

Meeting	Executive
Date	29 September 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillor K Myers

41. 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.

Councillor D'Agorne declared a personal interest in relation to agenda item 8 (Proposed Long Term Leases – Fishergate Postern Tower and Ovington Cricket Club, Little Knavesmire) as a Friend of York Walls (FOYW).

42. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annex 3 to agenda item 7 (Disposal of Grove House, Penley's Grove Street) 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).

43. Minutes

Resolved: That the minutes of the last Executive meeting held on 25 August 2016 were approved and then signed by the Chair as a correct record.

44. Public Participation

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme. The registrations were in respect of the following items:

Matters within the Remit of the Committee

Gwen Swinburn spoke to reiterate points she had raised at the Audit and Governance Committee meeting, the previous day. These related to the Council's Annual Financial Report - Statement of Accounts and the Internal Auditors 'limited assurances', conflicts of interest, quarterly reports on the Community Stadium and corporate milestones and made a request for their inclusion in the Executive's Forward Plan for future consideration.

Progress towards a new Operating Model for Adult Social Care

Clive Millard, spoke to express the Green Party's concern at the proposed new Operating Model and the use of funding for the procurement of external support. He highlighted key elements of the model which they felt would affect already vulnerable residents and he urged the Executive to reject the recommendations.

Andrea Dudding, representing Unison, spoke to support parts of the new model and, in particular, the move towards early intervention to assist elderly residents in living independently for as long as possible. However she raised concerns regarding the digital by default approach and at risks in the use of the third sector and outsourcing.

Council Owned Companies

Gwen Swinburn also spoke to express concerns at the terms of reference of The Shareholder Company and list of delegations which she suggested required further examination. She also highlighted Yes Consulting based at the Eco Depot, Hazel Court

as a CYC body for inclusion in the list of Council owned companies.

45. 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.

46. New Council Homes - Newbury Avenue

Consideration was given to a report which provided an update on the additional consultation carried out, at the request of the Executive, following concerns raised by a number of residents regarding the approved planning application to build nine apartments at Newbury Avenue.

Officers reminded Members that the report to the Executive in June 2015 had included details of the first phase of new council homes which included provision for nine apartments on the Newbury Avenue site. At that time concerns had been raised by local residents and ward members which had resulted in a re-examination of the proposals and further consultation. Arising from this the following alternative options had been examined and costs of each were set out in the report:

- 1 - 12 x 1 bed (2 person) apartments
- 2 - 12 x 1 bed (1 person) apartments
- 3 - 8 x 1 bed (2 person) apartments
- 4 - 8 x 1 bed (2 person) bungalows
- 5 – original scheme 9 Apartments, 8 x 2 bed & 1 x 1 bed

Officers confirmed some of the key issues raised during consultation had been the height of the proposed apartments and length of the construction period.

Members noted that the alternative costs of each option were based on Quantity Surveyor estimates and detailed costs would be received when the scheme was tendered. They also noted that amendments would be required to the Council's capital programme at a later date.

A Ward Members expressed his appreciation for the additional work undertaken in relation to this site which would allow local residents to downsize and release family homes for reuse.

Consideration was then given to the following options:
Option one – To approve 'Alternative Scheme 4' to build 8 new (2 person) bungalows.

Option two – To instruct officers to bring forward a different alternative scheme or continue with the previously approved development scheme.

Resolved: That Executive agree Option 1, as detailed in the report, to bring forward the development of 8 new bungalows on the Newbury Avenue site. ¹.

Reason: To ensure that further account of residents concerns are considered and a development scheme brought forward which meets the council's and the communities needs.

Action Required

1. Implement the revised scheme for this site. SW

47. Disposal of Grove House, Penley's Grove Street

The Executive considered a report which sought approval to select the highest bidder for the disposal of the former 45 bed Older Persons Home at Grove House, which closed on 31 March 2016.

Members considered the summary of bids received and noted the need for the council to achieve a maximum capital receipt from the sale of Grove House to support the wider Older Persons' Accommodation Programme. Members also noted that the bid proposed to make affordable housing provision and that this would be considered as part of any planning application.

Officers confirmed that the bids would be subject to obtaining planning permission and outlined the provisions of the conditional sales contract.

Members, including the Ward Member, welcomed the sale and proposed conversion of the existing building to 29 one bed roomed flats, particularly as this would provide a modest housing development in keeping with the local neighbourhood.

Resolved: That Executive approve the sale of Grove House to Norstar Real Estates Limited as the highest bidder for the property. ¹.

Reason: To achieve the best consideration for the Grove House site, and facilitate the investment in the Older Persons Accommodation Programme.

Action Required

1. Proceed with the sale of Grove House. TC, PC

48. Proposed Long Term Leases - Fishergate Postern Tower and Ovington Cricket Club, Little Knavesmire

Consideration was given to a report which sought Executive approval to the granting of two long term leases the first to the Friends of York Walls (FOYW) at Fishergate Postern Tower and the second to Ovington Cricket Club at Little Knavesmire.

Officers confirmed the request received from the FOYW was to let the property on a long term lease with the aim of turning the tower into a visitor attraction and meeting place/cafe. Members welcomed the request which would bring a building, which had been vacant for many years, back into beneficial use.

Members were also informed that the Ovington Cricket Club currently had a 21 year lease with the Council, which expired in July 2016. The club had played on the same site at Little Knavesmire since 1936 and planning permission had recently been granted to extend the existing pavilion however, a small area of land classed as Public Open Space, adjacent to the building, was required for incorporation into the new lease.

The Chair proposed the inclusion of a clause in the new leases to prevent the bodies from assigning the lease to a third party.

Resolved: That the Executive agree to:

- (i) The letting of Fishergate Postern to The Friends of York Walls (a charitable incorporated organisation) for a Term of 30 years at a peppercorn rent in accordance with the lease terms as set out in the Council's Asset Transfer Policy.

- (ii) The granting of a new lease to Ovington Cricket Club for a Term of 35 years at an initial rent of £580 per annum (with an Retail Price Index increase every 5 years).
- (iii) The inclusion of a clause in the terms of the above leases to ensure that they cannot be assigned to a third party.¹

- Reason: (i) To enable an unused scheduled ancient monument to be utilised and improved.
- (ii) In order for the club to continue a long established playing association on Little Knavesmire.

Action Required

1. Prepare new leases for these properties/land on the lines agreed.

PC, TC

49. Application for Community Right to Bid under the Localism Act 2011 - White Rose House, Wheldrake

Consideration was given to a report which presented an application to list White Rose House, 79 Main Street, Wheldrake, owned by Girl Guiding North Yorkshire South, as an Asset of Community Value, under the provisions of the Localism Act.

It was noted that the application had been made by Wheldrake Parish Council and had initially been reported to the Executive Member for Finance and Performance at his Decision Session in July. Following receipt of a late submission from the owner, there had been insufficient time in which to consider the issues raised and additional information had been requested.

Members considered the further information provided in relation to the community use of the property, over the last three years, and noted that the judgement whether an asset met the criteria was subjective. They also noted that whilst the building was used by the local community it was clear that this was not its main purpose.

Following further discussion it was

Resolved: That the Executive agree to the listing of White Rose House, Wheldrake as an Asset of Community Value.¹

Reason: To ensure full consideration of the community uses of the property.

Action Required

1. List White Rose House as an ACV. PC

50. Progress toward a new Operating Model for Adult Social Care

The Executive considered a report which provided them with an update on the progress to develop a new operating model for Adult Social Care. The report highlighted the key developments and identified a proposal for resourcing the next stage of work.

Officers referred to work already undertaken with partner organisations, community and voluntary services and the leadership group on the new model. This was set out at Appendix 1 of the report, and based on enabling people to have control on how they managed their social care needs. Officers highlighted the key elements of the new model and on work already underway to implement the Council's change in approach to adult social care and the need for an external resource.

In answer to earlier questions, Officers confirmed that digital self service would provide residents with an alternative approach to accessing information and advice and this would enhance the existing offer for residents. Officers also highlighted the significant demographic and financial pressures and the need to meet resident's future requirements to support them in continuing to live in their own homes.

Members expressed their support for the new model which would provide early intervention for residents. However, they highlighted the importance of the retention of existing satisfaction levels, that residents should have the support, guidance and local initiatives to support them, including the use of ward budgets.

Members also supported the preparation of an update report, at a later date, to include a breakdown of the funding set aside for procurement and external support.

Consideration was then given to the following options:

Option 1- To accept the recommendations in the report and agree to the review of adult social care and the design and delivery of the operating model intended to deliver savings agreed through the budget setting process.

Option 2 - Do not agree to the review of adult social care with the consequent risk to the budget and the delivery of support caused through.

Resolved: That the Executive:

- (i) Note progress made towards the new operating model, presented previously as part of the budget proposals.
- (ii) Approve the proposal to procure external support and internal project management to further develop and implement the model.
- (iii) Approve use of funding already set aside of up to £360k for procurement of external support and an internal adult social care senior project lead grade 11 for 12 months on the basis that this capacity is required to deliver a operating model that underpins recurrent savings of over £1.2 million. ¹.
- (iv) Request the submission of an update report on progress of the new model to an Executive Member for Adult Social Care and Health Decision Session no later than 12 months from this meeting. ².

Reason: To update the Executive on the development of the Adult Social Care operating model intended to support people to enjoy healthy, active and independent lives. To propose the procurement of support to help design and implement this model.

Action Required

1. Procure the external and internal support required to implement the model using the existing funding.

MM

2. Provide a progress report to an Executive Member for Adult Social Care and Health Decision Session within 12 months.

MM

51. Council Owned Companies

Consideration was given to a report which provided an update on the detailed arrangements for the new Shareholder Committee, appointed as part of the new governance arrangements for Council companies.

Officers reported on the membership of the Committee, the division of responsibilities between the Committee and the Executive and the appointment of Directors. In answer to an earlier question Officers confirmed that ,as the new Committee would be a Committee of the Executive the same access rules would apply to agendas and minutes. It was also confirmed that if Members wished to review the scheme of delegation this could be carried out at an Executive Member Decision Session.

The Executive Member confirmed his agreement to a re-examination of the distribution of powers in relation to the governance arrangements for CYC companies.

Resolved: That the Executive:

- (i) Approve the appointments of Cllr. Steward and Cllr. Ayre to the Shareholder Committee, with Cllr. Steward to be nominated as Chair.
- (ii) Approve the appointment of Cllr. A. Waller and Cllr. S. Rawlings as substitute Members.
- (iii) Appoint Cllr Looker (Labour Group) and Cllr Kramm (Green Group) with Cllr Craghill as substitute Green Member, as the opposition group representatives to participate in a non-voting capacity at meetings of the Committee, including an Independent Member.
- (iv) Appoint Cllr. J. Hayes as the Independent Councillor.
- (v) Delegate to the Shareholder Committee the power within its terms of reference to exercise all the Council's powers arising from its ownership role other than those identified within this report as being reserved to the Executive.

- (vi) That if the two Voting Members of the Shareholder Committee are not in agreement, then the matter will be referred up to the Executive for determination. ^{1.}
- (vii) Refer consideration of the proposed division of decision making responsibilities between the Executive, the Shareholder Committee and Officers as referred to in the annex to the report to an Executive Member for Finance and Performance Decision Session for approval. ^{2.}

Reason: To ensure proper governance of Council companies.

Action Required

- 1. Implement the agreed arrangements for the new Shareholder Committee. AD
- 2. Refer consideration of the decision making responsibilities to a Decision Session for the Executive Member for Finance and Performance. AD

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 6.45 pm].