen House** – The Glen House is a Registered Children’s Home.

**Annex A****Centre of Excellence for Disabled Children - Finance business case**

The proposed service budgets for the new centre of excellence is funded by the current glen budget, part of the H&D budget and part of the out of city placement budget. The proposed budget also factors in the 2018/19 directorate savings for these areas (£75k for the glen and £100k of out of city placement). The breakdown of these details are:

**Current Budgets**

	<b>The Glen</b>	<b>H&amp;D</b>	<b>Out of City Placements</b>	<b>Total</b>
Staffing costs	815,440	578,470		<b>1,393,910</b>
Operational costs	58,080	4,510	3,094,000	<b>3,156,590</b>
DSG Grant	(167,000)			<b>(167,000)</b>
Placement Income	(73,220)			<b>(73,220)</b>
Saving Targets - 2018/19 Onwards	(75,000)		(100,000)	<b>(175,000)</b>
<b>Total</b>	<b>558,300</b>	<b>582,980</b>	<b>2,994,000</b>	<b>4,135,280</b>

**Proposed Budgets**

	<b>Centre of Excellence</b>	<b>H&amp;D</b>	<b>Out of City Placements</b>	<b>Total</b>
Staffing costs	1,648,319	401,787		<b>2,050,106</b>
Operational costs	130,014	4,510	2,086,000	<b>2,220,524</b>
Capital Repayment	195,100			<b>195,100</b>
Glen House	(20,000)			<b>(20,000)</b>
Placement Income	(310,450)			<b>(310,450)</b>
<b>Total</b>	<b>1,642,983</b>	<b>406,297</b>	<b>2,086,000</b>	<b>4,135,280</b>

**Centre of Excellence Funding**

	<b>The Glen</b>	<b>H&amp;D</b>	<b>Out of City Placements</b>	<b>Total</b>
Staffing costs	815,440	176,683		<b>992,123</b>
Operational costs	58,080		908,000	
DSG Grant	(167,000)			<b>(167,000)</b>
Placement Income	(73,220)			<b>(73,220)</b>
Saving Targets - 2018/19 Onwards	(75,000)			<b>(75,000)</b>
<b>Total</b>	<b>558,300</b>	<b>176,683</b>	<b>908,000</b>	<b>1,642,983</b>

## **Comments**

- The current budget and the proposed budgets are the same and include the savings targets
- The details for the Centre of Excellence funding are also shown
- This assumes that we will still need Out of City placements, the revised Out of City placement budget is currently higher than our 2017/18 predicted spend

The details of the proposed Centre of Excellence budgets are:

## **Staffing**

The staff numbers are to increase from 24.5 FTE's to 40.5 FTE's, this is due to:

- Increased community and outreach support for young people and families
- Less reliance on casual employees
- Increased service for children who would in the past gone to Out of City placements, these would be provided for in the new provision

## **Operational Costs**

These include:

- Transport costs (+£20k) - Due to the increase in staff and for increased outreach/family support
- Centre Repairs/Additional items (+£20k) - New facility & garden will need to replace & renew items over time – Not needed every year
- Equipment (+£10k) - Additional equipment will be needed from the items we currently have and what we will need going forward – Not needed every year
- Training (+£20k) - Moving from 24 FTE's to 40 FTE's will require additional training needs and more complex with the placement types within the new facility

## **Capital repayments**

- The build cost is estimated as being £4.274m, this includes contingency of £320k in our assumptions

- The net receipt from the sale of The Glen (£900k) less the cost of the assumed Windsor House receipt (£400k) have also been included in our assumptions
- The capital receipt of The Glen House has not been factored into the business case. However, revenue income for Children Social Care relating to the options of future use of The Glen House has been accounted for.
- Payback period of 30 years have also been assumed.

## **Income**

We have assumed placement income from other LAs of £310k per annum. This is split between:

- FIRST provision - £200k
- Autism provision - £47k
- Complex Health provision - £63k

## **Budget Risks**

The following are the risks to the budgets on the assumptions we've made and the mitigations for these risks:

## **Staffing**

- Includes £212k of relief staff
- Used on an occupation basis of the placements at the Centre/FIRST provision
- No vacancy factor – Any vacancies will need to be need to be covered
- All staff budgets are at the top of grade – Not all staff will be at the top of the grade
- Included £115k for overtime, shift work allowances & pay protection
- Pay protection will be managed (With help from HR) to minimise any affect on the service

Increase in staffing is part funded by the movement of funds from the Out of City placement budget, the details of the Out of City budget are:

- Budget movement to the new facility is £881k
- 2017/18 predicted under spend is £1.1m
- 2018/19 directorate saving is £100k
- 2017/18 costs include £172k of costs for placements that have now ended



- Also included are £141k of costs are for placements that will end in 2018/19
- The proposed budget of Out of City placements for 2019/20 (£2,113k) onwards is currently higher than our current placement costs (£1,920k) which is before the new facility and the benefits it will bring
- Over the last 5 years approx 30% of Out of City placements (13 placements) have been identified as being a placement that would use the facility rather than an Out of City placement

### **Income**

- Autism & Complex Health income is assumed as £110k per annum from other LAs
- This is approx 210 episodes of care pa
- So far in 2017/18 (April to November) there has been 110 episodes of care at the glen for other LA's
- 2016/17 there was 185 episodes of care at The Glen for other LAs

### **FIRST Provision**

- Income has been assumed as £200k which is 26 weeks of care for placements from other LA's
- This is on a usage basis with the centre employing WWY staff to backfill the centre staff and a relief FIRST Psychologist – The 26 weeks would incur a cost of £146k
- If we received no income we would not incur the above costs which would leave a shortfall of £54k in the budget
- This shortfall would hopefully be covered within the staffing assumptions, operational costs and other income streams
- The income assumptions have been discussed with NY & ER LAs

### **Build costs**

Repayments have been factored into the running costs of the new facility, the risks to our assumptions are:

- Cost of build £4.274m (Including £320k Contingency)
- Need final costs for the build
- Including fees, fittings, access issues and green spaces
- The final costs will be reviewed by cost consultants and the service area to ensure the facility will deliver what we need at the correct price

#### Interest rate

- We have assumed an interest rate of 6.3% payable over 30 years

#### Capital Receipt

- The valuations of The Glen & Windsor House are both external valuations

#### **Finance Summary**

Budgets for all the included areas are balanced, including all savings targets, reviewed by service managers and finance managers.

- The Glen currently overspends and has a further saving to achieve in 2018/19 which will not be met with the current provision
- Financial risks to the project have been discussed and how any item can be mitigated has been advised

## **Annex B**

### **Executive Report 25 January 2018**

Report of the Corporate Director of Children, Education and Communities from the Portfolio of the Executive Member for Children, Young People and Education

### **Developing a Centre of Excellence for Disabled Children and their families in York**

#### **Summary**

This report will provide Members with an overview of the proposal to develop and build a Centre of Excellence for disabled children and their families in York.

The development work, which has incorporated a formal feasibility study, has worked closely with key stakeholders, including parent / carers of disabled children. The report will detail the service development plans, building designs, site options and the financial business case.

The Centre of Excellence has the potential to; be a national leader of innovative practice in this area, Make York Home for more disabled children and young people and invest in service provision in order to deliver better outcomes for disabled children, young people and their families.

The report will seek agreement for the financial business case, agreement to progress the project to the next stage of design, planning and development and recommend to Council that the required capital expenditure is committed to enable the development of the Centre of Excellence.

#### **Recommendations**

1. The Executive will be asked to:
  - c. Agree the financial business case for the development of a Centre of Excellence for Disabled Children and their families in York.
  - d. Agree for the project to progress to the next stage of design, planning and development

- c. Recommend to Council a capital budget of £4.274m to support the development of a Centre of Excellence for Disabled Children and their families. This is being financed by the sale of The Glen plus the annual repayment charge of £175k from the revenue budget, repayment charge is for 30 years.

## Background

2. City of York Council alongside its partners have been exploring, as part of a feasibility study, the opportunities and benefits of building a Centre of Excellence for Disabled Children and their Families in York. This new building and provision will provide:
  - **The setting for a range of support services** which will enable disabled children to remain in their families and in their community, delivered from a safe, accessible space
  - **Flexible short break provision** to meet the needs of children and young people with Autism, Learning Disabilities and/or additional health needs.
  - **Family Intervention Rapid Support Team (FIRST) and Therapeutic Short Breaks** a specialist Clinical Psychology led intensive assessment and intervention service for families with children and young people who have Autism and Learning Disability and challenging behaviour which affects their ability to live in the local community
3. The project is part of the wider development of services for disabled children and young people across the city and provides the Council with an opportunity to:
  - Deliver better outcomes for disabled children and young people including those with the most complex needs
  - Invest capital in developing a Centre of Excellence for Disabled Children which has the potential to be a leader in innovative practice both regionally and nationally
  - Make York Home for more disabled children and young people by reducing Out of Area placements
  - Develop and invest in service provision in order to generate future savings and income generating potential

## **Feasibility and development**

4. The feasibility and development work over the past 8 months has taken a co production approach, engaging parent / carers, staff and partner agencies at all stages. Significant work, which will be outlined below, has been undertaken in relation to service development, building design, site options and the financial business case.

### *Service development*

5. The proposed service developments in this report are part of a whole system approach to deliver effective services and a joint agency response to the most vulnerable disabled children and young people across our city and region. They are also developed within a wider set of arrangements and services for all disabled children and their families within York.
6. The proposals directly link to City of York Council priorities around 'Make York Home' for children and young people. The proposals recognise that the outcomes for disabled children and young people are significantly improved when they are cared for and supported in their own homes, families and local communities.
7. Work has been undertaken to develop the structural and staff role changes and developments that are required to deliver the new way of working within a Centre of Excellence. This will include the development of an integrated staff team, to include Children's Social Care, CAMHS (FIRST) and Health staff. This will provide an effective and efficient multi-disciplinary service.
8. This service development will involve the re grading of posts and changing of lines of accountability. Potential changes in operational costs have been considered in the overall business case. A HR representative has been allocated to support the work and guide the process going forward.
9. Partnership working agreements have been agreed with Tees, Esk & Wear Valley (TEWV) Trust who provide our CAMHS service, to increase the Clinical Psychological resource within the city to support the FIRST development and expansion plans.
10. Detailed conversations have taken place with North Yorkshire and East Riding County Council about the potential of working in partnership and/or purchasing enhanced FIRST provision, alongside other services and provision that would be available within the Centre of Excellence.

11. A funded pilot with East Riding has been agreed and will start in February 2018. This will seek to bring a child currently in an Out of Area placement back into local provision using the FIRST service. This work will be used to generate a business case for releasing future funding from East Riding into the FIRST regional provision as part of the Centre of Excellence.
12. Significant work has been undertaken within York, to explore how the FIRST service can be both developed and integrated more effectively across the existing disability resource and provision with a view to reducing the need for Out of Area placements in the future.

### *Building Designs*

13. Specialist Design Consultants (Gilling Dod Architects) have been recruited to support the feasibility work. Initial design requirements, guidelines and ideas have been developed and then extensively consulted on with front line staff, managers, partners and parents / carers. Examples are contained in Annex A. Further detail can be provided on request.
14. The Design Consultants have also worked alongside staff and parent / carers to develop a Schedule of Accommodation (SoA) that gives an initial approx guide to the amount and size of rooms and space required. This SoA suggests that The Centre of Excellence will require a building footprint of approx 1100 square metres (sqm) set within an area of outside space, gardens, amenities and car park of approx 5000msq.
15. Following the consolidation and analysis of consultation feedback, The Design Consultants have developed a draft building layout and a concept design, which includes potential entrances and approaches. See Annex B

### *Site options*

16. Council Officers identified Windsor House Older Person's Residential Accommodation, as a potential land option for The Centre of Excellence. Following consultation, The Executive made a decision on 7<sup>th</sup> December 2017 to close Windsor House. The Executive also agreed to the recommendation that the preferred, but not only option for the use of this land should be to build the Centre of Excellence.
17. The Windsor House land is located in Acomb, adjacent to Hob Moor Oaks Special and Community Primary School playing fields and covers a land footprint of 1802sqm.

18. The land allocation of Windsor House is less than the initial requirement estimated by the Design Consultants. A number of options have been explored to increase the land available for the project and new build:
19. Following careful consideration and discussion, the preferred option that has been agreed to pursue is the use of a small part of the Hob Moor School playing fields. This decision was made due to the potential mutually beneficial relationship and service synergies that could be developed between Hob Moor Oaks Special School and the new Centre of Excellence
20. The Hob Moor Federation of Schools, which is one of York's PFI school buildings, is in the process of completing a transfer to Ebor Academy Trust. The revised date for this transfer to complete is April 2018. The PFI provider is Sewells Investments.
21. An assessment according to DfE and Sport England requirements has been completed on the Hob Moor Federation of Schools playing fields. The DfE calculate that the schools (taking into consideration 105% of existing capacity) require 13 144 msq of playing fields. Hob Moor Federation of Schools have 30 558 msq of playing fields and outdoor space. This surplus area includes a Multi Use Games Area (MUGA) that is available to the community and an area of grassland at the back of the school which is undulated Ridge and Furrow land. If the MUGA and Ridge and Furrow grassland is excluded from the calculation, the Schools have a surplus of 7608 msq.
22. Discussions have taken place with the Chief Executive of Ebor Academy Trust, Headteacher and Governors of Hob Moor Federation of Schools about the opportunity of a partnership that could use part of Hob Moor surplus playing fields to develop shared amenities and potentially the co location of part of the Centre of Excellence Building. This partnership would develop an integrated, co located approach to social care, health and education services for Disabled Children and their families.
23. Consideration will need to be given to any building on the playing fields which might be interpreted as a 'change of use'. This would then involve a section 77 application to the DfE and a public consultation.
24. Ebor Chief Executive, Headteacher and School Governors are very positive and supportive about the opportunity. They have identified the clear synergies between this new provision and the support and services

they offer through the Hob Moor Oaks Special School. It is the same children and families that attend Hob Moor Oaks during the day that will be accessing the support and services provided by a new Centre of Excellence. Some of the Teaching Assistants that support children in Hob Moor Oaks are the Community Short Break workers that will work as part of the Centre of Excellence. Disabled children will be able to walk to this new provision after school, instead of being transported across the city on minibuses.

25. The School and Academy Trust are keen to ensure that any potential change of use and or loss of playing fields is mitigated against. They have asked as part of the overall proposal and business case, that finance is made available to develop the upper part of the land at the back of the school into useable playing field space. This land is ridge and furrow grassland with the lower (8346msq) part designated as a SINC (Site of Importance for Nature Conservation) site. The upper part (4252msq) of the land has been developed as a forest school / outdoor classroom.
26. Discussions have taken place with Council Planning, Ecological and Archaeological experts to seek guidance and develop a work able proposal. This proposal includes relocating the forest school onto the lower 8346msq land, developing the playing fields on the upper 4252msq land and ensuring the ridge and furrow and SINC feature is protected, accessed, celebrated and learnt about by both disabled and non disabled children from the schools.
27. Education, legal and finance officers responsible for the Academy transfer process, are working with the School and PFI legal teams to explore options in terms of the surplus playing field land transfer to the Ebor Academy Trust. The Council is seeking to re draft the 'red line' transfer of land to the Academy that will provide it with the maximum flexibility, (for a fixed period of time and for the specific purpose outlined in this report) to seek a planning application to build a Centre of Excellence on some of the surplus playing field land.
28. DfE have been consulted about whether the existing 'red line' for the academy land transfer can be re drafted and agreed as part of the legal contractual arrangements. They are supportive, subject to school / Academy agreement.
29. Discussions have taken place with Sewells Investments, who are the PFI provider for the schools. They are supportive of the project and are keen



to explore options of how they can work in partnership with the Council to develop this new building and provision.

## **Consultation**

### *Parent / Carers*

30. A co production approach has been taken to all the feasibility and development work. This has meant that parents and carers of disabled children and young people have been involved in every stage of the project. The proposal and recommendations within this report are a direct response to the views, feedback and ideas from parents and carers.
31. A variety of methods have been used to communicate, engage and consult with parent and carers throughout the feasibility work. This includes a Stakeholder Conference, visits to similar projects across the country, representation on the design working group, direct engagement with Architects, monthly on line updates, online questionnaires, focus groups and individual conversations. Examples of the co production engagement work with parent / carers is contained in Annex D

### *Children and young people*

32. A creative approach has been taken to ensure that disabled children and young people have influenced the design and development plans. A creative film producer has been commissioned to develop a series of films titled '*Not About Me, Without Me*' with children and young people. These short films have documented and communicated what is important to children and young people and their ideas and suggestions for new building and provision. Some still photographs from the films are contained in Annex E

### *Internal staff*

33. Staff working directly with disabled children and families have also been part of the co production approach and been engaged and consulted at each stage of the project. All staff directly affected by the developments have been consulted via online questionnaire, staff meetings and monthly updates. They have also been given the opportunity to take a more active part in influencing the work by attending the Stakeholder Event, visiting other projects across the country and being part of the design working group.

### *Council Members*

34. Councillor Rawlings as Portfolio Holder for Education, Children and Young People has been involved with all of the plans and developments from the start of the project. This has included discussing ideas and plans direct with parent / carers and staff.
35. Ward Councillors were briefed on 24 October, when the opportunity to co locate the new facility alongside Hob Moor Federation of Schools, in Acomb was initially considered. Further discussions have taken place with Cllr Waller on 23 November and 20 December to discuss options, issues, concerns and opportunities.

### *Local Residents*

36. A public consultation and engagement meeting has taken place within the Westfield ward with local residents to explore initial plans and offer the opportunity to ask questions. This will be the start of an ongoing consultation and engagement strategy as part of the next stage of the project implementation.

### *Partner agencies*

37. Senior Health Partners including Vale of York Clinical Commissioning Group and Tees Esk and Wear Valley Health Providers are well cited of plans and have had multiple opportunities to share their views and identify areas future joint commissioning and working.
38. The staff and Governors of the Hob Moor Federation of Schools and Senior Managers with the Ebor Multi Academy Trust have also been consulted over the plans and development opportunities.

### **Options and analysis**

39. A number of site options have been discussed and consulted on with key stakeholders. An options appraisal has been completed for all potential options This appraisal has considered the practice, design, financial, school, open space, traffic, community, legal and planning implications. The appraisal and subsequent discussion has identified a preferred recommended option which will be outlined below.
40. In order to present and evidence the case for action, the implications for 'doing nothing' will be costed and outlined first.

*'Do Nothing' option*

41. A 'costed' assessment has been undertaken by the Council Property Department of the renovations that are needed to be made to the existing provision at the Glen in order to ensure it meets the minimum specification required to deliver the outcomes for children and young people in the future. The cost of these renovations is £2,731,000, this excludes design fees which would be estimated at a further £327 000. If renovations were agreed, this would involve the existing facility closing for a period of at least 6 months for the construction work to take place. There would be an additional cost to sourcing and financing alternative provision for the current services users during this period of time.
42. If the 'Do Nothing' option was identified, this would also severely limit the Council's ability to Make York Home for more disabled children and young people, reduce Out of Area placements, increase income generating potential and realise existing savings targets.

*Preferred recommended New Build Option*

43. The preferred and recommended new build layout and site outline is contained in Annex F
44. Advantages (+) and disadvantages (-) of this option are contained below under the key areas for consideration.

		+/-
<i>Practice</i>	– Parent / carers, front line practitioners, managers and partner agencies are supportive of this site layout	+
	– Relationship, links, shared amenities and entrances with school will need to be carefully to maintain the therapeutic and safe environment	-
<i>Design / layout</i>	– Flexible site layout with garden / outside / quiet / therapeutic space surrounding building	+
	– Distinct provision separate but linked to school	+
	– Potential for Lincoln Court to overlook provision	-
	– Adjacencies with garages and MUGA will need to managed to ensure safety of children and young people	-
<i>Financial</i>	– Total capital required for build – gross <b>£4.274m</b> net <b>£3.424m</b>	+
	– Annual Repayment for 30 years <b>£175 000 pa</b>	+
	– Cost of internal purchase of Windsor House (WH) land	

	and developing school playing fields will need to be factored into financial business case	-
<i>School perspective</i>	- Hob Moor School and Ebor Academy Trust are supportive of this option with the understanding the playing fields are developed at the back of the school	+
	- Short access to the school to ensure children can walk to new provision from school where appropriate	+
	- Additional shared therapy garden space for school	+
	- Potential to bring MUGA back into use for the school	+
<i>Open space and Playing Fields</i>	- 2.4% of the total Hob Moor School open space / playing fields potentially built on by new provision	-
	- 2817 msq of Hob Moor playing fields used for new provision.	-
	- With the development of the playing fields at the back of the school this would result in a 1435msq <b>net gain</b> to school of <b>usable</b> playing fields space	+
	- Potential for front playing field space to be disjointed	-
<i>Traffic and parking</i>	- Access via Ascot way is narrow.	-
	- Transport plan would need to identify construction and operational traffic impact and implications	-
	- Initial analysis suggests the net traffic difference between proposed and existing Windsor House provision should be minimal	+
	- Minimum service critical parking developed for new provision on the allocated site, therefore reducing any additional pressure on Hob Moor School car park	+
	- Potential to share some visiting professional parking with school, during non peak hours.	+
<i>Community impact</i>	- Greater community access to playing fields if they are developed for the school	+
	- MUGA brought back into use for school, community and new provision	+
<i>Legal</i>	- Redrafting of red line required with School as part of the Academy transfer process	-
	- DfE are supportive of redrafting of red line subject to school agreement	+
	- A section 77 application will be required in order to request a change of use from DfE of playing fields land. This process / application requires a school and public consultation	-
	- Legal implication to building on land that is part of a PFI agreement needs careful consideration	-

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<i>Planning</i>	<ul style="list-style-type: none"> <li>- Developing 4252msq of the Ridge and Furrow land at the back of the school into useable playing fields will require ecological and archaeological agreement</li> <li>- The impact on playing fields and open space will need to be considered and mitigating actions taken as part of the planning process</li> <li>- Access via Ascot way for construction and operation of new provision would need consideration as part of planning application</li> <li>- Planning will require a public consultation with local residents</li> </ul>	<ul style="list-style-type: none"> <li>-</li> <li>-</li> <li>-</li> <li>+</li> </ul>
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45. The Executive is asked to agree the preferred recommended site layout and location option. This option will then be progressed with stakeholders, using a co production approach, to the next stage of design and implementation.

### **Council Plan**

46. The development of a Centre of Excellence directly links to the Council priority of delivering community based reliable front line services for the most disadvantaged children and young people.

47. The co production approach with parent / carers and children and young people to the feasibility and development of the project also directly links to the Council priority of listening and working in partnership with local residents and communities to develop and deliver services that people want.

### **Implications**

#### **Financial**

48. Detailed financial implications are covered within the overall financial business case contained in Annex C.

49. If the 'Do Nothing' option is agreed, there will be a capital cost of £3.058 m to renovate and develop existing provision to the required specification. In addition it would be unlikely that the Glen revenue budget saving of £150,000 pa (£75,000 in both 2017/18 and 2018/19) could be delivered.

50. The recommended new build option requires an approx gross capital investment of £4.274m (net £3.424m) and will incorporate £175 000 per

annum repayment as part of the service operational revenue costs. The repayment amount assumes the capital receipt of the selling of The Glen (existing Short Break Residential provision) land as part of the financial calculation.

51. The business case in Annex C demonstrates that the revenue budget position for the new provision is financially sustainable, including funding the annual capital repayment of £175k delivering the £150k pa budget saving for The Glen and a further saving of £100k pa on Out of Area placements.

	£k
Total Capital Required	4,274
Windsor House Valuation	400
Receipt from the sale of the Glen	(1,250)
<b>Net Capital Receipt</b>	<b>3,424</b>
Annual repayments – For 30 years	175

## Human Resources

52. Service development proposals have been discussed with the identified HR representative for the project. HR will advise and guide the implementation of these plans and proposals, with regular updates into CEC DMT.

## One Planet Council / Equalities

53. A One Planet Council Better Decision Making Tool Assessment has been started as part of the feasibility process. This assessment will continue to be added to and developed as the project progresses to full implementation and delivery.
54. The development of a new Centre of Excellence for Disabled children and families has clear One Planet benefits around addressing health inequalities, physical health and mental wellbeing and barriers to services for vulnerable children and young people. It also has potential to advance equality issues for disabled children and young people across the city.

## Legal

55. Legal Services are providing advice and guidance for the re drafting of the 'red line' land transfer to the Ebor Academy Trust and the associated contractual legal wording that will form part of the agreement between the Trust, School and Council.
56. Legal Services are also providing guidance on any legal implications to a planning application and construction on a PFI maintained site. Initial legal assessment would suggest that as long as any new development does not impact on the PFI providers contractual obligations to the school buildings and site and the Council continues to pay what is due under their contract agreement, there should not be anything that prevents progressing a new building on this land.

### **Crime and Disorder**

57. There are no crime and disorder implications

### **Information Technology**

58. There are no information technology implications

### **Property**

59. A decision has been made for Windsor House to close and a recommendation agreed by Council Executive that the first option for alternative use of this land should be the Centre of Excellence.
60. Should this option be agreed and taken up, consideration will need to be given to replacing the shared boiler with Lincoln Court. This replacement will be an estimated cost of c£100,000.
61. If this option is not taken the Windsor House will then be sold for its capital receipt with this being used to further the objectives of the Older Persons Accommodation programme. Windsor House has a current external evaluation of between £300,000 - £400,000.

### **Risk Management**

62. Feasibility risks around financial viability, parent / carer engagement and key partner involvement have been managed and mitigated throughout feasibility and development work.

63. Key selected priority future risks are listed below.

- Costs increase to an extent that significantly impacts the financial viability of the business case
- Planning application is refused or the process elongated
- PFI provider prevents or makes difficult building on land that is covered by their PFI agreement with the school
- Section 77 application to the DfE is refused
- Land asset of The Glen and Glen House does not realise external evaluation, which therefore impacts on the finance business case
- New provision does not meet the identified service need in particular for complex children currently or potentially in future in Out of Area Placements
- Local community and residents object to proposal and planning application

64. All risks are contained in a detailed and costed future risk plan. The proposed mitigating actions have been scrutinised to ensure a robust plan is in place.

### **List of Abbreviations Used in this Report**

FIRST – Family Intensive Rapid Support Team  
SEN – Special Educational Needs  
MUGA – Multi Use Games Area



CAMHS – Child and Adolescent Mental Health Service  
TEWV – Tees Esk and Wear Valley Health Trust  
TSB – Therapeutic Short Break  
PFI – Private Finance Initiative  
DfE – Department for Education  
CCG – Clinical Commissioning Group – Health  
SoA – Schedule of Accommodation  
CEC – Children, Education and Communities  
DMT – Departmental Management Team

## **Definitions**

**Co production** – is a process of involving people who use services being consulted, included and working together from the start to the end of any project that affects them.

**FIRST** - is a specialist Clinical Psychology led service that supports families with children/ young people who have a learning disability or autism spectrum condition, and those with the most complex behavioural needs. FIRST provides intensive holistic assessment and intervention to meet the needs of the child and family. FIRST is a collaborative initiative between CAMHS and Social Care. The collaborative approach helps to bring together local professionals and providers in order to maximise expertise and provide wrap-around, consistent support. This model of care, also known as Intensive Support involving aspects of Positive Behaviour Support, has received national backing through government led initiatives

**Red Line** – The red line is the line that is drawn around the land boundary around the school that is transferred across to the Academy Trust as part of the academisation process.

**The Glen** – The Glen Short Breaks Centre provides short break residential support and accommodation for disabled children and their Families. It is based in Ousecliffe Gardens in Clifton

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