City of York Council	City	of	York	Coun	cil
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Committee Minutes

Meeting Executive

Date 7 December 2016

Present Councillors Carr (Chair), Aspden (Vice-

Chair), Ayre, Gillies, Rawlings, Runciman,

Steward and Waller

Other Member participating in the

meeting

Councillors Craghill and Looker

In attendance Councillor Warters

Part A - Matters Dealt With Under Delegated Powers

80. Declarations of Interest

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

Cllr Waller declared a personal, prejudicial interest in relation to agenda item 12 (Discretionary Rate Relief Awards 2017-19) as the Treasurer of a Community Centre which had successfully applied for rate relief and he took no part in the discussion or voting thereon.

Cllr Ayre declared a personal interest in relation to agenda item 6a (Burnholme Health and Wellbeing Campus: Key Decisions) as his daughter attended the on site Nursery.

81. Exclusion of Press and Public

Resolved: That the press and public be excluded from the

meeting during consideration of Annexe A to agenda item 8 (Community Stadium Update Report) on the grounds that the annex contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. This information was classed as exempt under Paragraph 5 of Schedule 12A to Section 100A of the

Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

82. Minutes

Resolved: That the minutes of the last Executive meeting held

on 24 November 2016 be approved and signed by

the Chair as a correct record.

83. Public Participation

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme, one of which had subsequently withdrawn, and that one Member of Council had also requested to speak. The registrations were in respect of the following items:

Lowfield Green Development: Moving forward to deliver a care home, health facility and housing

James Newton spoke to represent YorSpace a co-construction group in respect of the self build and community build options on the site. He confirmed that YorSpace had the appropriate skills and background to provide low cost starter homes as part of the development. He asked the Council to work with the group as a preferred bidder to support the provision of 100% low cost in perpetuity homes.

Cllr Warters spoke to express caution regarding approval of the preferred spatial plan for 162 properties on this site, particularly as it had previously been stated that development would only take place on the existing buildings footprint. He requested Members to support the 95 home option.

Park and Ride Service Operator Specification

The Chair confirmed that Dave Merrett, the registered speaker on this item, had been unable to attend the meeting; however his emailed comments, relating to the amendment of two recommendations had been circulated.

Community Stadium Update Report

Brian Watson referred to the Stadium update report, in particular the financial support and rent paid by York City Knights and he questioned the income streams for the club at the new Stadium. He also raised concerns regarding the project timetable.

Gwen Swinburn, a local resident, referred to research she had undertaken in relation to the Stadium procurement, highlighting nine points where she felt there had been a material change to the project from the original tender. She asked Members to examine her concerns and report back, prior to taking any further decisions on the project.

Cllr Warters referred to the possible implications of the forthcoming Judicial Review Claim. He expressed support for the sale of the Community Stadium site and the upgrading of the existing Bootham Crescent ground.

84. 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.

85. Older Persons' Accommodation Programme Update

Consideration was given to a high level update report on the Older Persons' Accommodation Programme, in particular progress made following agreement of the Business Case for the Programme in July 2015. Officers highlighted the key milestones and risks in the Programme and Members noted that capital receipts from the sale of the older persons' homes had exceeded expectations.

Resolved: That Executive:

- (i) Note the contents of the update report.
- (ii) Agree that six monthly progress reports on the Programme be given to Executive. ¹

Reason: So that Executive can be assured that the Older Persons' Accommodation Programme is progressing.

Action Required

1. Add six monthly update reports to Council's Forward Plan.

RW

85a Burnholme Health & Wellbeing Campus: Key Decisions to further progress this development

[See also Part B minutes]

Members considered the first of the reports on the Older Persons' Accommodation Programme relating to the Burnholme Health and Wellbeing Campus, in particular the next phase of delivery and the future for the former Burnholme Community College site.

Officers reported on the recent approval of the planning application for the refurbishment of community and library facilities and the retention of the playing fields and provision of land for the development of the Care Home. They also highlighted that the current uses of the site had continued to operate on the site.

Members were made aware that urgent maintenance work on the sports hall roof was required and noted that development of the land would release funds for the improvement of the community library and sports facilities. Officers also drew attention to the implications and key risks associated with the project.

In answer to Members questions, Officers confirmed that negotiations were ongoing with the Explore Library Service regarding the long term management of the community and library facilities, with other options under consideration should this not prove successful. Officers also confirmed that, since the report had been written, confirmation had been received that appropriation of Area B would no longer be required as the playing field use would be continued.

Members expressed their support for investment in the library facility to provide a more sustainable service and welcomed the retention of uses on the site. Following further discussion it was

Resolved: That Executive agree to:

(i) Approve capital investment in the refurbishment and redevelopment of

Community and Library facilities, subject to DfE consent to the sale of redundant land to the south of the Site.

- (ii) Approve capital investment in urgent repairs and capital works to the sports facilities on the Site. ^{1.}
- (iii) Request that reports are brought to Executive in 2017 to:
 - Agree the management arrangements for the Community and Library facilities.
 - Agree further investment in the Sports facilities and arrangements for their management.
 - Confirm the appointment of the preferred bidder for the provision of the care home on the Site and any land sales associated with that appointment.
 - Provide details of the health facilities that can be provided on the Site, the structure of the partnership which will deliver them and any land sales associated with delivering these facilities.
 - Agree to receive the recommendation, where relevant, to sell land for housing to the preferred developer.
- Reason: (i) & (ii) To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.
 - (iii) So that the elements of the Burnholme Health & Wellbeing Campus can progress.

Action Required

1. Progress the refurbishment, urgent repairs and development of facilities.

2. Timetable reports on Council's Forward Plan to agree the matters listed.

MF, RW

MF, RW

85b Haxby Hall Older Persons' Home: A Sustainable Future

Members considered the second Older Persons' Programme report which reviewed the options available for the future use of services and land to deliver a sustainable future for the Haxby Hall home at York Road, Haxby.

Consideration was given to the following options, full details and an analysis of each were set out in the report:

Option A: Continue with current plan to consult on closure and, subject to any decision to close, sell the site

Option B: The Council redevelops the site itself

Option C: Transfer of services with guarantee of redevelopment.

Officers drew attention to the current facilities and operating costs at the home, confirming that the Council were unable to provide nursing care on site and that closure of the home would require residents moving to alternative accommodation.

Members expressed support for the transfer of property and services which would ensure that the site was redeveloped with increased capacity and provide both residential and nursing accommodation and provide a continuing connection with the local community.

In answer to Members questions Officers confirmed that the preferred option would remove risks from the authority in running a single care home, remove regulatory risks and any financial benefits the authority would gain from the older persons' programme would be lost.

Following further discussion it was

Resolved: That Executive agree to:

- (i) Note the review of options for the future of Haxby Hall.
- (ii) Approve Option C for the Council to seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future and that this option is the subject of consultation with residents, relatives, interested parties and staff of Haxby Hall.

(iii) Agree that a six week period of consultation is undertaken with residents, relatives, interested parties and staff of Haxby Hall to explore the option to seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future and that a further report on the outcome of this consultation be received at the Executive before a final decision to transfer is made. 1.

Reason: To progress to deliver a sustainable future for Haxby

Hall as a care home, as part of the Older Persons'

Accommodation Programme

Action Required

1. Undertake necessary consultation, following which report back to the Executive.

MF,RW

85c Lowfield Green Development: Moving forward to deliver a care home, health facility and housing

[See also Part B minutes]

Consideration was given to the final report of the Older Persons' Accommodation Programme, relating to the Lowfield Green development which set out the business case to enable the programme to move forward for delivery of a care home, health facilities and housing.

Feedback on the public engagement in respect of the spatial plan for the site was presented which it was noted had been supported by the majority of residents. However, Officers reported on opposition to the scheme from a small number of residents on the north and south west boundaries of the site and confirmed receipt of a petition signed by 44 households in opposition to the scheme.

Officers confirmed that, following concerns raised, amendments had been made to the scheme which would ensure that there was no 'cut through' from Tudor Road to Dijon Avenue. A review of the house layout and other uses on the north west boundary would be undertaken. Officers also confirmed support for self and community building options and referred to interest from YorSpace which would be explored further.

Cllr Waller, as one of the Ward Member, expressed his support for provision of older persons' accommodation and health facilities to the east of the city. He also asked that local residents were kept fully informed of the proposals and timetable for development.

The Executive Member thanked Officers for bringing the scheme forward and noted the Local Members comments. Members also confirmed support for the proposed use of the site, in particular affordable housing and engagement with YorSpace for self-build housing.

Resolved: That the Executive:

- (i) Note the feedback from public engagement regarding plans for the redevelopment of the Lowfield site in Acomb following agreement by Executive in July 2016 to move forward with the development of the Lowfield School Site.
- (ii) Agree the spatial plan prepared for the Site as described in the report in order to deliver approximately 162 new homes, a care home, newly built accommodation for health & other public services as well as public open space and an estimated capital receipt of £4.5m, with appropriate adjustments made to the arrangement of homes to the north west boundary of the Site in order to facilitate integration and to the traffic flows through the site to prevent a through-traffic route being opened up between Tudor Road and Dijon Avenue.
- (iii) Agree that the Older Persons' Accommodation Programme includes the procurement of a new residential care facility on the Site as part of the wider Lowfield Green development.

(iv) Agree to:

- i. procure a developer/operator to construct and operate a Care Home containing approximately 70 beds on approximately 1.4 acres of the Site;
- ii. the developer/operator to be chosen through a competitive process which complies with both

- the EU Public Contract Regulations and our own Contract Procedure Rules;
- iii. dispose of approximately 1.4 acres of the Site to the developer of the Care Home by way of a long lease in return for payment of a premium/capital sum;
- iv. impose a condition within the lease that the site of the Care Home can only be used as a Care Home for a specified period;
- v. procure a contract under which the Council would seek to purchase access to a specified number of beds in the Care Home at a specified rate for a specified number of years;
- vi. the undertaking by the Council of road construction and other enabling works estimated to cost approximately £993,000 in order to facilitate construction of the Care Home and development of adjoining land for housing; and
- vii. the cost of this procurement and the necessary enabling works initially being paid out of the Older Persons' Accommodation Programme budget and later by receipts from the disposal of land on the Site.
- (v) Agree to receive the recommendation to dispose of land for the Care Home to the preferred bidder by way of long lease in accordance with the Council's Financial and Contract Procedure Rules.
- (vi) Agree to the preparation and submission of a planning application (relating to new access routes to the site and other necessary elements of the plan) in order to facilitate the development of the Care Home with the cost of preparing the planning application to be initially funded from the Older Persons' Accommodation Programme and subsequently from future receipts from the disposal of land on the Site. ²

- (vii) Agree to seek a developer/s or alternatively for the Council to undertake development for housing of approximately 8 acres on the Site.
- (viii) Agree to receive the recommendation, where relevant, to sell approximately 8 acres of the Site for housing development to the preferred developer/s in accordance with the Council's Financial and Contract Procedure Rules. 3.
- (ix) Agree to sell plots of land for use by self-builders and community housing to provide homes on approximately 1 acre of the Site in accordance with the Council's Financial and Contract Procedure Rules. 3.
- (x) Agree to work in partnership with a health care/service partner and North Yorkshire Police to develop a health and public service facility on approximately 1 acre of the Site. 3.
- (xi) Agree to receive the recommendation, where relevant, to sell or lease land for health and other public service users in accordance with the Council's Financial and Contract Procedure Rules.

 3.
- (xii) Request that reports are brought to Executive in 2017 to:
 - Provide details of the health facilities that can be provided on the Site and the structure of the partnership which will deliver them.
 - Provide details of the police facilities that can be provided on the Site and the structure of the partnership which will deliver them.
 - Provide details of the football facilities that can be created on land off Tadcaster Road.
- Reason: (i) to (xi)To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.
 - (xii) So that the elements of the Lowfield Green development can progress.

Action Required

Proceed with the procurement of a developer/operator for the site on the lines stated.
 Arrange for preparation and submission of a planning application for the site.
 Seek a developer/s for the housing site, sell plots on approx 1 acre of the site and work with health care/services partners to develop facility.

4. Schedule reports on Council's Forward Plan for listed information.

RW

86. Park & Ride Service Operator Specification

Consideration was given to report which set out the options for altering the Park and Ride specification to address the, previously raised, concerns of potential suppliers and in order to increase the likelihood of securing viable bids for the contract.

Officers confirmed that the key issue identified by the operators had been a desire for the Council to increase the level of commercial flexibility available for bidders, in particular the issues set out at Table A in the report.

Consideration was given to three options, details of which were set out in the report at paragraph 13, each of which had been analysed at paragraphs 14 to 25.

In answer to Members questions, Officers confirmed that when assessing tenders scores would be increased for the use of low emission vehicles in city centre air quality hotspots. It was noted that a requirement to use low emission vehicles would affect the procurement and value for money and Officers highlighted the battery replacement costs.

Members noted the comments submitted by Dave Merrett, in relation to the amending of the recommendations to ensure that the six Park and Ride routes used ultra low emission vehicles and that selected extra service stops were provided on week day evenings.

Resolved: That the Executive:

 (i) Approve Option 2 in the report, noting the increased flexibility that this gives to the Park & Ride operators; and (ii) Authorise Council officers to commence a new tendering exercise, at the earliest possible opportunity, to secure an operator for the York Park & Ride service from February 2018. ^{1.}

Reason:

To ensure continued operation of the York Park & Ride service and to ensure delivery of the most economically advantageous Park & Ride contract moving forwards.

Action Required

1. Await outcome of CSMC Call-In meeting.

AB, NF

87. Community Stadium Update Report

Members considered an update report, circulated at the meeting and contained in the republished agenda, on the progress of the Community Stadium and Leisure Facilities Project since the last report to Executive in March 2016.

The report updated on the Judicial Review Claim, the latest position with all Community Partners and Sports Clubs, the procurement exercise and the key risks and timetable.

Officers confirmed the Court Hearing date for the Judicial Review as 18 January 2017 and reported on the implications for the project and timetable. It was also noted that ownership of the York City Knight's Rugby Club (YCK) had transferred to a new owner on 1 December 2016. It was noted that whilst the original 2012 support agreement for the Knight's had ended, further support would be required until the new Stadium was operational. Whilst no financial support would be paid directly to YCK, the proposal meant that the team did not incur any liability for operating costs associated with the use of Bootham Crescent when matches were played.

Members were also informed that, whilst it was understood that ISG, Greenwich Leisure Limited's (GLL) building contractor had withdrawn from the scheme, no formal notification had been received, however the firm's contract was with GLL who would need to procure a new contractor, if required.

The Executive Member expressed his continued support for the Community Stadium project and the Council's commitment to

deliver the project for the city. He also reported on recent meetings with the Yearsley Pool Action Group and confirmed that a recommendation for the future operation of the pool would be reported back in early 2017. With reference to early speakers comments he confirmed that the concerns raised would be examined and that it would not be financially viable to redevelop Bootham Crescent.

Members also confirmed their commitment to the delivery of the scheme and acknowledged that should there be any further changes consideration would given all options.

Resolved: That Executive agree to:

- (i) Approve the proposed York City Knights RLFC (YCK) financial support towards first team playing arrangements at Bootham Crescent, as set out at table one of this report. This being Council financial support payable per YCK game played at Bootham Crescent up to a net cost of £45,000 per Rugby League season, paid from the existing Project budget.
- (ii) Note the financial position of the Project and the associated financial risks present until Financial Close can be met, as set out at paragraphs 57 to 60 of the report.
- (iii) Note the latest position of the Project's Community Partners and Sport Clubs, as set out in the report.
- (iv) Note the current anticipated Project timetable for delivery of the New Stadium Leisure Complex, as set out at table two of the report.
- (v) Note the position of the ongoing Yearsley Swimming Pool Review and that a further recommendation report on this matter will be brought to Executive early in 2017.

(vi) Note the highlighted Project risks that have changed since the March 2016 Executive Report, as summarised at table three of the report. ¹

Reason: To ensure continued progress of the Project.

Action Required

1. Provide agreed YCK financial support.

IF, MW

88. City of York Local Plan - Update on Preferred Sites Consultation and Next Steps

Consideration was given to an update report on the Local Plan, following the Preferred Sites consultation which had taken place between July and September 2016. A summary of the consultation responses had been reported together with an update on the Sub National Household Projections and the announcement by the Ministry of Defence that they would be disposing of a number of military sites including three sites in the city.

The report had also been considered by the Local Plan Working Group at their meeting on 5 December and the draft minutes and recommendations of that meeting had been circulated at the meeting.

Officers highlighted the effect the changes in housing projections and the disposal of the MoD sites would have in relation to the Local Plan and confirmed that further work was required to evaluate these changes, which could result in up to 6 months delay. In answer to Members questions Officers confirmed that they were in regular contact with the Department for Communities and Local Government in relation to the delays which had been acknowledged were outside the authority's control.

Following further discussion it was

Resolved: That Executive agree to:

(i) Note progress on the production of a sound Local Plan following the Preferred Sites Consultation, and the additional issues arising post consultation that require further consideration.

- (ii) Instruct Officers to produce a further report on housing need following the DCLG release of the Sub National Household Projections (SNHP) and the consideration of the alternative objective assessment of housing needs submitted through the Preferred Sites Consultation.
- (iii) Instruct Officers to produce a report highlighting the implications of the disposal of MOD land for the supply of housing land within the Local Plan.
- (iv) Request from Officers a further detailed report highlighting implications to the Local Development Scheme.
- (v) Note the impact of the additional costs that will arise and to the requirement to consider as part of the future years budget process. 1.
- Reason: (i) to (iv) To produce an National Planning Policy Framework compliant Local Plan.
 - (vi) To ensure the costs of developing the Local Plan are clearly budgeted.

Action Required

1. Prepare further reports as listed and undertake consultation, prior to a report back.

MG

89. York Music Hub and York Arts Education

Members considered a report which proposed new delivery arrangements for the York Music Hub and York Arts Education to provide music opportunities for children and young people in York.

The report set out the background to the Music Hub partnership and the Arts Education activities. Details of the current delivery of the services was set out and it was acknowledged that the Council was no longer best placed to provide these services without a management infrastructure capable of supporting them. It was noted that initial consultation had been undertaken with staff and unions and that formal consultation would be undertaken if the proposals progressed.

Officers confirmed that support would be provided to the bodies when bidding for future funding.

Resolved: That Executive agree that:

- (i) The council ask Arts Council England to novate the council's existing contract for delivery of music opportunities for children and young people to the new York Music Hub.
- (ii) The council transfer its delivery staff to a new community interest company (York Arts Education), spun out from the council, to act as the York Music Hub's delivery partner, subject to negotiation of an appropriate contract as set out in paragraph 19 of the report.
- (iii) The council provide a guarantee to York Arts Education with respect to future redundancy liabilities as set out in paragraph 36 of the report.
- (iv) Delegated authority be given to the Head of Legal Services to draw up appropriate legal agreements to enact these decisions. ¹

Reason:

To support the continued development of excellent music opportunities for children and young people in York.

<u>Action Required</u>

1. Proceed with arrangements for transfer of delivery of these services on the terms stated.

CC, GM

90. Review of Fees and Charges

Members considered a report which sought their approval to increase the following range of Council's fees and charges, with effect from 1 January 2017:

- Registrars
- Community Centres
- Bereavement Services
- Waste Services
- Parks & Open Spaces
- Housing Services and
- Planning

It was noted that additional income of £70k would be generated in 2017/18 from these increases, mainly from Bereavement Services and Allotments, if the proposed transfer to a community organisation was not completed. Also that a number of additional service areas were to be examined as part of the budget strategy.

Consideration was then given to the following options:

- 1– Agree the fees and charges as set out in the annexes to the report.
- 2 Agree a different increase to that proposed.

Following discussion it was

Resolved: That the Executive approve option 1 to increase the relevant fees and charges, with effect from 1 January 2017, as set out in the annexes to the report. 1.

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

Action Required

1. Implement new charges as from 1 January 2017. JC

91. Discretionary Rate Relief Awards 2017-2019

Consideration was given to a report which provided details of new applications received in respect of Discretionary Rate Relief (DRR) for the period 1 April 2017 to 31 March 2019, at Annex B of the report.

Members noted the qualifying criteria and that the Council's budget for DRR in 2017/18 was £83k. With increases in value of existing awards, together with the new applications, this would increase the total value of the awards to £48.1k for the forthcoming year.

Officers reiterated that organisations were supported through the application process and advice provided to those whose applications were likely to be declined.

Consideration was given to the following options:

Option 1 – Approve the new applications for discretionary rate relief set out at Annex B;

Option 2 – Decline the new applications for discretionary rate relief set out at Annex B.

Resolved: That Executive approve all of the new applications for discretionary rate relief set out at Annex B of the report. 1.

Reason: To provide a transparent process for awarding discretionary rate relief.

Action Required

 Award DRR to agreed organisation from 1 April 2017.

92. City of York Safeguarding Adults Annual Report 2015/16

Consideration was given to the Annual Report of the City of York Safeguarding Adults Board, which illustrated the work being undertaken across the city to prevent and reduce the impact of abuse on adults with care and support needs. This followed ratification of the Report by the Board, the Health and Wellbeing Board and the Health and Social Care Policy and Scrutiny Committee.

Officers reiterated the need for corporate ownership of adult safeguarding and confirmed that as good practice a Peer Challenge focussing on Safeguarding had been scheduled for January 2017.

Resolved: That the Executive:

- (i) Accept and endorse the Safeguarding Board Annual report and its contents;
- (ii) Agree that the Health Overview and Scrutiny Committee and the Health and Wellbeing Board will be regularly updated as to progress made by Safeguarding Adults Board;
- (iii) Receive a further update following the peer review of CYC safeguarding adults services in January 2017. 1.

Reason: To update the Executive on the work being

undertaken across the city to prevent and reduce the impact of neglect and abuse on adults with care and

support needs.

Action Required

 Provide SAB updates to HO&SC and HWBB and schedule report on Forward Plan for Executive MM following Peer Review.

Part B - Matters Referred To Council

93. Burnholme Health & Wellbeing Campus: Key Decisions to further progress this development

[See also Part A minutes]

Members considered the Older Persons' Accommodation Programme relating to the Burnholme Health and Wellbeing Campus and the next phase of delivery and future for the former Burnholme Community College site.

In particular Members considered the proposal to invest in refurbished community, library and sports facilities and noted that the development of land for a Care Home, health facilities and housing would release funds for the refurbishment.

Members also noted the key risks and implications in relation to the delivery of the project and it was

Recommended: That Council agree to:

(i) Add the estimated £4.727m of costs for the community and library facilities to the Capital Programme with the costs to be funded from the capital receipt received from the future disposal of surplus development land on the Site subject to obtaining DfE consent necessary for such disposal. No capital costs will be incurred until official confirmation of the DfE consent has been received. (ii) The estimated £200,000 of costs for urgent repairs and works to the sports facilities are added to the Capital Programme with the costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site. 1.

Reason:

To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

Action Required

1. Refer to Council.

JP

Lowfield Green development: Moving forward to deliver a 94. care home, health facility and housing

[See also Part A minutes]

Consideration was given to the Lowfield Green development report which provided the business case to enable the programme to move forward for delivery of a care home, health facilities and housing as part of the Older Persons' Accommodation Programme.

Members noted the key risks and implications in relation to the delivery of the project and it was

Recommended: That Council agree the estimated £993,000 of costs for the enabling works and the access road needed to facilitate the development are added to the Capital Programme with costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.1.

To progress with the Lowfield Green development Reason:

and deliver additional care, health and housing

facilities for the residents of York.

JΡ

Cllr D Carr, Chair [The meeting started at 5.30 pm and finished at 7.45 pm].