

Meeting	Executive
Date	18 October 2018
Present	Councillors Gillies (Chair), Aspden, Ayre, Douglas, K Myers, Runciman and Waller
Apologies	Councillor Dew
In Attendance	Councillors D'Agorne and Looker

Part A - Matters Dealt With Under Delegated Powers

52. 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, that they might have in the business on the agenda. No additional interests were declared.

53. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting should any discussion arise on Annex 2 to agenda item 9 (Duncombe Barracks, Burton Stone Lane), on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

54. Minutes

Resolved: That the minutes of the Executive meeting held on 27 September 2018 be approved and then signed by the Chair as a correct record.

55. Public Participation

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

Brian Watson spoke on matters within the Executive's remit. He queried whether the Executive had ever responded to or discussed questions he had asked at previous meetings, particularly about the Community Stadium.

Gillian Vance spoke in relation to Agenda Item 6 (Planning for the Possibility of a 'No-deal' Brexit), on behalf of York for Europe. She expressed the view that the report underestimated some of the risks of Brexit and urged the council to create a specialist 'Europe Officer' post and to support calls for a 'People's Vote'.

Cllr Barbara Boyce also spoke on Agenda Item 6, in a personal capacity. She expressed sadness at the prospect of leaving the EU and fears for the consequences, stating that the effects of Brexit on the lives of York citizens should not be underestimated.

Andrea Dudding spoke on Agenda Item 7 (Attendance Management and Well Being, as Lead Convenor & Branch Secretary of UNISON. She stated that the union had not been consulted, contrary to paragraph 38 of the report, and objected to the proposal to engage an external company to reduce absence levels, as this would not address the root causes of the issue.

56. 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 was published.

57. Planning for the Possibility of a "No-deal" Brexit

The Chief Executive and the Head of Corporate Policy & City Partnerships presented a report which outlined the discussions and activities under way in York to plan for the possibility that the UK might exit the European Union (EU) without an agreement in place.

In the event of such a 'no-deal Brexit', EU law, regulations and trade agreements would cease to apply to the UK immediately upon exit. The report examined the potential effects in York of this particular scenario that would require a response in the short term. It noted that the council was also working alongside regional partners to consider the wider impacts of Brexit.

Data from the 2011 census indicated that York had a relatively low proportion of EU migrants living in the city, so may be less affected than some other places by a reduction in EU workers. York's buoyant economy also meant it was better placed than many other cities to weather any negative effects. However, a no-deal Brexit could still have a significant financial impact on the council.

The Leader, Deputy Leader and Opposition Group Leaders expressed their own views on the issues but were agreed on the need to prepare and be kept informed. Having noted the comments made under Public Participation, it was

Resolved: (i) That the discussions and activities under way be noted.

(ii) That a further update be brought to the Executive meeting in December.

Reason: To ensure that York is as prepared as possible in the event of a 'no-deal' Brexit.

58. Proposed Temporary Uses of Part of Castle Car Park

The Assistant Director, Communities & Equalities presented a report which sought approval for two proposed temporary uses of part of the Castle Car Park during 2019.

The first proposal was from Lunchbox Theatrical Productions (LTP), for another season of the pop-up Rose theatre and 'taste village' successfully hosted on the site in 2018. The relevant dates were 26 May to 10 September 2019, inclusive of set up and take down. About 153 car park spaces would be needed, with LTP to pay the council at a rate of £1,047 per day. The second was from Bifrost Entertainments, to install a Viking themed theatrical experience on the car park between 8 January and 3 May, with a Viking Great Hall and courtyard theatre. This would need about 100 spaces. The charge would

be £136,500 in total, with payment to be scheduled in stages and a deposit paid upfront, to reflect the fact that this was a new type of venture with greater commercial risk. Both proposals were considered to fit with the Castle Gateway masterplan for the area, as detailed in paragraphs 13-15.

In response to questions from Members, officers confirmed that Bicroft must make their initial payment before coming on site and this would depend on sufficient advance ticket sales. A large number of school children had attended shows at the Rose, as indicated in paragraph 5 of the report, and LTP were working closely with York Museums Trust to address the issues with visibility of the Castle Museum mentioned in paragraph 7.

Resolved: (i) That the proposed uses of part of the car park be approved, subject to planning permission and other relevant statutory approvals and, in the case of the Viking Hall proposal, the additional measure set out in paragraph 38 of the report.

Reason: To enable these proposals, which represent significant additions to York's cultural offer, to proceed.

(ii) That authority be delegated to the Assistant Director, Legal & Governance, to draw up the necessary leases.

Reason: In order to move the process forward.

59. Attendance Management and Well Being

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which provided an update on current activities to manage attendance and support well-being across the council and proposed arrangements to appoint a dedicated team to achieve a reduction in absence levels.

Despite the measures already introduced, as outlined in paragraphs 5 to 8 of the report, sickness levels across the council had increased from 10.2 days in 2016/17 to 11.5 days in 2017/18. Details were provided in paragraphs 13 to 20, with a breakdown of variations across departments in Appendix 1.

It was proposed to set a target to reduce sickness absence figures by a third, to align them more closely with the public sector average of 8.5 days per annum, by means of a dedicated team to focus on attendance. Two options were available, as detailed in paragraphs 34-36:

Option 1 – an in-house team, with staff employed by the council.
Option 2 – external provision by a specialist company. This was the recommended option, as it would achieve the target sooner.

In response to comments made under Public Participation and questions from Members, officers accepted that a further discussion should have taken place with union representatives on the proposals and confirmed that unions would be involved in the process going forward. Concerns were raised that a ‘100% risk’ contract, as mentioned in paragraph 36 of the report, could provide a financial incentive to return unwell staff to work prematurely.

Resolved: That approval be given to engage with an external provider, as outlined in Option 2, to provide a dedicated service (selected through the council’s procurement process) for a 2 year period, to reduce sickness absence, with the caveat that a contract with 100% risk to the provider be avoided.

Reason: To support the council in achieving a one-third reduction in its sickness absence rates by April 2021 and to transfer skills and knowledge to internal managers during this period.

60. Duncombe Barracks, Burton Stone Lane

[See also under Part B]

The Assistant Director of Housing & Community Safety presented a report which set out proposals to purchase part of the Duncombe Barracks site on Burton Stone Lane from the Reserve Forces and Cadets Association (RFCA), in order to deliver a mixed-tenure housing development, with 40% affordable housing.

The RFCA had offered the council first option to purchase the site, which had been registered as surplus to requirements by the Ministry of Defence (MoD).

The following options were considered, as set out in paragraphs 13-15 of the report and discussed in paragraphs 16-27:

Option 1 – purchase the site before obtaining planning consent. Although not the council’s usual practice, this was the recommended option as it would secure ownership at the earliest opportunity, bringing the benefits detailed in paragraph 18.

Option 2 – purchase the site subject to obtaining planning consent.

Option 3 – withdraw the council’s interest in purchasing the site.

Resolved: (i) That Option 1 be approved and the site be purchased (subject to contract) prior to residential planning consent being obtained and with preliminary ground investigations and surveys to be undertaken before completion of the purchase.

(ii) That the site be added to the scope of the Housing Delivery Programme, as approved by Executive in July 2018.

Reason: In order to develop a mixed tenure housing development, including 40% affordable housing, and a future income for the council from rents and sale receipts.

Part B - Matters Referred to Council

61. Duncombe Barracks, Burton Stone Lane

[See also under Part A]

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Option 2 – purchase the site subject to obtaining planning consent.

Option 3 – withdraw the council's interest in purchasing the site.

Recommended: That Council approve a capital budget of £2.55m to fund the purchase of Duncombe Barracks and the detailed survey and design work necessary to bring forward the site to a full planning application.

Reason: In order to develop a mixed tenure housing development, including 40% affordable housing, and a future income for the council from rents and sale receipts.

Cllr I Gillies, Chair

[The meeting started at 5.35 pm and finished at 6.45 pm].