

DECISION SESSION - EXECUTIVE MEMBER FOR FINANCE AND PERFORMANCE

FRIDAY, 14 FEBRUARY 2020

DECISIONS

Set out below is a summary of the decisions taken at the meeting of the Decision Session Executive Member for Finance and Performance held on Friday, 14 February 2020. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the Tuesday 18 February.

If you have any queries about any matters referred to in this decision sheet please contact Michelle Bennett.

4. PROPOSAL TO OFFER A CONDITIONAL 2 YEAR LEASE EXTENSION TO SPARK:YORK FOR 17-21 PICCADILLY

Resolved: That the following was confirmed by the Executive Member for Finance and Performance:

- (i) To offer Spark York a new lease for the use of 17-21 Piccadilly from 1st July 2020 until 31st March 2022 (at basic rent of £13,333 per annum payable monthly in advance rather than annually in arrears, plus an additional rent equal to 30% of Spark's annual profit payable at the end of each year) to continue to operate a shipping container development for start-ups and street food,
- (ii) That the new lease will require Spark: York will to pay a Bond/Deposit sum of £5,000 to the council towards securing compliance with the tenant's obligations in the new lease (such as payment of rent)
- (iii) That the new lease will require a director of Spark: York to act as guarantor for the performance by Spark:York of the tenant's obligations in the new lease
- (iv) That the new lease will contain a clause setting out the council's right to terminate the lease

- should Spark/the tenant breach their obligations in the lease (including breaching planning laws)
- (v) That the new lease will specifically preclude Spark: York from running amplified live music or DJ sessions in the evening
 - (vi) That the new lease will only be granted if and when:
 - (a) Spark:York are in full compliance with all of the conditions to the site's existing planning permission, cladding the units and controlling noise nuisance.
 - (b) Spark: York obtain an extension from the LPA of the validity period of the existing planning permission from 1st July 2020 to 31st March 2022.
 - (c) Spark: York have settled all existing debts to the council.
 - (d) A communication plan is in place which would be a two way communication agreement with Spark:York and local residents.
 - (e) That authority be delegated to the Assistant Director of Regeneration and Asset Management in consultation with the Executive Member for Finance and Performance to investigate the viability of reducing the time for the sale of alcohol by half an hour from the current operating hours. Current hours are in accordance with statutory permitted times.

Reason: To allow the continued use of 17-21 Piccadilly to support SME businesses and create footfall and economic activity in advance of the long term redevelopment of the Caste Gateway scheme.