

**Notice of a public  
Decision Session - Executive Member for Finance and Performance**

**To:** Councillor Ayre (Executive Member)

**Date:** Monday, 14 June 2021

**Time:** 10.00 am

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

**AGENDA**

**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 Democratic Services by **4:00pm on Wednesday 16 June 2021**.

\*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 items that are called in will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Thursday 10 June 2021**.

**1. Declarations of Interest**

At this point in the meeting, the Executive Member is 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. Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the Decision Session held on 15 March 2021.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. The deadline for registering at this meeting is at **5.00pm on Thursday 10 June 2021.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

**Webcasting of Remote Public Meetings**

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

**4. Application for Community Right to Bid under the Localism Act 2011** (Pages 7 - 32)

This report details an application to list The Jubilee Hotel Public House, Balfour Street, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from the Friends of Jubilee York. The Executive Member is asked to approve the listing of The Jubilee Hotel Public House, Balfour Street, York, as an Asset of Community Value (ACV).

**5. Castle Gateway Update** (Pages 33 - 62)

This report updates the Executive Member on the progress on the delivery of the Castle Gateway masterplan. The Executive Member is asked to note the progress and approve the inclusion of the Castle and Eye of York public realm in the council's wider Levelling Up funding bid to central government.

**6. Additional Restrictions Grant – Restart element** (Pages 63 - 68)

This report updates the Executive Member on the restart element of the Additional Restrictions Grant. The Executive Member is asked to retrospectively approve in public the decision taken by the Chief Finance Officer in consultation with himself and the Executive Member for Economy and Strategic Planning on at the Decision Session on 16 April 2021. This is detailed in paragraph 5 of the report.

**7. Urgent Business**

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

Democracy Officer:

Name: Angela Bielby

Telephone: (01904) 552599

Email: a.bielby@york.gov.uk

For more information about any of the following, please contact the Democracy 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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** (01904) 551550**

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## Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

**Windows must remain open within the meeting room to maintain good ventilation.**

**Furniture must not be moved from the designated safe layout.**

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you must follow government self-isolation guidance and must NOT attend your meeting at West Offices.

### Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

### Guidelines for attending Meetings at West Offices

You must:

- Not arrive more than 10 minutes early
- Wear a face covering when entering the building and in the 'common' areas of West Offices
- Visitors to enter West Offices by the customer entrance and Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all times
- Use the touchless hand sanitiser units on entry and exit to the building and within the Meeting room.
- Keep to the left and adhere to social distancing where possible when using staircases and walkways, giving way on the staircase landings
- You must sit at the dedicated spaces around the table and if screens are in place do not move them or lean around them.
- Bring your own drink if required
- Maintain social distancing of 2 metres within toilet areas and remain vigilant for other occupants
- Only use the designated toilets next to the Meeting room

**Please note:** If you intentionally, or repeatedly, breach any of the social distancing measures, or hygiene instructions, you will be asked to leave the building.

### Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- make your way home immediately
- avoid the use of public transport where possible
- self-isolate for 10 days

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning

- Continue to observe social distancing
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you must not attend the meeting.**



City of York Council

Committee Minutes

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|         |   |
|---------|---|
| Meeting | Decision Session - Executive Member for Finance and Performance in consultation with the Executive Member for Housing and Safer Neighbourhoods (for agenda item 4 - Approval of Financial Inclusion Grant Scheme Awards 2021/22, 5 - Council Tax Hardship Fund 2021/22 and 6 – Extension of Winter Grants Scheme) |
| Date    | 15 March 2021   |
| Present | Councillors Ayre (Executive Member for Finance and Performance) and Craghill (Executive Member for Housing and Safer Neighbourhoods)  |

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### **11. Declarations of Interest**

The Executive 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 he might have had in respect of business on the agenda. They confirmed they had none.

### **12. Minutes**

Resolved: That the minutes of the Decision Session held on 15 February 2021 be approved as a correct record and signed by the Executive Member at a later date.

### **13. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

### **14. Approval of Financial Inclusion Grant Scheme Awards 2021/22**

The Executive Members considered a report recommending the approval of grants under 2021/22 Financial Inclusion Grant Scheme following a round of competitive bids and a selection panel process.

The Assistant Director Customer and Digital Services outlined the grants noting that this year, the council had been able to fund seven schemes as opposed to six schemes the previous year and she highlighted the importance of this in context of the COVID-19 pandemic.

The Executive Member for Housing and Safer Neighbourhoods supported the grant allocations noting the importance of the organisations involved in supporting communities. She welcomed the schemes, in particular to the Traveller Community project. The Executive Member for Finance and Performance also welcomed schemes, noting that it was good to see new funding bids coming in. It was:

Resolved: That approval be given to the award of £113,276 of grants to fund the following seven projects to deliver financial inclusion activities in the city:

1. £5,818 to the Older Citizens Advocacy York (OCAY) Benefits Advocacy project to provide advocacy support to help with applications, assessments and appeals
2. £13,229 to the Citizens' Advice York Financial Inclusion at GP surgeries project to continue to develop co-ordinated advice work located in GP practices.
3. £5,385 to the Citizens' Advice York Financial Inclusion in the Traveller Community project to work with the Travellers Trust to deliver and co-ordinate advice services to the Gypsy & Traveller community.
4. £25,057 to the Peasholme Charity My Money, My Life project to continue the delivery of its financial capability pathway service
5. £13,900 to the Welfare Benefits Unit advice Extra project to extend the reach of services to underpin first tier advisors in responding to more complex cases.
6. £19,262 to the Experience Counts 50+ Project to deliver four employment related programmes to residents aged 50+
7. £30,625 to Changing Lives for a Financial & Social Inclusion Worker to support vulnerable and hard to reach residents to gain financial independence

Reason: To ensure that funds set aside to support the delivery of financial inclusion activity are allocated appropriately.

## **15. Council Tax Hardship Fund 2021/22**

The Executive Members considered a report detailing options to provide a further Council Tax Support (CTS) Hardship Scheme in 2021/22 in the light of Government funding and the ongoing financial impacts on residents of the COVID-19 pandemic.

The Head of Customer & Exchequer Services outlined the report noting that there may be increased numbers of residents accessing the hardship fund as a result of the pandemic and its economic impact on residents. He detailed the three options available to the Executive Members:

Option 1 - £75 per CTS customer approx. cost £625K

Option 2 - £50 per CTS customer approx. cost £350K

Option 3 – Provide no direct support to CTS customers

The Executive Member for Housing and Safer Neighbourhoods was pleased that the council was able to provide the £150 hardship fund top up the previous year and she recognised the need to take a prudent approach, taking into account the supported that may be needed by residents with the ending of furlough. The Executive Member for Finance and Performance then expressed concern that the costs for social care had been passed onto council.

It was then:

Resolved: That approval be given to option 1 to award £75 per Council Tax Support Customer for 2021-22 as set out in paragraph 12 of the report.

Reason: To provide financial support to the councils most financially vulnerable residents in managing the ongoing impacts of the covid-19 pandemic.

## **16. Extension of Winter Grants Scheme**

The Executive Members considered a report recommending the extension of the winter grants scheme in line with the Governments additional funding to 16 April 2021.

The Head of Customer & Exchequer Services outlined the extension of the scheme noting that whilst the council did not have the funding to continue

the scheme beyond April 2021, any remaining budget in the York Financial Assistance (YFAS) scheme would be rolled forward. The Executive Member for Housing and Safer Neighbourhoods expressed concern regarding the lack of funding from the government. The Executive Member for Finance and Performance noting that the local authority had done as much as it could and he welcomed the extension of the scheme. It was then:

Resolved: That approval be given to:

- a) Extending the Winter Grants scheme through to 16<sup>th</sup> April 2021 with an estimated additional cost to the council of approx. £5k above the £200k set out in Februarys report and as set out at Table 2.
- b) Limit the April Winter Support Grant payments to 16<sup>th</sup> April rather than a full monthly payment as set out at paragraph 11.
- c) Delegate any decision to spend above the revised £205k to the councils section 151 officer in consultation with the Executive Member for Finance & Performance as set out at paragraph 13.

Reason: To provide financial support to the city's most financially vulnerable residents through the ongoing covid-19 pandemic.

Cllr N Ayre, Chair

[The meeting started at 10.00 am and finished at 10.19 am].



14 June 2021

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## **Decision Session – Executive Member for Finance and Performance**

Report of the Director of Housing, Economy & Regeneration.

### **Application for Community Right to Bid under the Localism Act 2011**

#### **Summary**

1. This report details an application to list The Jubilee Hotel Public House, Balfour Street, York as an Asset of Community Value (ACV), for consideration by the Council. The application has been received from the Friends of Jubilee York.

#### **Recommendations**

2. The Executive Member is asked to consider:

Approving the listing of The Jubilee Hotel Public House, Balfour Street, York, as an Asset of Community Value (ACV) for the reasons outlined above.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

#### **Background**

3. The application has been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.
4. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets

are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.

5. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
  - a. 88(1) an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community

OR

  - b. 88(2) there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community
6. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

### **The process**

7. The regulations set out how potential assets can be listed which in brief are as follows:
  - **Nomination** – this can be by a voluntary or community body with a local connection. This includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
  - **Consideration** – the local authority have 8 weeks to make the decision. Under the Council's procedures the Executive member is the decision maker. If the nomination is successful the asset details are entered onto the 'Community Value list' – see further details in the report – and also the local land charges register. If unsuccessful

then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal. Neither the Localism Act nor the ACV Regulations give the nominating organisation any right to appeal a decision of the local authority that the nominated property is not an asset of community value/does not satisfy the necessary S.88 criteria referred to above.

- **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do, then a 6 month period is provided for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of its intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.
- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

### **The Jubilee Public House**

8. The freehold of The Jubilee Hotel Public House is owned by Tri-core Developments. The nomination has been made by a community group named in the nomination application form as "The Jubilee Community Pub" ("the Nominating Organisation"). (In the nomination form the nominating community group indicate they intend to constitute/incorporate the group as a Community Benefit Society called "Friends of Jubilee York Limited"). Legal Services have

confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. In order to meet the eligibility criteria the nominating group must have at least 21 local members who are registered at an address in the Council's area as a local government elector in the electoral register. The list of members supplied with the nomination form has been checked against the electoral register, and it is confirmed that at least 21 members are listed. Accordingly the nominating community group satisfies the eligibility criteria and is entitled to submit an ACV nomination in respect of the property in question. In accordance with the regulations, the freehold owner of the property has been informed in writing that the application has been made. They have been invited to make representations regarding the nomination.

9. The Nominating Organisation have stated in the nomination that the public house is the only ACV in the Leeman Road area, and that the applicants are a group actively trying to salvage the huge potential which they claim that this pub has. They also state in the nomination form that when the pub was open it was an excellent example of a community pub serving a wide customer demographic in a distinct and isolated community, which has sadly lost a number of pubs, businesses and points of local interest. This includes the Junction pub, the post office and the Leeman Road WMC. They consider that the Jubilee made a tangible contribution to the social wellbeing and social interests of the local community, advising that it was a meeting point for community groups and sports teams and hosted parties for a wide range of age groups, including the elderly, for whom the Jubilee was an escape from the loneliness of living on their own. They advise that the Jubilee provided the only dedicated licensed function room in the area and consider that this a key part of the property as a community asset. They also advise that it was specifically referred to by the inspector in rejecting a recent planning appeal in October 2019. The scheme in question "would result in the unacceptable loss of community facilities."
10. The Nominating Group argue that the renewal of the ACV status would enable them to sustain one of the few protections on the asset. There is a serious intent on their part to make the community's forward facing ambitions for the property to become a reality, and the Nominating Group are working on plans to reopen the pub, either on a freehold or leasehold basis. If successful, their aim is to reopen the



Jubilee as a pub and for other resident based services, run by the community for the community.

11. Full details are provided in the nomination form in Annex 1.
12. A representation has been received from Tri-Core Developments Ltd (the owner) objecting to the nomination, which is summarised below;
13. The owner acquired the property on 31<sup>st</sup> August 2016, by that time the pub had closed (in April 2016). It was registered as an ACV on 1<sup>st</sup> July 2016 following an application received in May 2016 from a different community group called "Friends of the Jubilee". The property was marketed for sale and notice to make a relevant disposal was made by the owner in September 2016. At that point the nominating community group could have expressed an interest in bidding, but did not. The last use of the property was over 5 years ago. The inspector in determining the planning appeal in Oct 2019 wrote "The written evidence paints a picture of a business in decline over the final year of the Jubilee being open to the public, takings were on the wane and footfall down as time passed. The final months of the most recent tenancy seemed to make a loss."
14. The owner of the property submitted a planning application in August 2020 for "alterations and conversion of part of the first floor and all of the roof space into three self-contained apartments, retention of the public house on the ground floor, and altered function room on the first floor (re-submission)." That planning application was determined by Planning Committee on 15<sup>th</sup> April 2021 – the planning application was refused and the property remains empty.
15. Pursuant to Section 88 of the Localism Act 2011, as there is no current use of the property, in order for the Council to consider whether to list the property as an ACV, it needs to consider whether the activities listed in the application, that last took place over 5 years ago, are within the "recent past." Neither the Localism Act nor the Assets of Community Value Regulations specify what constitutes the "recent past". The owner argues that a "common sense interpretation" would be that a gap of over 5 years is not in the recent past. The owner also contends that it is not realistic to think that there could be a principal/non-ancillary use of the whole of the property which would further the social wellbeing or social interests of the local community. (They acknowledge that it might be realistic to think there could be a use of part only, but not the whole of, the

property as a pub because they envisage part of the property being developed for use as flats and part of the property possibly trading again as a pub). Accordingly, the owner contends that the property does not satisfy the criteria specified in either Section 88(1) or Section 88(2) and so states that the ACV nomination should be rejected/refused.

16. Full details of the owner's submission are provided at Annex 2.

### **Analysis**

17. There is significant precedent set elsewhere in the country from other authorities who have accepted pubs onto the list, even where they are currently run as commercial businesses. This property is currently listed as an asset of community value – it was entered onto the Council's register of assets of community value in July 2016 following nomination by a community group in May 2016. In accordance with the ACV regulations the property is due to be removed from the list in July 2021 (because pursuant to Section 87(3) of the Localism Act 2011 the Council is obliged to remove a property from its ACV register once 5 years have elapsed since entry on the register).
18. The property (Jubilee Hotel) has not been used as a public house (or for any other purpose) since April 2016. However, the asset is still considered capable of being used as a public house and no planning consent has been given for a change of use. The planning application referred to in the owner's submission was refused at the planning committee meeting on 15<sup>th</sup> April 2021.
19. As there is no current use of the property it is considered by Property Services and Legal Services that the criteria specified in Section 88(1) of the Localism Act referred to above are not satisfied. Therefore it then needs to be considered whether the alternative criteria specified in Section 88(2) are satisfied, namely whether:
  - (a) there is a time in the 'recent past' when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community;
  - and**
  - (b) it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community

20. 'Recent Past' is not defined in either the Localism Act or the supplemental Assets of Community Value Regulations. It is a matter of interpretation thus as to whether it is considered that April 2016 is within the 'recent past'. In reaching a decision on the nomination application, it is for the Executive Member for Finance and Performance to consider and determine whether or not in their opinion April 2016, i.e. 5 years ago, is within the 'recent past'.
21. In considering ACV applications some local authorities have taken the view that 'recent past' means the preceding 5 years, whereas some other local authorities appear to use a three year period as a 'working test' when applying the 'recent past' test.
22. Looking at case law, in the case of *Scott v South Norfolk District Council* the Tribunal judge declined to overrule the local authority's decision that six years ago was not in the 'recent past'. In the case of *Crostone v Amber Valley District Council* the Tribunal judge stated that what constitutes the 'recent past' will depend upon all the circumstances in a particular case – the nominated property in that case was also last used as a pub and the judge stated that the length of time for which the property had been used as a pub was relevant in deciding whether the time when last used for that purpose was in the recent past. The implication of the judge's comments in that case being that the longer the period of use furthering community benefit then the longer the period that would constitute/fall within the recent past. It is understood that the Jubilee had been used as a pub for over 100 years prior to its closure in April 2016 so on this basis it is considered that April 2016 may be within the 'recent past' but this is a matter for the Executive Member for Finance and Performance to decide.
23. If the Executive Member for Finance and Performance considers that there has not been a principal/non-ancillary use of the property in the 'recent past' (which furthered the social wellbeing or interests of the local community) then Legal Services advise that they do not need to consider whether in their opinion "*it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community*". This is because in order for the property to be an asset of community value it needs to satisfy both, not just one, of those criteria given the insertion of "and" between S.88(2)(a) and S.88(2)(b).

24. If however the Executive Member for Finance and Performance does consider that April 2016 is within the 'recent past' (and that use of the property as a pub at that time did further the social well-being or interests of the local community), they would need to consider whether in their opinion "*it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community*". If they consider that the property also satisfies that further/second criteria, then they are entitled to and should decide to approve the ACV nomination regarding the property.

### **Summary**

25. As the property is currently vacant it is considered that the S.88(1) criteria is not met.
26. It is accordingly then a question of whether both of the conditions specified in Section 88(2) (a) and (b) are satisfied. It is a matter for the Executive Member for Finance and Performance to consider and determine if that is the case and therefore whether the ACV nomination application in respect of the property should be approved or refused.
27. If the decision is to approve the ACV nomination application then the owner of the property has a statutory right to request a review of that decision by submitting a review request to the Council within 8 weeks of the decision date. (If the decision is to reject the ACV nomination application, the legislation does not give the nominating group any right to appeal that request though they could potentially seek a judicial review of the decision by submitting a J.R. claim to the High Court).

### **Options**

28. The application to list the Jubilee Hotel as an Asset of Community Value can either be accepted or rejected. There are no other options as it is considered that sufficient information has been provided to make a decision

### **Council Plan**

29. A Council that listens to residents through working with communities and partners.

### **Implications**

#### **30. Financial**

Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

#### **31. Human Resources (HR) – none**

#### **32. Equalities, Crime and Disorder and IT - none**

#### **33. Legal** – Advice and comments have been sought from Legal Services and incorporated within this report.

#### **34. Property** – All property issues included in the report

#### **35. Other** – none

### **Risk Management**

There are no significant risks to these applications.

### **Contact Details**

Tim Bradley  
Asset Manager  
Asset and Property Management  
Tel No. 01904 553355

Tracey Carter  
Director  
Economy Regeneration and Housing  
Tel. No. 01904 553419

**Report  
Approved**



**4/6/21**

**Ward Affected: Holgate**

**For further information please contact the author of the report**

**Annexes**

*Annex 1 – The Jubilee Hotel Public House, York – Application to add to the list of assets of community value.*

*Annex 2 – The Jubilee Hotel – Owner’s submission*

*Annex 3 – Current list of assets of community value*

Abbreviations used in the report

ACV Assets of Community Value



## ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website [www.york.gov.uk/assetsofcommunityvalue](http://www.york.gov.uk/assetsofcommunityvalue) or alternatively call 01904 553360.

### Section 1

#### About the property to be nominated

|                      |                      |
|----------------------|----------------------|
| Name of Property:    | The Jubilee Hotel    |
| Address of Property: | Balfour Street, York |
| Postcode:            | YO26 4YU             |

|                          |                                    |
|--------------------------|------------------------------------|
| Property Owner's Name:   | Tri-core developments              |
| Address:                 | 586 Leeds Road, Outwood, Wakefield |
| Postcode:                | WF1 2LT                            |
| Telephone Number:        | 01924 692 011                      |
| Current Occupier's Name: | N/A as it is vacant                |

### Section 2

#### About your community organisation

Name of Organisation: The Jubilee Community Pub (soon to be constituted as "Friends of Jubilee York Limited" if that is the name we need to use for the purposes of this application.

|                           |           |
|---------------------------|-----------|
| Title:                    | Ms        |
| First Name:               | Elizabeth |
| Surname:                  | Whynes    |
| Position in Organisation: | Secretary |
| Email Address:            |           |
| Address:                  |           |
| Postcode:                 |           |
| Telephone Number:         |           |

**Organisation type:** Community group soon-to-be constituted as a Community Benefit Society

#### Organisation size

How many members do you have?

**Section 3**

**Supporting information for nomination**

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

Attached separately

**Section 4**

**Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

Attached separately

**Section 5**

**Attachment checklist**

- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

**Section 6**

**Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed: Ben Porter

Dated: 8 MARCH 2021

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Please e-mail your completed form to [property.services@york.gov.uk](mailto:property.services@york.gov.uk) or post to:

**Asset and Property Management**  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA



**Why do you feel the property is an asset of community value? Please give as much information as possible:**

The Jubilee Hotel is currently the only Asset of Community Value within the Leeman Road area. Our group represents the active movement working to try and salvage the huge potential that this building has to serve its local community.

When it was open and thriving, it was an excellent example of a community pub serving a wide customer demographic in an area that much needs facilities. It appealed to many different social groups by offering a wide variety of activities and amenities - some of which are not replicated by nearby community facilities or any other local public house within a mile - i.e. reasonable walking distance.

This population in this area is a distinct and isolated community consisting of just short of 1,500 properties which has, in recent history, sadly lost a number of pubs, businesses and points of local interest - such as the cooperative building near Corking Wines, the Junction Pub, a post office, a café, the Leeman Road Working Mens' Club, and St Barnabas' Victorian School, to name just a few.

Previous patrons of The Jubilee Hotel have said that they valued the unique atmosphere and social network of this particular public house which was not replicated elsewhere. It made a tangible contribution to the social wellbeing and social interests of the local community which we will detail below.

**1. It provided facilities for meetings and events.**

It was the only premises in the area that provided a dedicated permanent licensed function room. This room is an absolutely key part of this community asset and was named specifically in an appeal dismissal (Appeal Ref: APP/C2741/W/18/3213654) by a government inspector. John Morrison BA (Hons) MSc MRTPI, an Inspector appointed by the Secretary of State, said the planning scheme in question "*would result in the unacceptable loss of community facilities*".

This function room hosted a wide range of activities such as parties celebrating engagements and birthdays. It was also used for wakes to remember much loved locals that have passed on. It hosted Christmas parties, with patrons commenting on the family feel, as well as Halloween events and outside BBQs in the summer for all-comers. There were regular Karaoke nights held almost every week in one of the 2 downstairs bars - the advantage being that those that didn't wish to join in could enjoy a drink in the other bar - so the pub accommodated people with different tastes all on the same night.

**2. It provided facilities for Sports Teams - it had its own Darts team; Pool team; and Golf Society.**

The Ladies Darts team played competitively in Division 1 of the John Smiths York Darts League - providing a competitive challenge as well as a social outlet for a team of 9 ladies & their supporters.

The pub's Golf Society was in existence for 22 years. The pub provided a "19th hole" for the society to meet up away from the course and plan additional activities such as society tours of a varied range of golf courses throughout the UK and beyond.

The pool team played every Sunday in the York pool league and proved a big attraction when playing at home ensuring valuable additional trade for the pub.

**3. It welcomed people from a variety of demographic groups.**

Families: It was a family friendly venue that welcomed children during the day so that parents could get together and socialise in a public environment enabling them to get out of the house for a change of scenery and sometimes away from a sense of isolation.

Pensioners: It was popular with senior citizens for whom it was an escape from loneliness and living on their own. There were also non-pensioners who drank there who had lost partners due to illness who testified that it has been an aide in coping with loss and a way of re-integrating back into the community.

Disabled clientele testified that The Jubilee Hotel was the most access-friendly public house in the immediate area and that if there was not the Jubilee available they would be faced with travelling 1380 metres and 1200 metres respectively to the 2 nearest other pubs that had disabled access.

An asset for local charities through fundraising:

The Jubilee held fundraising for cancer research due to the young son of a regular having a rare form of cancer.

Since the Jubilee last closed, the area has had no functioning community centre or hub and this has left a sense of decline and a significantly unmet social need. With this, there are separate plans to already further increase housing in the area, with the York Central development potentially adding up to 2,500 new dwellings to this part of the city. This will only serve to add to the need to maintain this building as a community asset that provides a space and is occupied by services which benefit local people.

Renewing the ACV status on The Jubilee Hotel would help us to sustain one of the very few remaining (albeit limited) protections we have on this asset. We need to stress here too that, rather than a vague feeling of frustration of longing for the past or that somebody should do something, our application to do to renew the ACV status of The Jubilee Hotel is made with serious, live intent to make the community's forward-facing aspirations for this building become a reality. There is now a genuinely active community group (ours) working to get as close as possible to making this happen; with us working on plans to potentially re-open it as a pub with additional community services, either in a freehold or leasehold capacity.

Our group meets every two weeks' (over zoom during lockdown) to progress on various fronts such as; setting up as a Community Benefit Society, conducting resident engagement and recruitment through letters and surveying their ideas for our project, and working on understanding and planning fundraising and share-offer opportunities. Our group's drive and activity is backed up further when considering how - prior to the afore-mentioned, failed Planning Appeal from its current owners in late 2019 - the Leeman Road Residents' Association ran a petition campaign to demonstrate local support for saving the building and keeping it as a pub and amenity to benefit the community. In the space of just two weeks this petition acquired over 1000 signatures and was a key factor in the success of the community's efforts to challenge the owner's appeal.

If successful, our entire aim would be for a pub and a mix of other resident-facing services operating from this building, run by the community, for the community, on a not-for-profit basis with its surplus reinvested both back into the services provided and into charitable initiatives to benefit local residents.

**What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan:**

We consider the boundaries of this property to be as follows:

On the east side: Where the hedged metal fence which separates the beer garden from the alleyway that runs between here and the "Little Shop" at 1A Jubilee Terrace.

On the south side: Where the wall of building and the south-facing hedged metal fence meets the adopted footpath on Jubilee Terrace.

On the west side: Where the side of the building meets the adopted footpath on Balfour Street up to the substation/plant room off Stephenson Court.

On the north side of the property: Where the tarmac forecourt meets the south side/back wall of Stephenson Court and its adjacent substation/plant room and, next to this but slightly more north of it, where the back of the beer garden meets the south side/back wall of Stephenson Court.

For further information see the attached PDF files.

Copy of group constitution (if you are a constituted group): N/A until application is processed.

**Name and home address of 21 members registered to vote in nomination area (if group is not constituted):**





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BY EMAIL ONLY

Tim Bradley  
Asset Manager  
City of York Council  
Tim.bradley@york.gov.uk

Dear Sir,

Thank you for your email on the 18<sup>th</sup> March. I have sought specialist advice on the matter and would like to put forward the following response on behalf of the company.

## **1 INTRODUCTION**

- 1.1 I write in response to the nomination of The Jubilee, Balfour Street, York (the "Jubilee") as an asset of community value by Elizabeth Whynes, on behalf of The Jubilee Community Pub (the "JCP"). The nomination states that this organisation is shortly to be constituted as "Friends of Jubilee York Limited".
- 1.2 Tri-Core Developments Limited ("Tri-Core") has owned the Jubilee since 31 August 2016. The Jubilee was previously used as a public house; however, this use ceased in April 2016. The Jubilee has been vacant since this date.
- 1.3 The Jubilee was registered as an asset of community asset on 1 July 2016.
- 1.4 The nomination by The Jubilee Community Group seeks to effectively renew the registration of the Jubilee. It is notable that the Jubilee was marketed for sale in September 2016. The Jubilee was listed as an asset of community value at this time. An email dated 8<sup>th</sup> September 2016 from Tim Bradley Acknowledges this. Notice to make relevant disposal was made on 9 September 2016. The JCP therefore could have expressed an interest in acquiring the Jubilee, and this would have triggered the six moratorium period. However, they did not. This appears to demonstrate that the JCP is not interested in acquiring the Jubilee.

## **2 THE APPLICATION**

- 2.1 The JCP has submitted a short statement referring to the previous use of the Jubilee as a public house. They also refer to the use of the Jubilee for meetings, events and sports / leisure clubs. While no dates are included in JCP's statement, the use of the Jubilee described in JCP's statement must have taken place over 5 years ago.
- 2.2 A planning appeal was determined in 2019, following the refusal of an application to convert the Jubilee into 4 apartments and retain a public house use on the ground floor. The Inspector described the public house use, in his appeal decision of 30 October 2019, as follows:

Page 28  
*"The written evidence of a business in decline over the final years of the Jubilee building to the public, takings were on the wane and footfall down as time passed. The final six months of the most recent tenancy seemed to make a loss."<sup>1</sup>*

This is backed up by a statement by Jeremy Hansbro regional manager of Enterprise inns who were the previous owners of the Jubilee prior to its sale to Tri-core as follows:

*"since March 2010 three different operators have been unable to attract enough customers to make the Jubilee a going, viable concern with two of them being forced to liquidate the business. The latest tenancy was taken out in August 2015 and even though the rent was only £1 a week, the pub still failed to operate at a profit"*

<https://yorkmix.com/weve-closed-jubilee/>

- 2.3 JCP's application includes a description of the proposed boundary of the listing and also a red-line plan. The red-line plan is drawn around the entire building, the yard at the rear and the land to the east of the Jubilee (which was formerly used as a beer-garden).
- 2.4 The description in JCP's statement does not indicate whether they contend that the whole site, within the red-line plan, should be listed as an asset of community value; however, this letter proceeds on the assumption that this is what JCP is seeking.

### **3 DEVELOPMENT OF THE JUBILEE**

- 3.1 I will not seek to revisit the recent planning history of the Jubilee. However, it is highly relevant to note that Tri-Core submitted an application for planning permission in August 2020 for:

*"Alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor (resubmission)."*

- 3.2 The application is due to be presented to the Council's planning committee shortly. The case officer is recommending that planning permission be granted.
- 3.3 The development seeks permission to convert part of the first floor and all of the second floor / roofspace into three self-contained flats. The ground floor and cellar is proposed to be used as a public house. The existing first floor function room would be horizontally sub-divided, with a new lower ceiling introduced. The upper part of the function room and roof space would become a self-contained flat. The remaining floor space below would remain as a function room with a new staircase introduced from the lobby of the bar area
- 3.4 Therefore, if planning permission is granted, part of the first floor and second floor will be put to residential use; while a tenant will be sought for the public house use on the cellar, ground floor and part of the first floor.
- 3.5 A tenant has not been found for the public house use; however, if planning permission is granted, Tri-Core will continue marketing it for this use.

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<sup>1</sup> Planning Appeal Reference: APP/C2741/W/18/3213654

- 4.1 Section 88 of the Localism Act 2011 defines what "land of community value" is. It states:

*"(1)...a building or other land in a local authority's area is land of community value if in the opinion of the authority—*

*(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and*

*(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.*

- 4.2 It is clear that the Jubilee is not currently in any form of use. Therefore, section 88 (1) is not applicable.

- 4.3 Section 88 (2) states that "a building or other land" can be land of community value if the following criteria are met:

*(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and*

*(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community..."*

- 4.4 It is to be noted that there is no definition in the statute of the phrase "in the recent past"

- 4.5 Section 108 of the Localism Act 2011 includes the following definitions:-

*"“building” includes part of a building;*

*...*

*“land” includes—*

*(a) part of a building....”*

## 5 ANALYSIS

- 5.1 For the Council to list the Jubilee as an asset of community value, the Council would need to answer both of the following questions in the affirmative:

5.1.1 Did the use of the Jubilee in the recent past further the social interests of the local community; and

5.1.2 Is it realistic to think that in the next five years there could be a non-ancillary use of the Jubilee which would further the social interests of the local community?

Did the use of the Jubilee in the recent past further the social interests of the local community?

- 5.2 The JCP refer to a number of activities taking place at the Jubilee over five years ago.
- 5.3 It therefore needs to be considered whether these activities occurred in the "recent past".
- 5.4 There is no statutory definition of the term "recent past", as used in section 88 of the Localism Act 2011. A sensible and common-sense interpretation of this phrase should therefore be applied. Applying such an interpretation, it appears clear that a gap of over five years means these activities were not carried out in the recent past.
- 5.5 On this basis, the first test in section 88 (2) of the Localism Act is not met.

Is it realistic to think that in the next five years there could be a non-ancillary use of the Jubilee which would further the social interests of the local community?

- 5.6 The Council's case officer has recommended that planning permission be granted for the conversion of the Jubilee into 3 apartments and a public house.
- 5.7 It is therefore realistic to think that in the next five years there could be a residential use and public house use on the site. However, JCP appear to be requesting that the whole site be registered as an asset of community value.
- 5.8 It is not realistic to consider that part of the first floor or the second floor will be put to a use which would further the social interests of the local community in the next five years. The only realistic use for this part of the site is residential.
- 5.9 Therefore, it is considered that the application does not pass the second test either.

**6 CONCLUSION**

- 6.1 Having reviewed the statutory tests, it appears that the Jubilee has not been put to a use in the recent past which furthers the social interests of the local community. Further, it is not realistic to think that the whole of the Jubilee site will be put to a non-ancillary use in the next five years which would further the social interests of the local community.
- 6.2 On this basis, it is submitted that the application should be refused.
- 6.3 I would be grateful if you would confirm in writing that these submissions will be taken into account when the Council determines JCP's application.

Yours sincerely

Dominic Woodward  
Director  
Tri-Core Developments Ltd  
01924 692011

### **Annex 3 - Current list of Assets of Community Value**

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6<sup>th</sup> March 2014. Renewed 15<sup>th</sup> July 2019.
2. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6<sup>th</sup> November 2014. Renewed 24<sup>th</sup> July 2020.
3. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29<sup>th</sup> June 2015.
4. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20<sup>th</sup> October 2015.
5. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14<sup>th</sup> March 2016.
6. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11<sup>th</sup> July 2016.
7. The Jubilee Hotel, Balfour Street, York, YO26 4YU. – approved 11<sup>th</sup> July 2016.
8. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11<sup>th</sup> July 2016.
9. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11<sup>th</sup> July 2016.
10. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 – approved 11<sup>th</sup> July 2016.
11. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12<sup>th</sup> September 2016.
12. Holgate Community Garden and Play Park, Upper St Paul's Terrace, York, YO24 4BS. – approved 12<sup>th</sup> September 2016
13. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29<sup>th</sup> September 2016.
14. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19<sup>th</sup> December 2016.
15. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13<sup>th</sup> March 2017.

16. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10<sup>th</sup> April 2017.
17. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12<sup>th</sup> June 2017.
18. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17<sup>th</sup> October 2017.
19. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17<sup>th</sup> October 2017.
20. New Earswick Swimming Pool, Hawthorne Terrace, New Earswick, YO32 4TZ. - approved 12<sup>th</sup> March 2018.
21. Strensall Library, 19 The Village, Strensall, York, YO32 5XS. – approved 9<sup>th</sup> April 2018.
22. The Lord Collingwood Public House, The Green, Upper Poppleton, York, YO26 6DP. – approved 14<sup>th</sup> May 2018.
23. The Garrison Church of St Wilfrid, St Wilfrid's Road, Strensall, York, YO32 5SJ. – approved 17<sup>th</sup> September 2018.
24. Hurst Hall Community Centre, Border Road, Strensall Camp, York, B757RL. – approved 15<sup>th</sup> July 2019.
25. The Lord Nelson Public House, 9 Main Street. Nether Poppleton , York, YO26 6HS. – approved 16<sup>th</sup> September 2019.
26. The Blacksmiths Arms Public House, Shipton Road, Skelton, York, YO30 1YJ. – approved 16<sup>th</sup> September 2019.
27. The car park at rear of the former Murton Arms Public House, Main Street, Murton, York, YO19 5UQ. – approved 24<sup>th</sup> July 2020.



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**Decision Session – Executive Member for  
Finance and Performance****14 June 2021**

Report of the Head of Regeneration Programmes

**Update on the Castle Gateway****Summary**

1. The council's Executive approved the Castle Gateway regeneration masterplan in April 2018, and the delivery strategy in January 2020. Due to the impact of Covid-19 a full business case review was undertaken last summer, and based on that review the Executive reiterated its commitment to the delivery of the masterplan and approved a number of recommendations to take the project forward in October 2020. This report provides an update on the progress since then, and recommends that the new public realm at the Castle and Eye of York forms part of the council's funding bid to central government's Levelling Up Fund, applications for which close on 18 June 2021.

**Recommendations**

2. The Executive member is asked to:

- 1) Note the progress update on the delivery of the Castle Gateway masterplan

Reason: To note the work that has been carried out to deliver the Castle Gateway scheme since the last Executive approvals in October 2020

- 2) Approve the inclusion of the Castle and Eye of York public realm in the council's wider Levelling Up funding bid to central government.

Reason: To pursue central government funding for the delivery of the new public realm to replace Castle Car Park and the Eye of York

## **Background**

3. On 1 October 2020 the council's Executive approved a revised delivery strategy for the regeneration of the Castle Gateway following a comprehensive review of the project and business case in light of Covid-19. This strategy committed to the delivery of the masterplan, proceeding with the key public benefits at pace through staged decision making, whilst delaying delivery of the elements of the project on which Covid-19 has had the most significant impact, until there is further certainty.
4. It was agreed to proceed with the procurement of a contractor to build Castle Mills; prepare and submit planning and funding applications to create new high quality public realm at Castle Car Park and the Eye of York; pause the procurement of a contractor for the new multi-storey car park (MSCP) at St George's Field until the completion of a strategic review of city centre car parking; and for a future report to be brought to the Executive on whether to develop or dispose of 17-21 Piccadilly.

## **Castle Mills**

5. Castle Mills will provide 106 apartments - of which 20 would be new council homes - above ground floor commercial spaces that provide an active street frontage to Piccadilly. The site also includes the new public riverside park on the currently private land at the rear of Castle Museum, and a new pedestrian cycle crossing over the inner ring road and bridge over the river Foss. In addition to delivering these public benefits the profits generated from the sale of the apartments will cross-subsidise and ensure the viability of the rest of the masterplan.
6. In December 2020 the project was granted planning permission and following a full market open tender exercise Wates have been appointed as the construction contractor. At this stage they have been appointed to undertake the RIBA stage 4 detailed design work and provide a fixed tender price for the construction. At that point a report will be brought back to the Executive to take the final decision to proceed based on actual costs, up to date sales value estimates for the apartments, and confirmation of having secured West Yorkshire Transport Funding for the active transport elements. The intention based on current programme is for this next major Executive decision point to be in October 2021.
7. It should be noted that any decision on proceeding with Castle Mills needs to be linked to a decision on the replacement car parking that would facilitate the closure of Castle Car Park. This is because there is a



planning condition attached to Castle Mills that requires the closure of Castle Car Park before the occupation of the first completed apartment.

8. The relocation of parking currently provided in the Castle Car Park to enable the development of high quality public realm and an event space is the centrepiece of the masterplan. It would create a world class setting for the city's internationally renowned heritage assets, reduce car journeys within the inner ring road and historic core, attract new visitors to the city, support jobs in the tourism and hospitality industry and create a major new public space for residents. Covid-19 has highlighted the importance of accessible public space in our city centres for residents to exercise and relax; shown the benefits of having flexible areas which can quickly respond and adapt to the needs of local businesses and residents. Grant funding opportunities are now emerging, driven by the Government's economic response to the pandemic, new UK funding sources replacing EU funding and prospective devolution deals. These could be used to leverage private sector investment and support economic growth.
9. The application and spend windows for many of these funding streams are extremely short and the key to securing central government funding in the current climate is having "shovel-ready" projects that provide confidence in delivery. To that end the Executive approved the preparation and submission of a planning application for the Castle and Eye of York public realm. Following that meeting significant work has progressed to undertake the necessary surveys; understand the technical and physical constraints of the site; define the needs of neighbouring stakeholders such as the law courts, English Heritage, York Museum Trust and the Coppergate Centre; and to produce spatial plans and design options based on the open brief for the area which was the product of extensive public engagement.
10. The initial spatial proposals for the area were shared with stakeholders and the public in April 2021 and received positive feedback, and the next iteration of designs that started to interpret what the space could look and feel like were shared with the Castle Gateway Advisory Group and public in May and early June 2021. These are attached as Annex 1 but it is important to note that these were a snapshot in time of the design evolution and were shared with the public to spark the conversations that would help refine and shape the final designs. An update on the reaction and feedback from that public engagement, and the latest design iterations, will be shared at the meeting to which this report will be taken.

The final designs for the site are expected to complete in the summer with the planning application due to be submitted in September 2021.

11. As anticipated when the Executive approved the preparation of the planning application, a number of central government funding opportunities have emerged, with planning permission and projects that are shovel-ready being key criteria. The first of these opportunities is the national £4.8bn Levelling Up Fund. Although the country is split in to priority areas, and York is in tier 3 – the lowest priority – this is only one of the criteria. As a unitary authority with two MPs the council are able to submit two Levelling Up bids of up to £20m each and one major transport bid over two bidding rounds. The Executive have delegated the final decision on what to submit to the Executive Member for Finance and Performance and the Corporate Director for Place. To maximise the chance of success the council are preparing bids with guidance from economic business case consultants Amion. This will involve looking across the portfolio of council projects for the best strategic fit. However, as a major priority for the city it is highly likely that this will include Castle and Eye of York.

### **17-21 Piccadilly**

12. The masterplan proposals for 17-21 Piccadilly are for up to 25 apartments, built over ground floor commercial spaces for small independent businesses. At this stage the plans have not been progressed beyond initial design work due to the focus being on securing planning permission for Castle Mills and St George's Field, and the planning application for Castle and the Eye of York. Whilst 17-21 Piccadilly does have an important role to play in the redevelopment and regeneration of Piccadilly it doesn't contain any of the fundamental elements of the masterplan. In October 2020 the Executive decided to delay consideration of the future options for 17-21 Piccadilly until the decisions are taken on the rest of the masterplan.

### **Consultation**

13. The whole masterplan and detailed design have been formed through in-depth public engagement through the My Castle Gateway project and guided by key stakeholders who sit on the Castle Gateway advisory Group. The emerging plans for the Castle and Eye of York area are a direct response to the open brief that was produced through extensive engagement on what the future public space should look and feel like. As

these are translated in to detailed designs they are again tested with the public through walks, talks, events and social media and will be refined based on that feedback before final submission of the planning application.

## **Council Plan**

14. This regeneration of the Castle Gateway is one of the priorities set out in the Making History, Building Communities 2019-23 Council Plan. The proposals will help contribute to meeting all eight of the plan's core outcomes, and significantly improve an area of the city that is home to many of our heritage assets and cultural institutions. The focus on relocating car parking and creating new pedestrian and cycle links will help create a greener and cleaner city and enable people to get around sustainably. New homes will be created on Piccadilly and new bridges and public realm will create world class infrastructure, bringing back in to use vacant sites and driving the vibrancy of the area which will help to build strong, sustainable communities within the city walls.

## **Implications**

15. Given that the report is an update on the project there are no significant implications for consideration. The Executive have already considered the implications of submitting Levelling Up Funding bids and delegated the decision accordingly.

## **Risk Management**

16. There are no new major risks associated with this update report beyond those identified at the time of last October's approval of a revised delivery strategy. Programme and project level risks are being managed by the responsible officers and reported to monthly working group meetings in line with the approved project governance.
17. There are no real risks associated with the inclusion of Castle and Eye of York within the Levelling Up Fund bid. As noted in this report York is a lowest priority tier 3 area. That does not preclude a bid being submitted but does limit the chances of it being successful. The best chance of being successful is to submit a bold, eye-catching proposal for shovel-ready projects. The decision last October to proceed with a planning application has ensured that the project can evidence deliverability. Should this bid prove to be unsuccessful then the business case will be in place for future funding bids and opportunities so will not be abortive,

and submitting a bid now will ensure the project is on central government's radar for future opportunities.

### Contact Details

**Author:**  
**Andy Kerr**  
**Head of Regeneration**  
**Programmes**  
01904 554 153

**Chief Officer Responsible for the report:**  
**Tracey Carter**  
**Director of Housing, Economy and**  
**Regeneration**

**Report**  **Date** 4/6/21  
**Approved**

**Wards Affected:**

**All**

**For further information please contact the author of the report**

### Background Papers:

Report to the Executive, 'The Castle Gateway Masterplan', April 2018  
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=10197&Ver=4>

Report to the Executive, 'Castle Gateway phase one delivery strategy',  
January 2020  
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=11115&Ver=4>

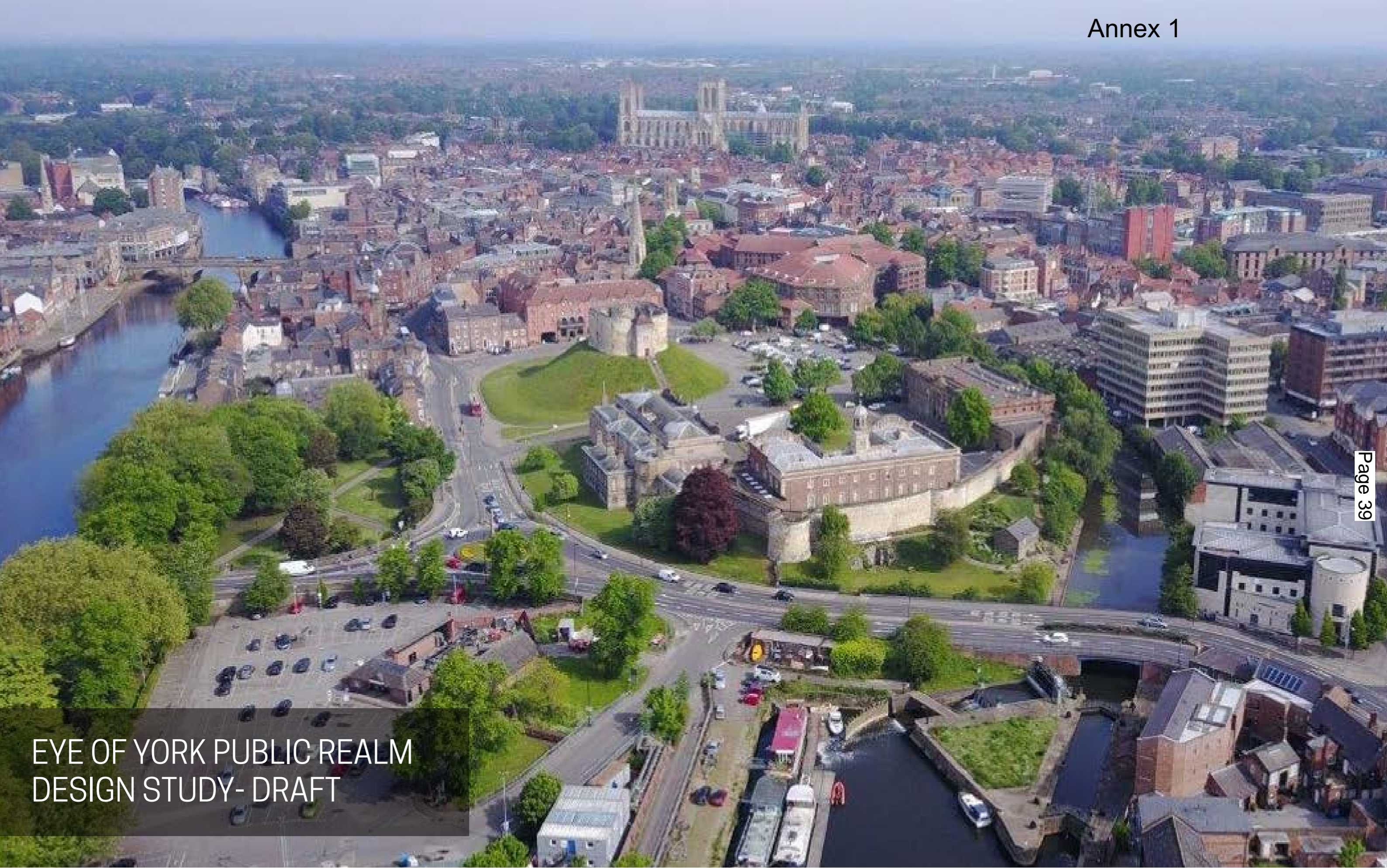
Report to the Executive, 'Update on Castle Gateway and business case  
review', September 2020 (Executive date 1 October 2020)  
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=12297&Ver=4>

### Annexes

Annex 1 – Consultation material - draft designs for Castle and Eye of York

### List of Abbreviations Used in this Report

MSCP – multi-storey car park  
WYTF – West Yorkshire Transport Fund



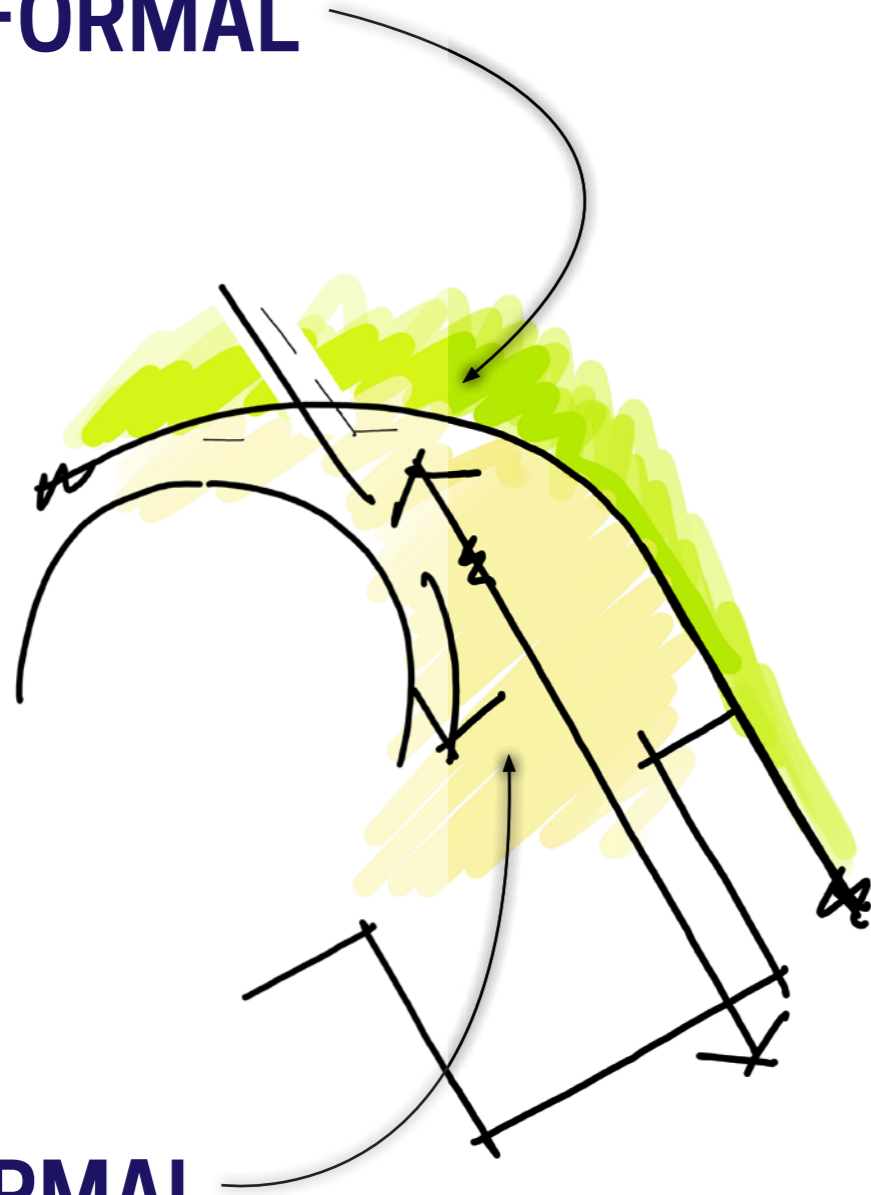
# EYE OF YORK PUBLIC REALM DESIGN STUDY- DRAFT

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| DRAFT (V6) | 19th MAY 2021 |

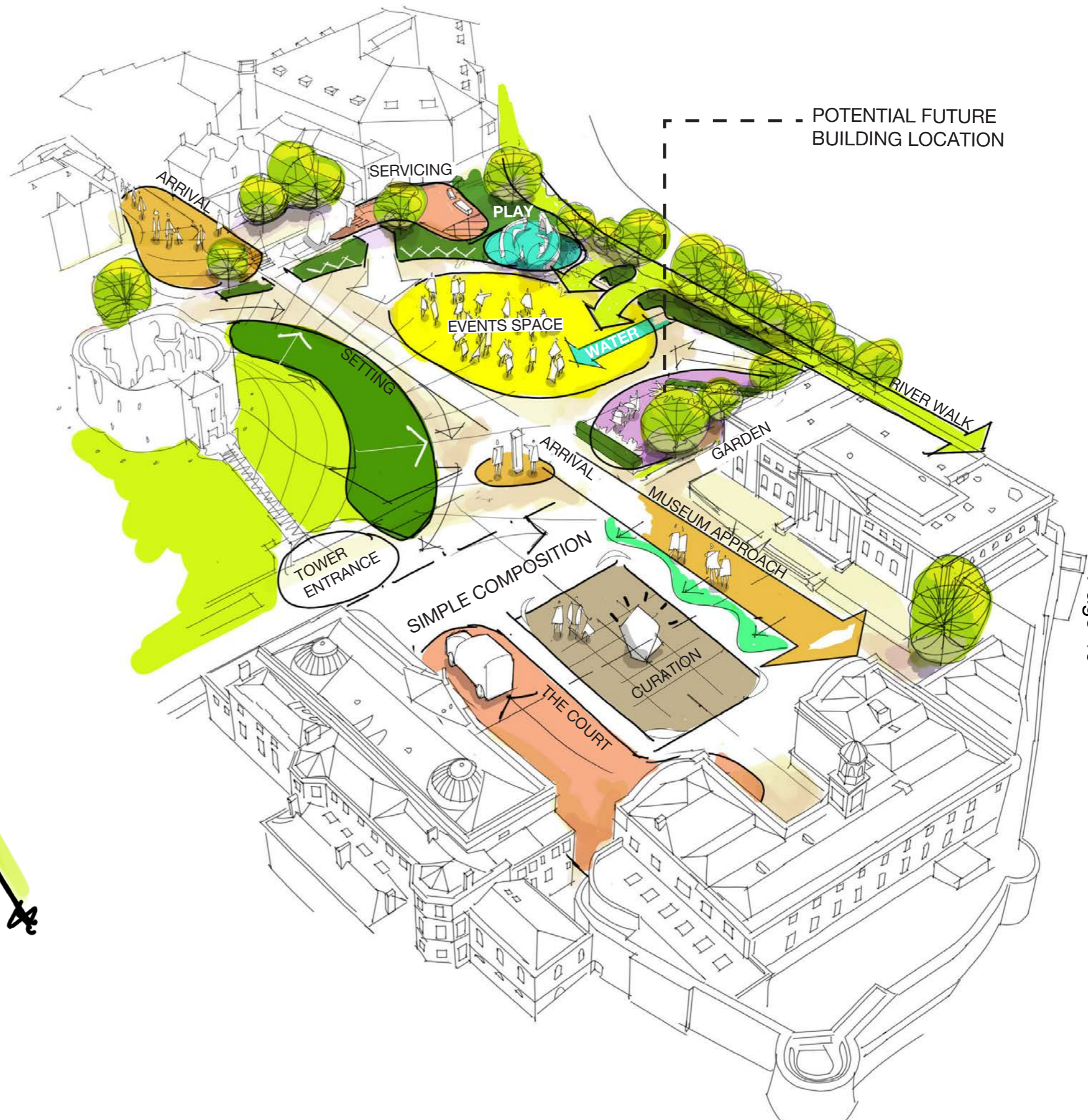
# USES

USES DESCRIBED THROUGH THE OPEN BRIEF

## INFORMAL



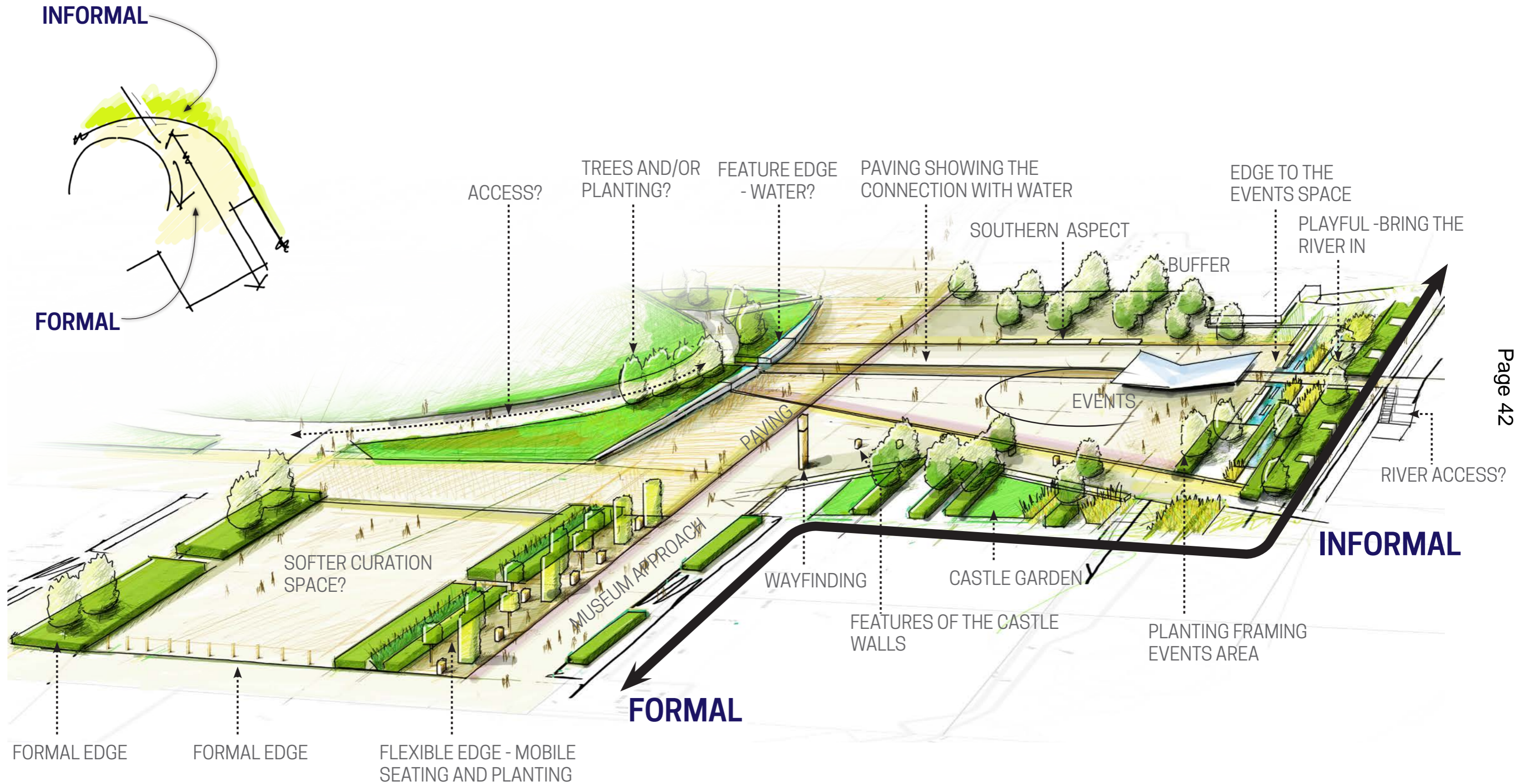
## FORMAL



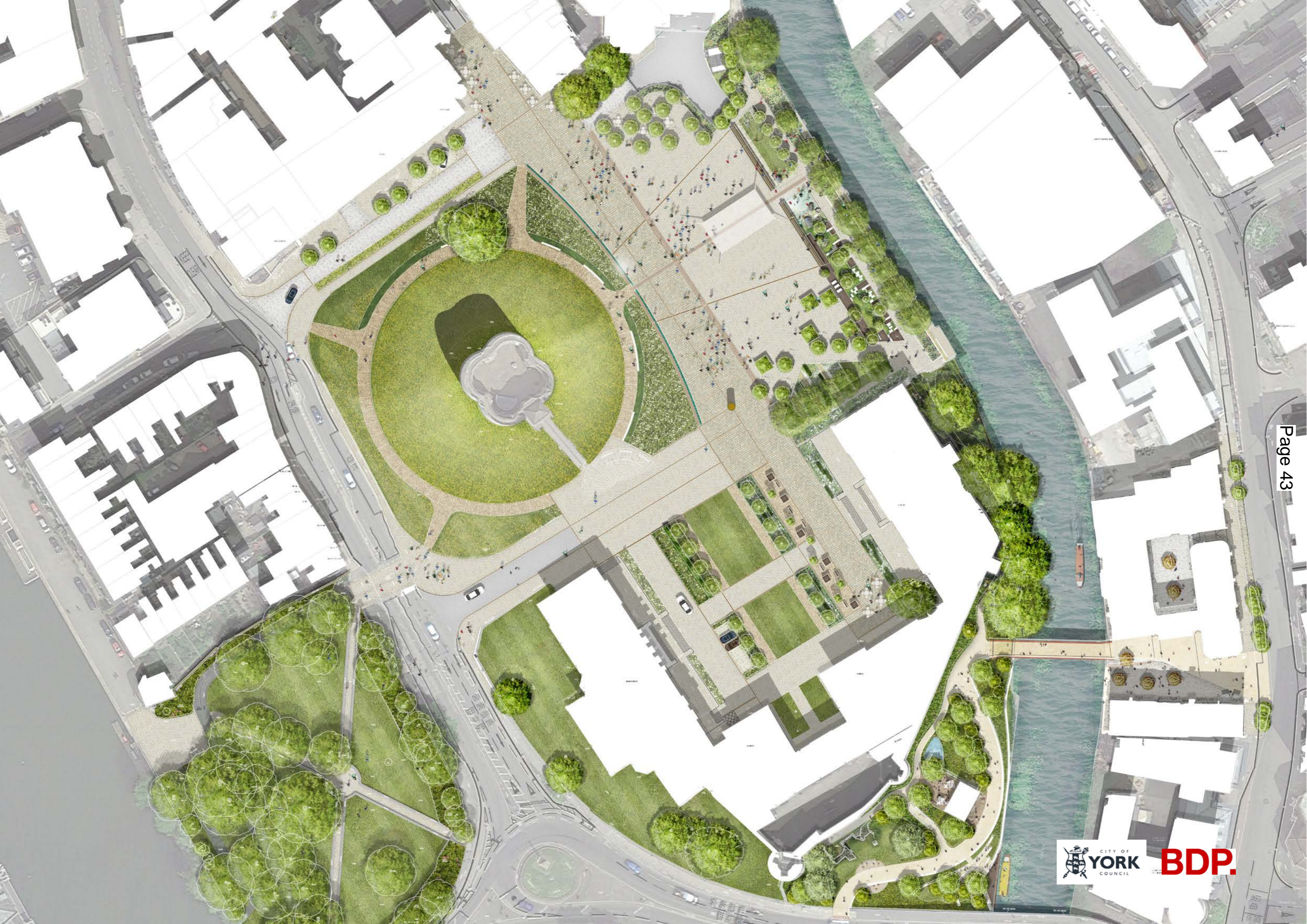
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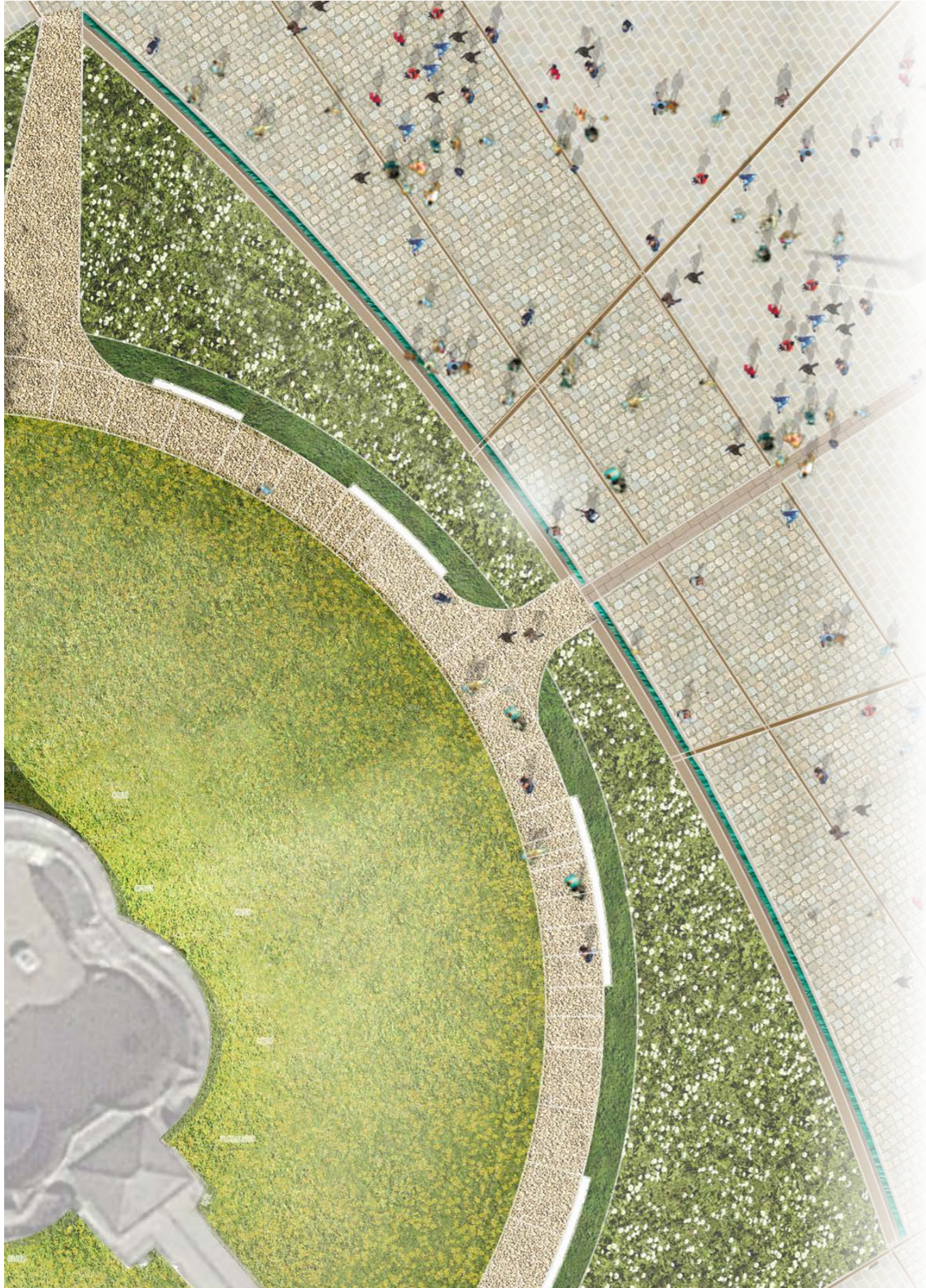
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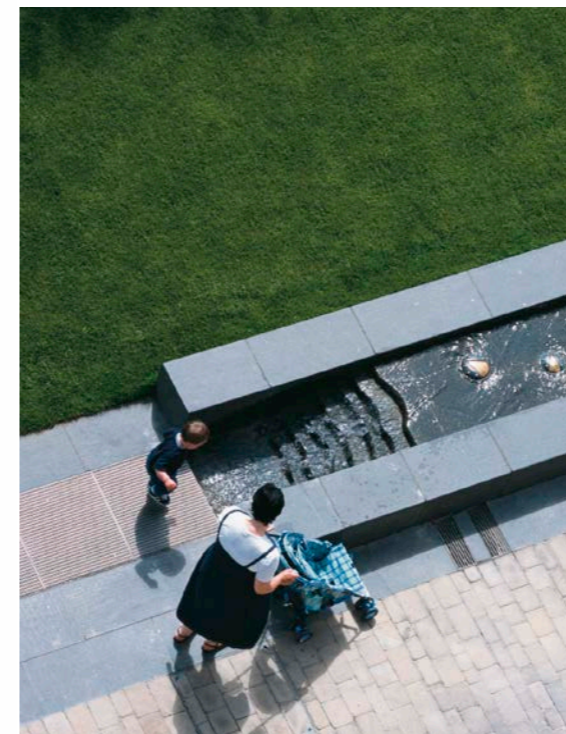




# THE TOWER

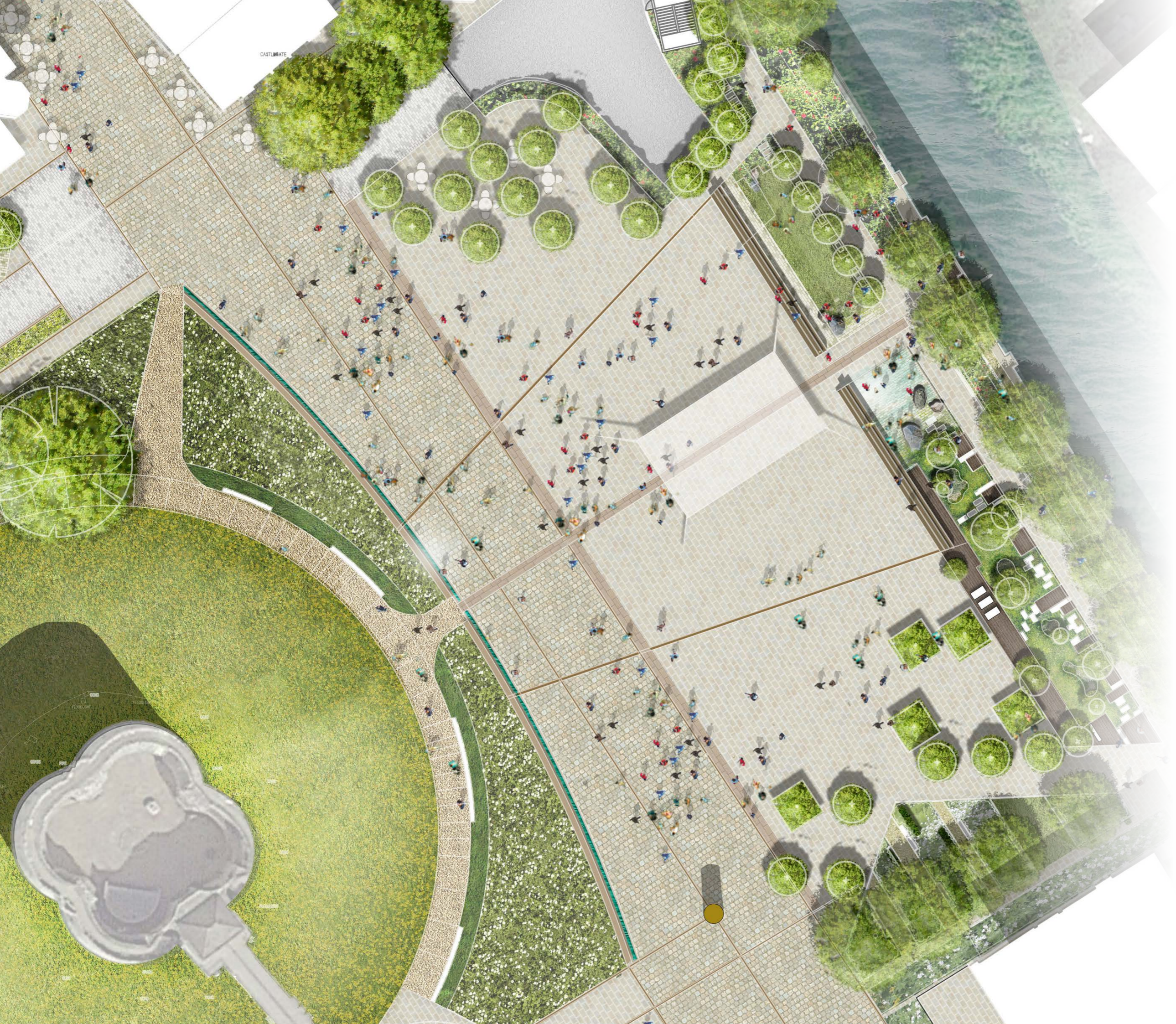


STONE EDGE AND PLANTING



WATER FOR ART AND SYMOBLISUM





CASTLEWATE



CASTLEWATE

27m  
10m

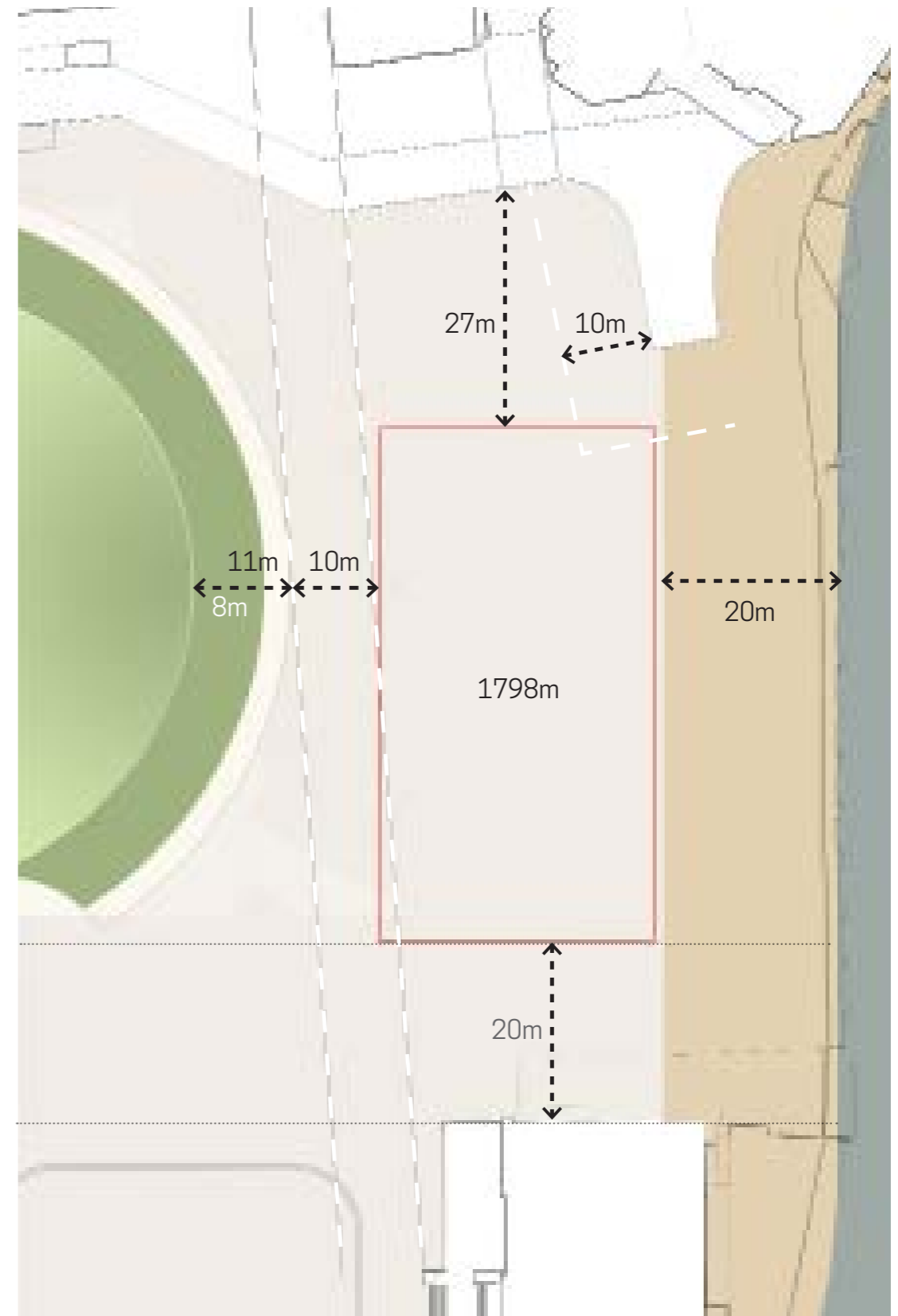
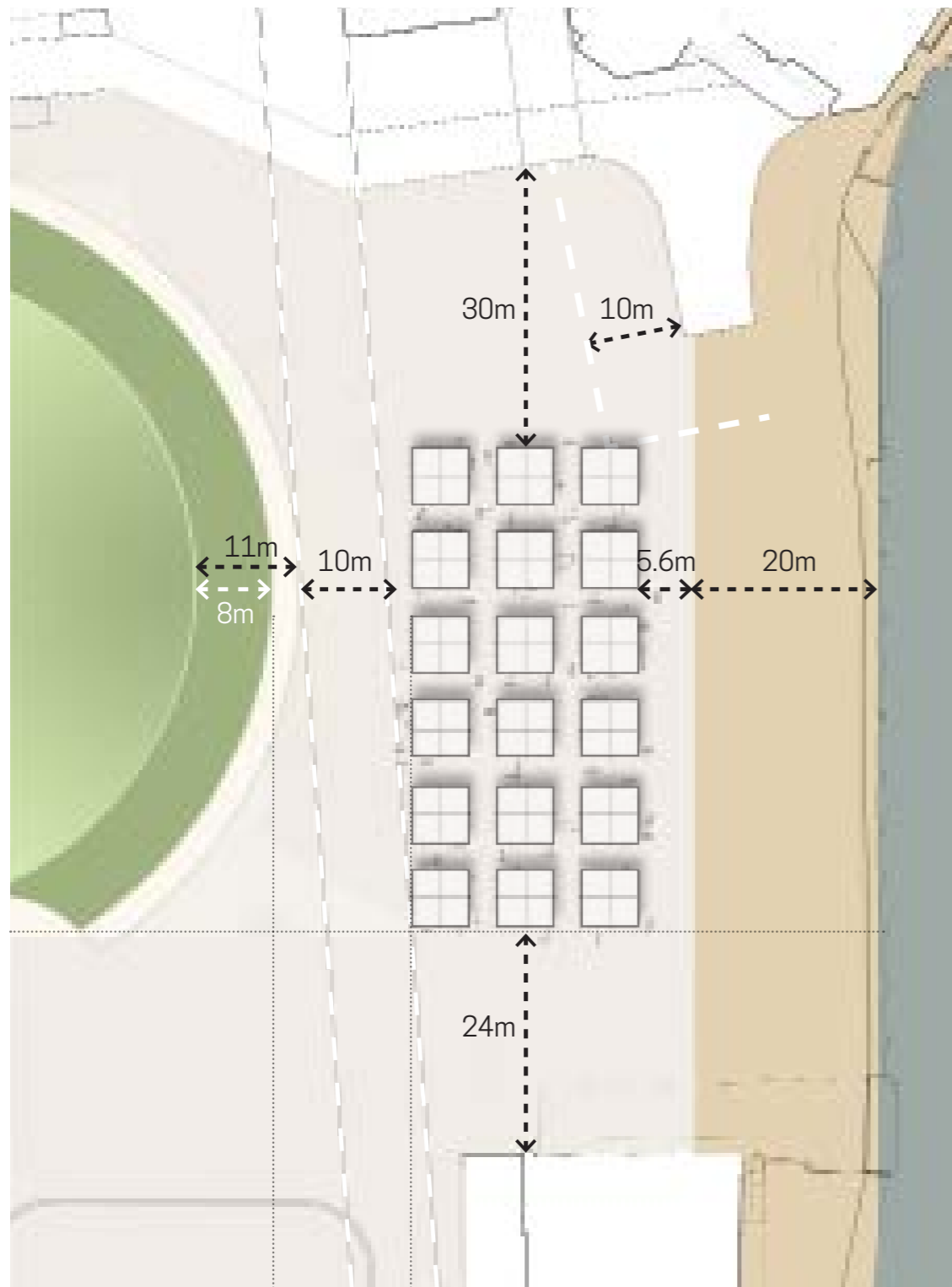
20m

11m  
10m  
8m

1798m

20m

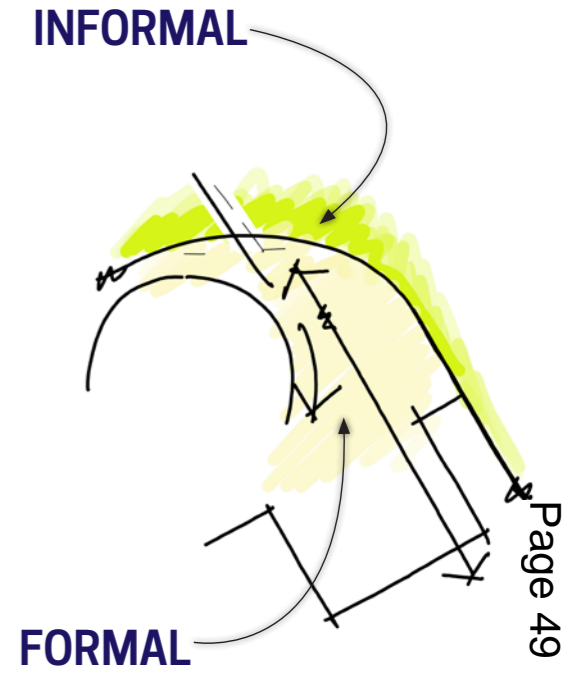
# EVENTS SPACE



# RIVER EDGE

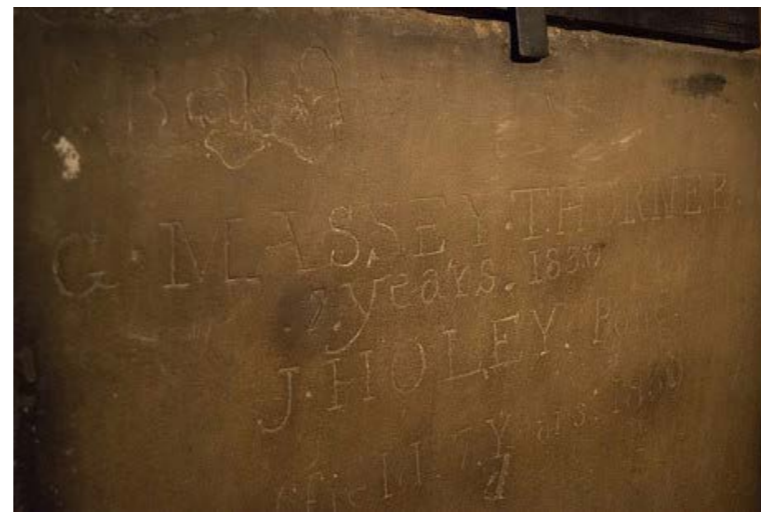


# RIVER EDGE



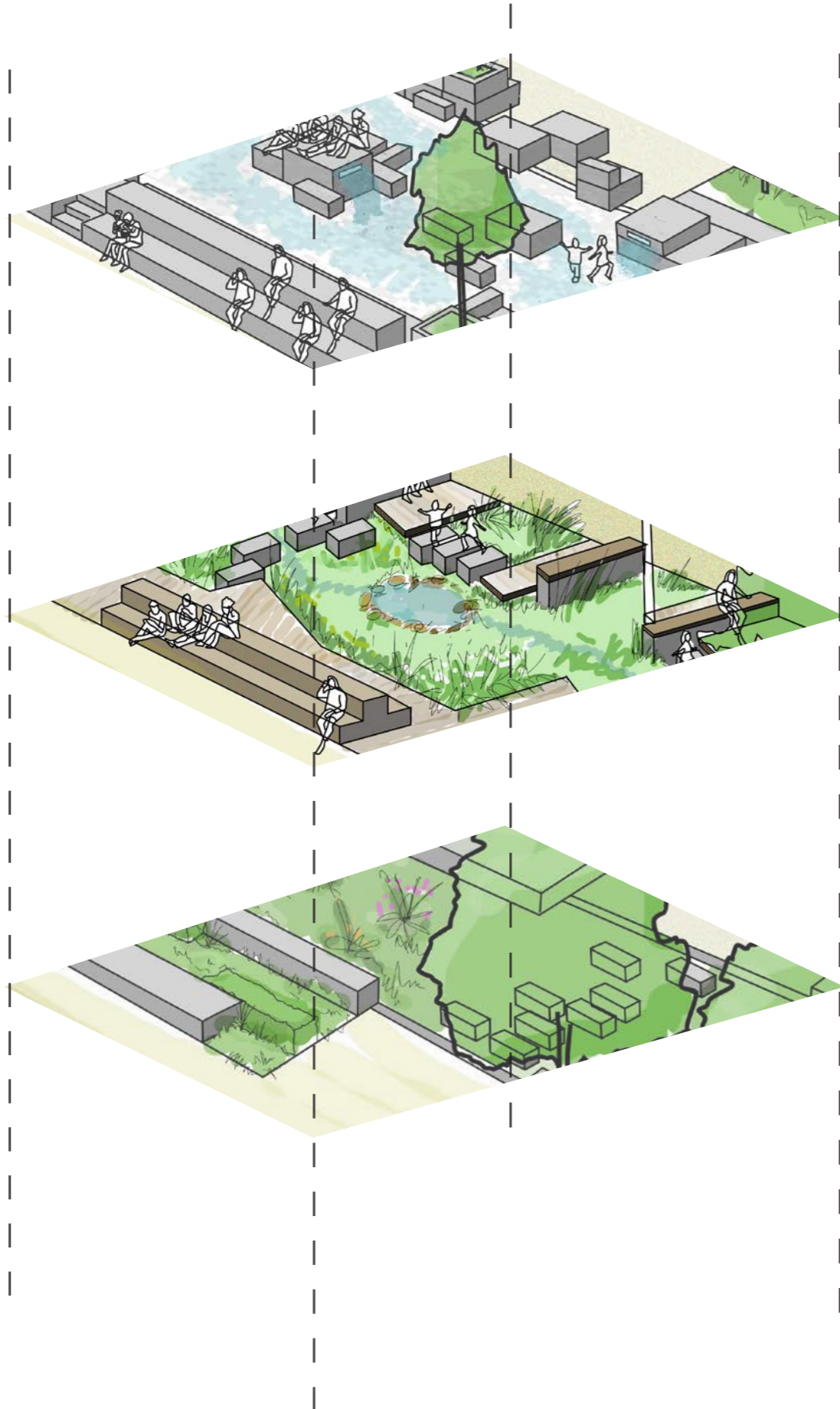
## PLANTING

# RIVER EDGE

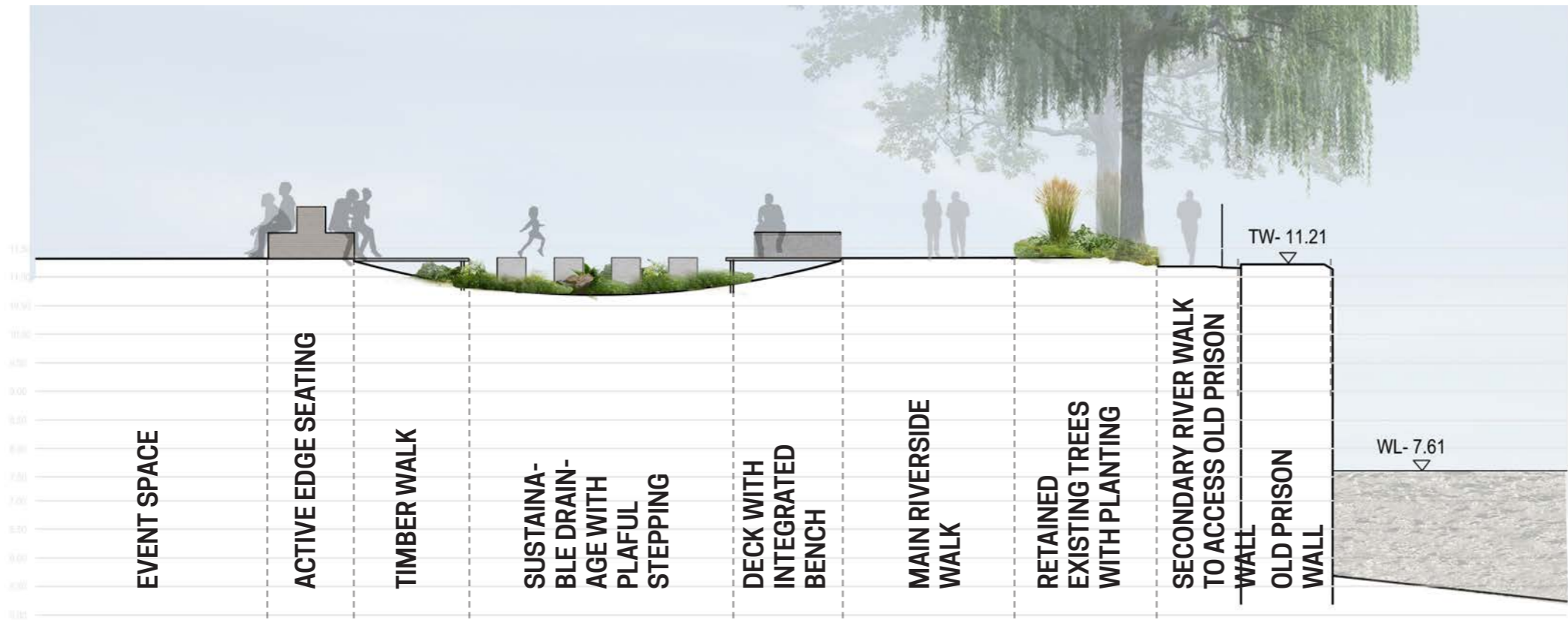




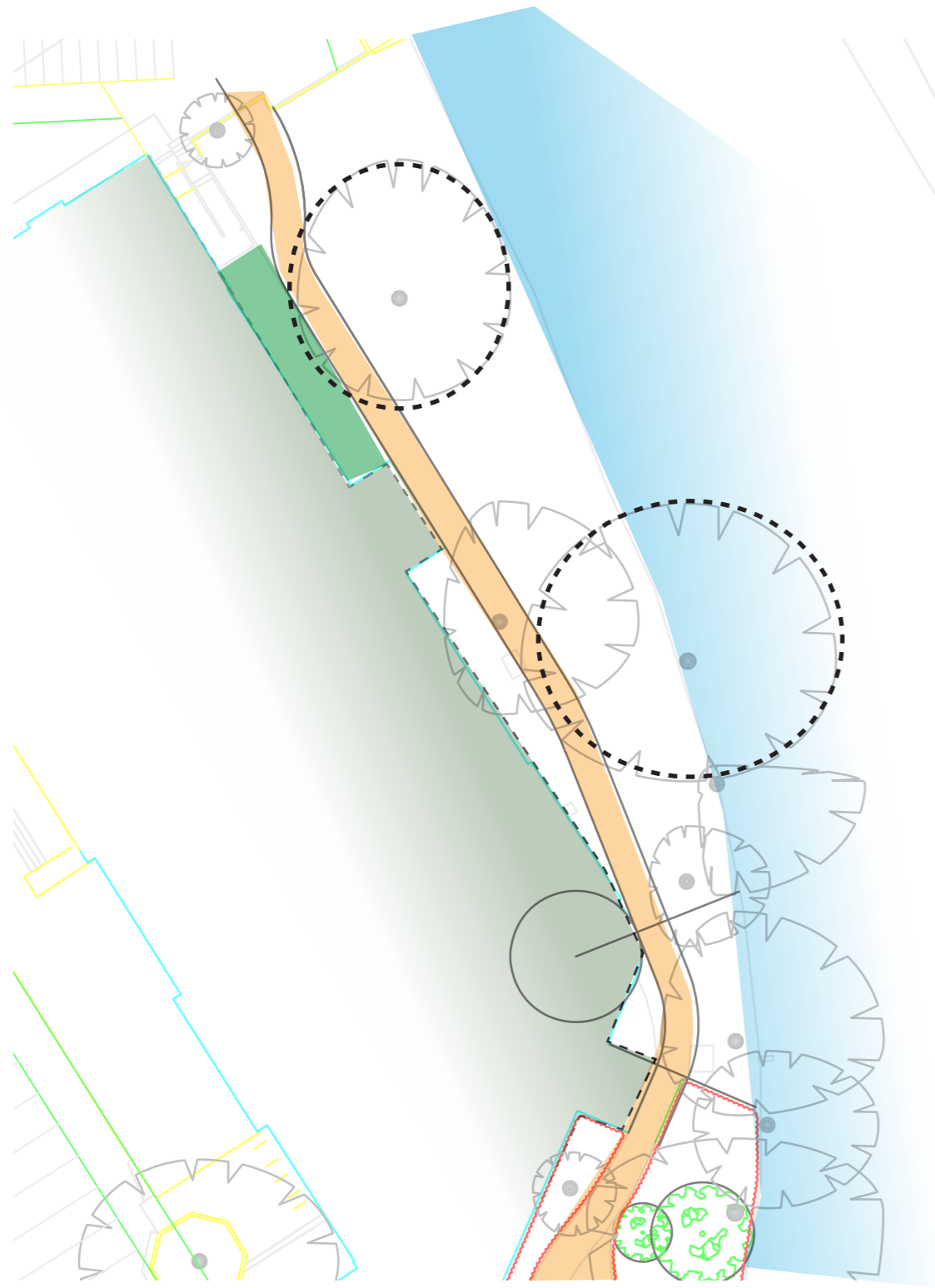
# RIVER EDGE COMPONENTS



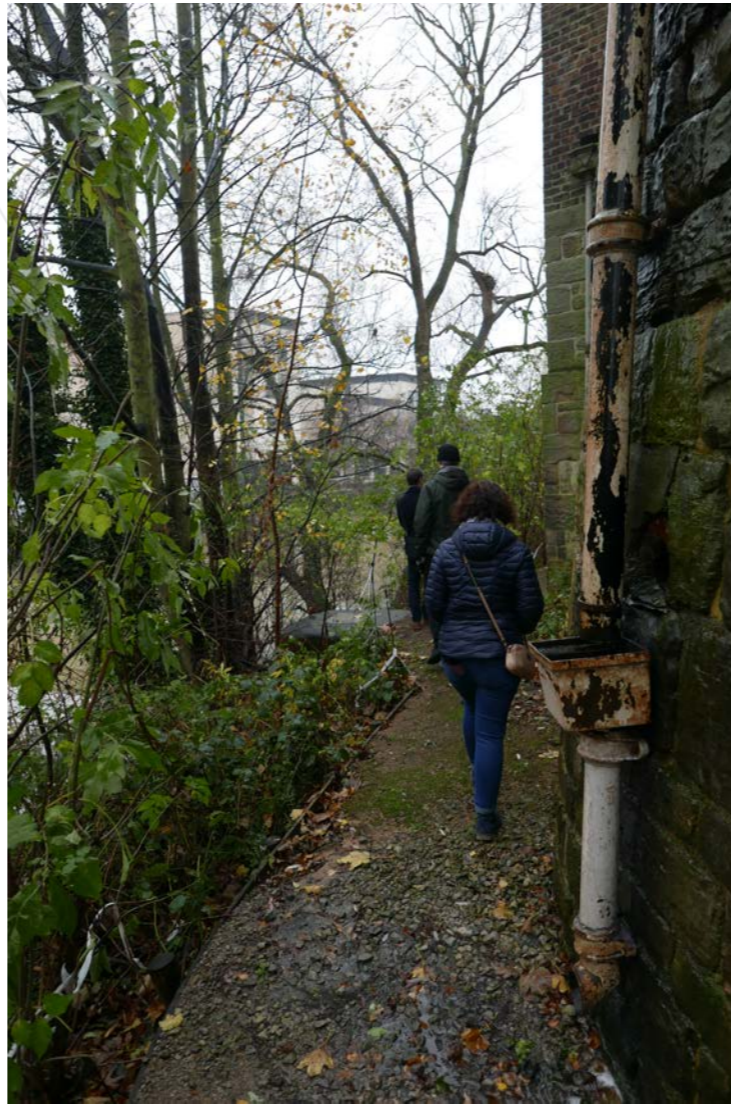
# RIVER EDGE & PLAY



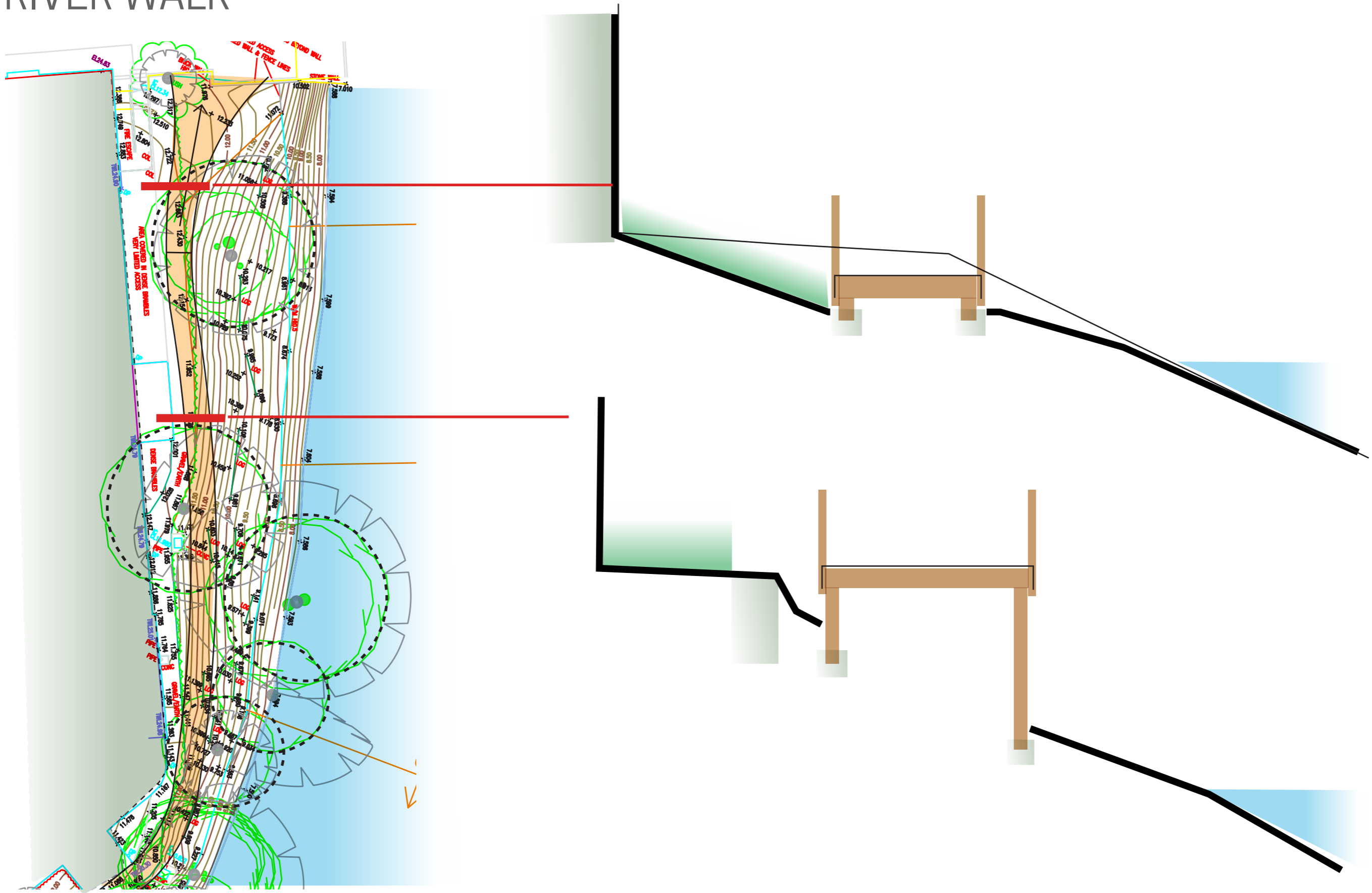
# RIVER WALK



1.8m wide pedestrian pathway - Plan View



# RIVER WALK

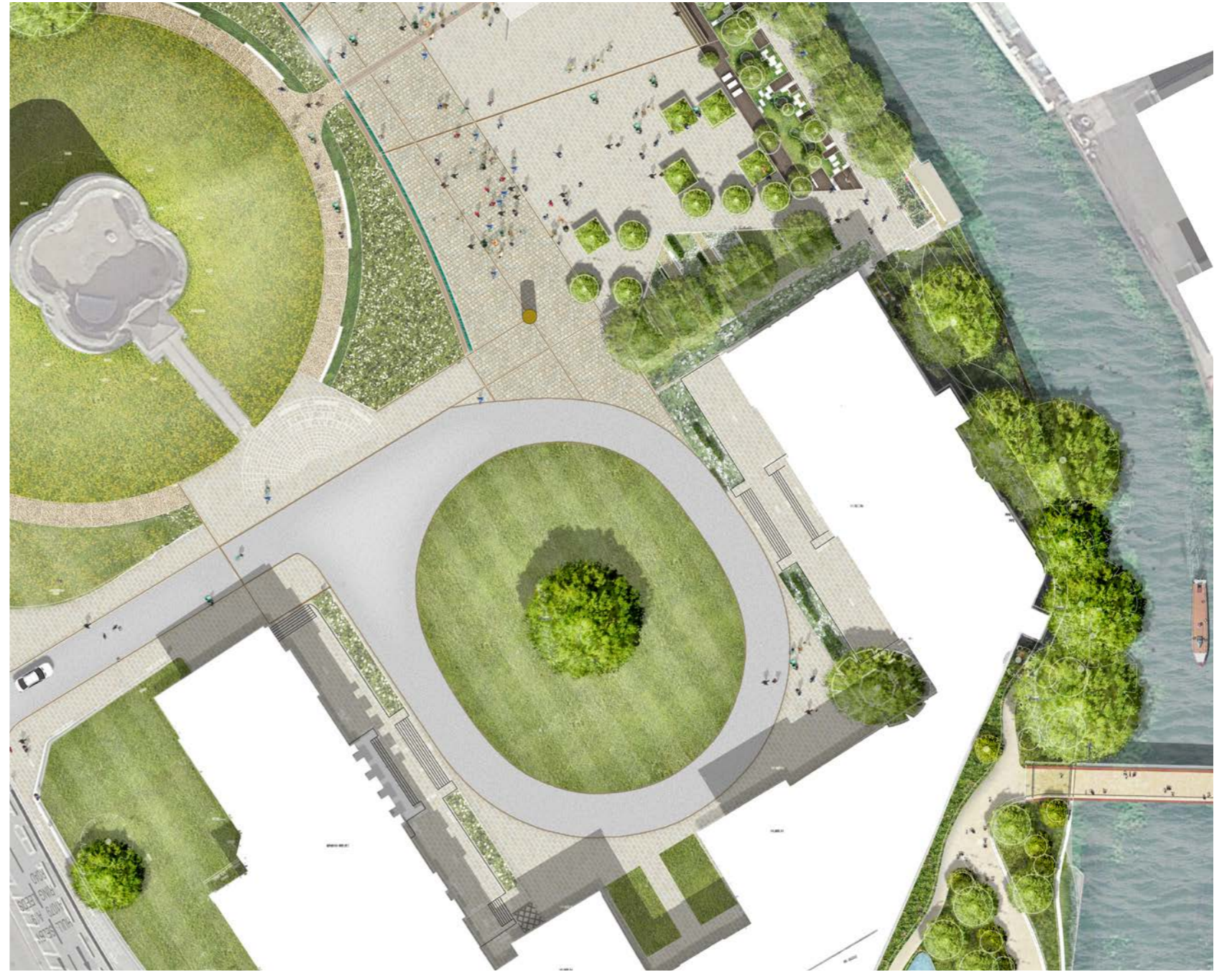
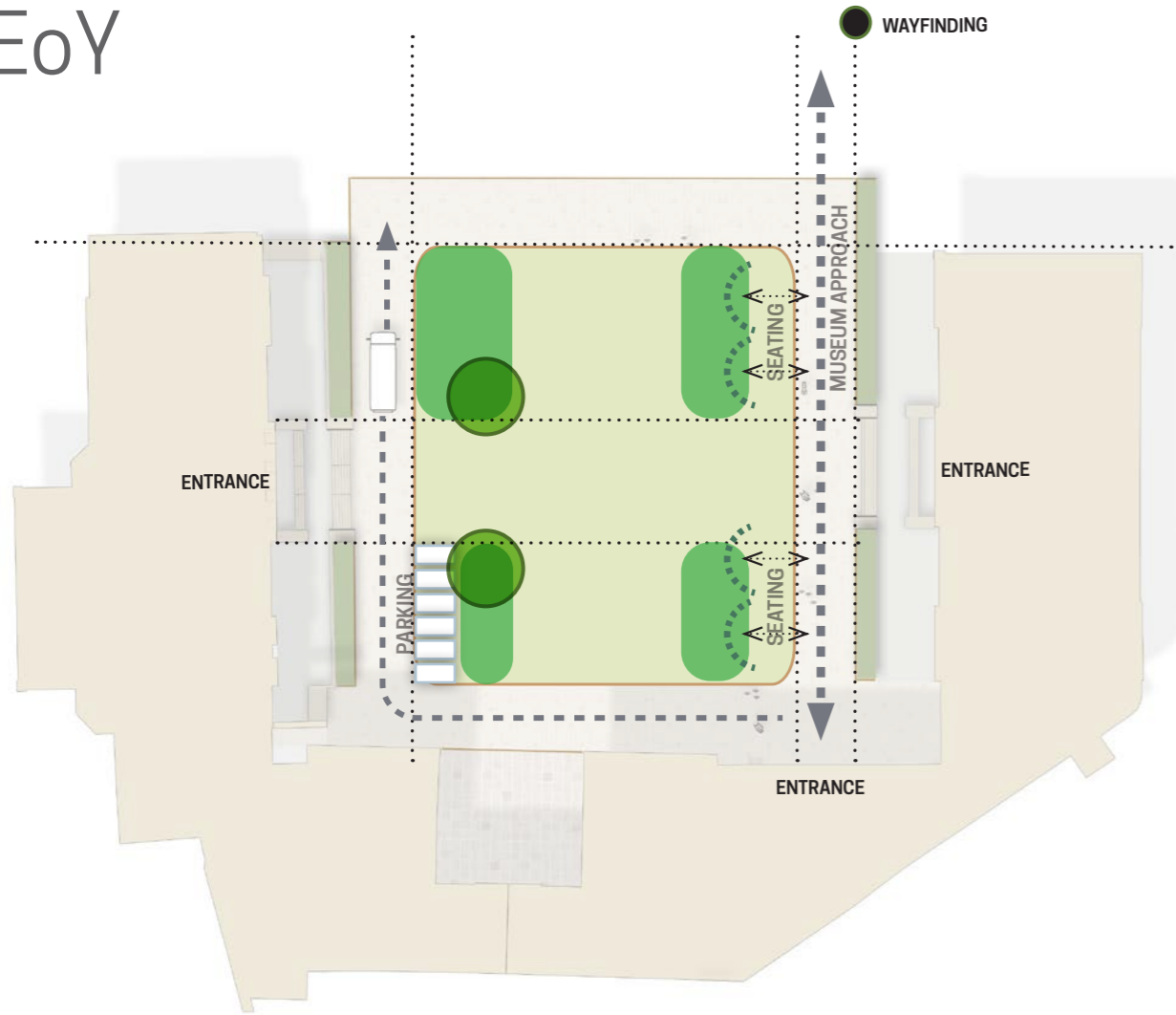


1.8m wide pedestrian pathway - Plan View

# EoY

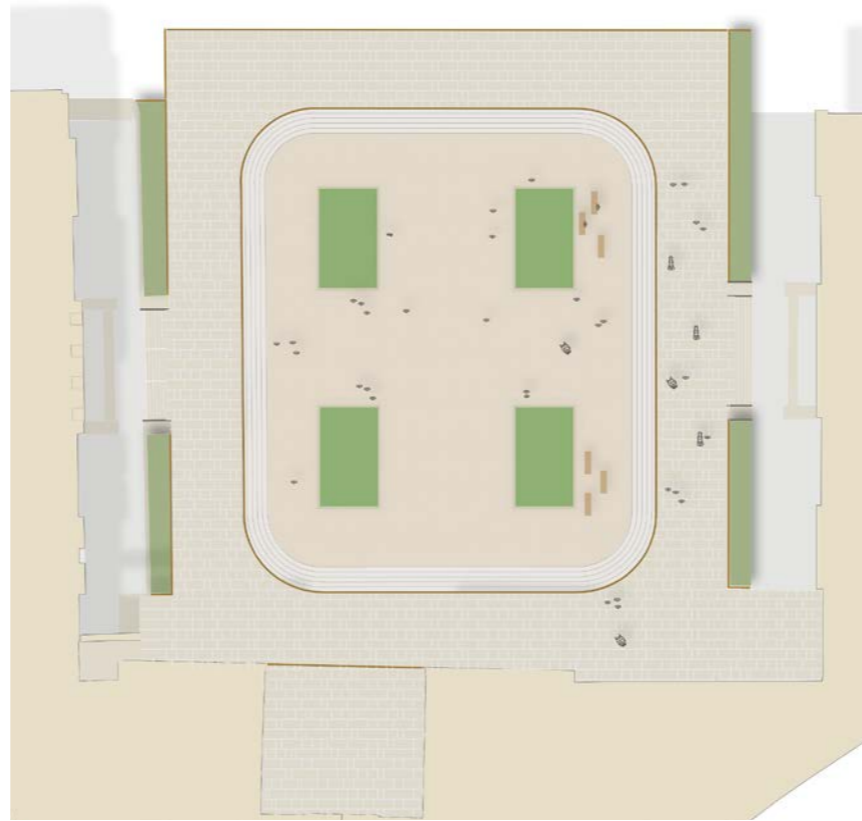
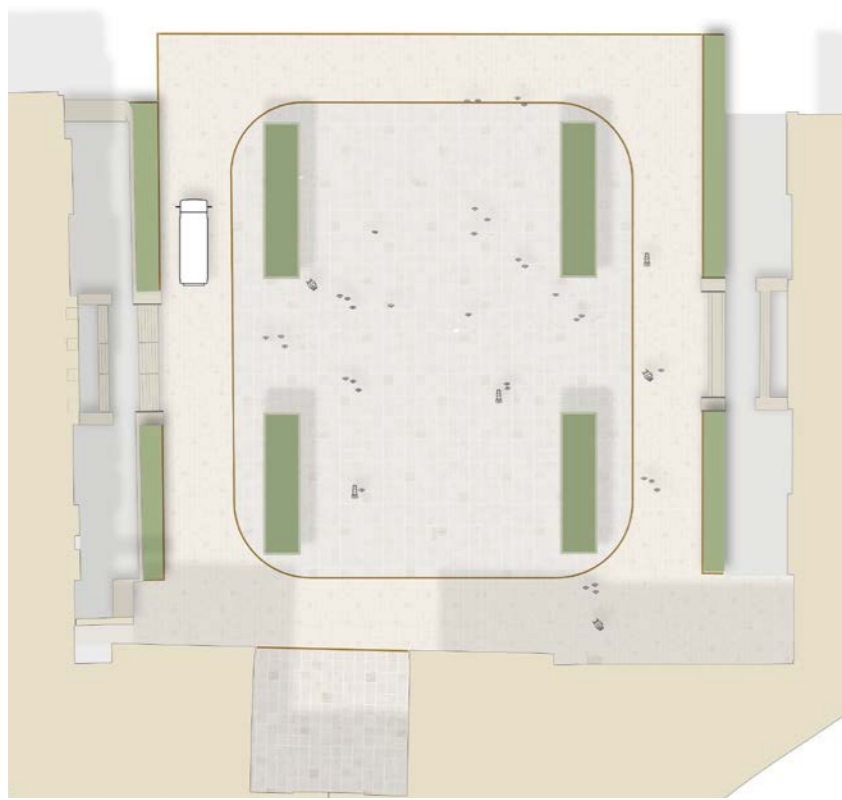


# EoY



Existing

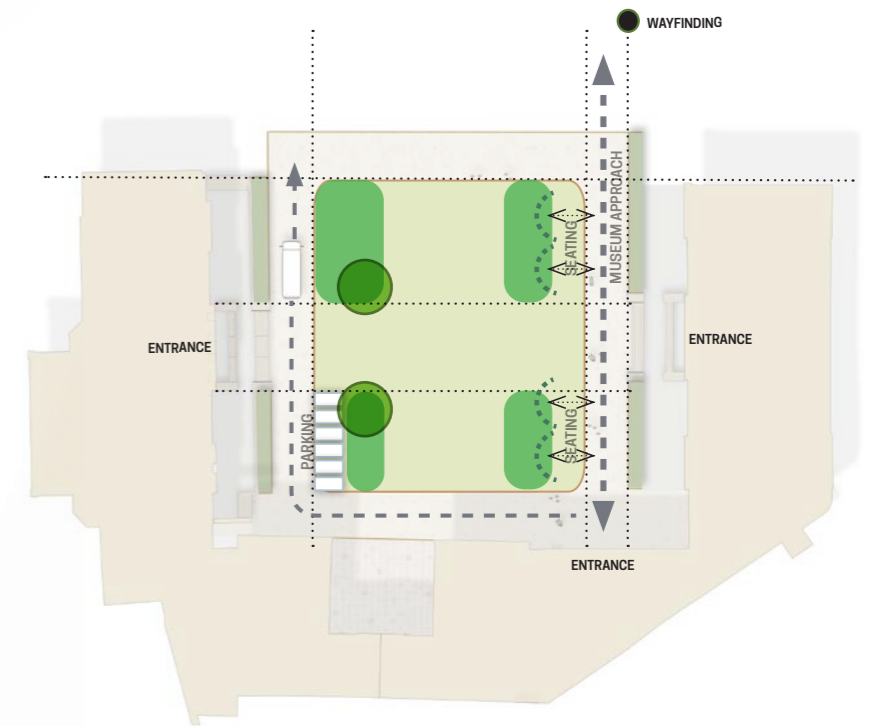
# EoY



Paved

Planted

# EoY





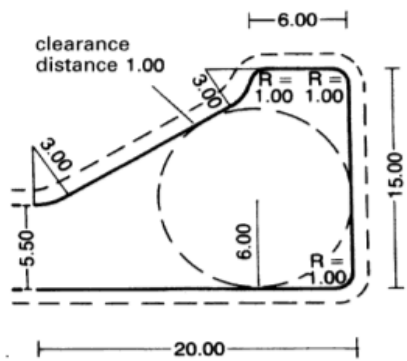
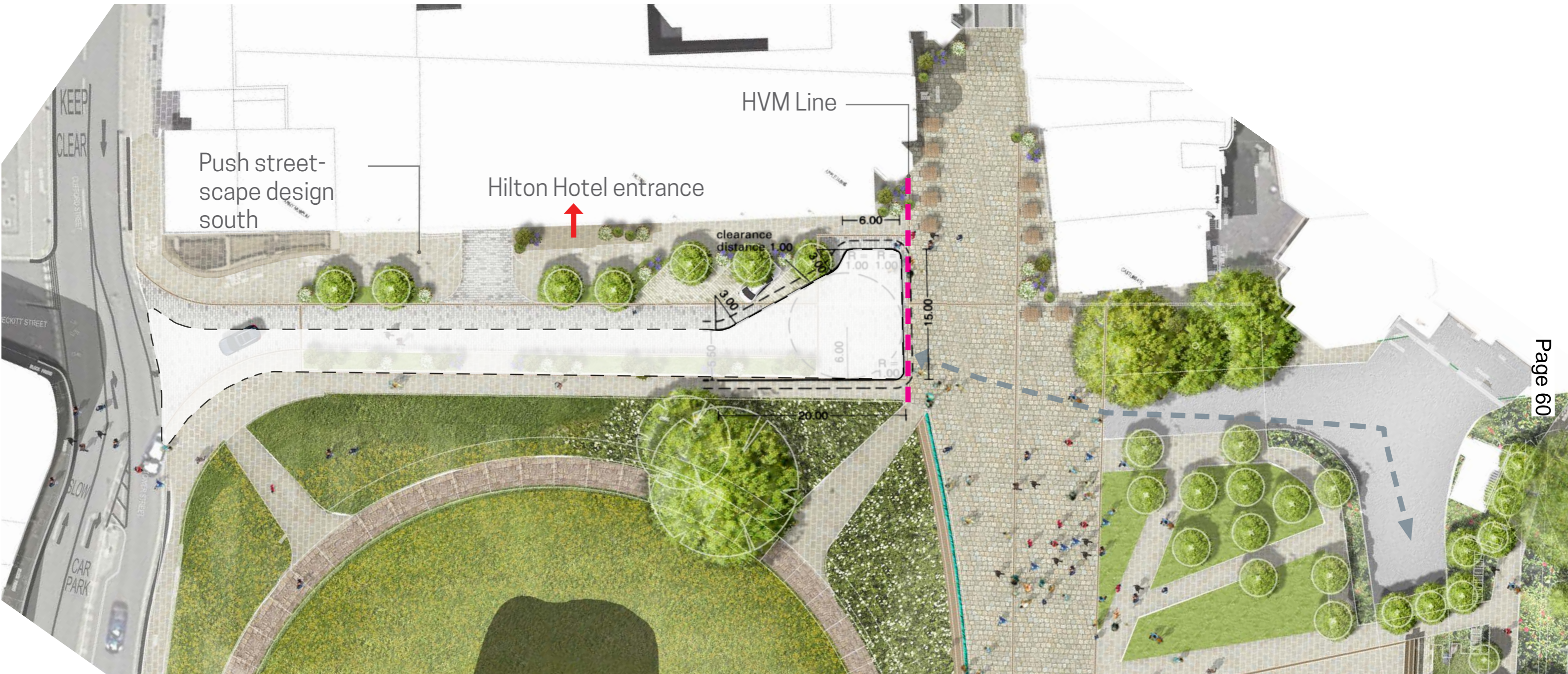
# Tower Street



Page 59



# Vehicle turning head - HGV up to 10m length



6 Turning place for HGVs up to 10 m and 22 t (3-axle refuse collection vehicle)



# EYE OF YORK PUBLIC REALM DESIGN STUDY- DRAFT

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**Executive Member for Finance & Performance****14 June 2021**

Report of the Chief Finance Officer

**Additional Restrictions Grant (ARG) Restart payments****Summary**

1. On 12<sup>th</sup> November 2020, the Executive Member set the payment levels and criteria for local implementation of the Government's Additional Restrictions Grant (ARG).
2. On 18<sup>th</sup> January 2021 the Executive Member made revisions to the criteria for that scheme and to delegate any future changes due to revised Government guidance *"to the Chief Finance Officer (s151) in consultation with the Executive Member Finance and Performance/Executive Member Economy & Strategic Planning, with changes approved retrospectively in public at the next available Executive Member decision session."*
3. On 17<sup>th</sup> March 2021, Government issued new guidance for ARG funds relating to the Government's Roadmap to Reopening, Restart payments and the draw-down of an additional tranche of funding<sup>1</sup>. This revised guidance urged Local Authorities to pay out any funding remaining from 2020/21 allocations as Restart grants, and provided an additional £1.4m for York, available only once existing funds had been defrayed.
4. On 16<sup>th</sup> April 2021, the Chief Finance Officer, in consultation with the Executive Members for Finance & Performance and Economy & Strategic Planning, took a decision to allocate the remaining ARG funds from the 2020/21 allocation as further Restart grants to businesses that successfully applied for ARG.

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1

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/983244/additional-restrictions-grant-guidance-for-la.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/983244/additional-restrictions-grant-guidance-for-la.pdf)

## Recommendations

5. The Executive Member is asked to retrospectively approve in public the decision taken by the Chief Finance Officer in consultation with the Executive Members for Finance & Performance and Economy & Strategic Planning on 16<sup>th</sup> April 2021 as follows:

Using the amounts allocated per 28 day period as agreed on 12<sup>th</sup> November 2020 and 18<sup>th</sup> January 2021, to provide restart grants to businesses on the basis of the Government's Roadmap steps as follows:

- Businesses reopening at Step 1: No further grant (reopening already provided for in grant paid from 1st March to 31st March)
- Businesses reopening at Step 2: One payment of 11 days at the agreed amounts plus a fixed payment of £200 (£396 to those with no premises, £724 - £1,379 for those in premises)
- Businesses reopening at Step 3: One Payment of 46 days at the agreed amounts (£821/£2191-£4,929)
- Businesses reopening at Step 4: One payment of 81 days at the agreed amounts (£1446/£3859-£8,679).

*Reason: To support to York businesses which are affected by the Lockdown restrictions but not eligible for Restart Grant funding.*

## Background

6. York ARG payments for the period November 2020 to 31<sup>st</sup> March 2021 were made using the criteria and amounts agreed by the Executive Member for Finance & Performance in November 2020 and January 2021. These decisions were made prior to the Government's announcement of the Roadmap to Recovery and its 4 steps towards reopening the economy.
7. The Roadmap set out dates of 23<sup>rd</sup> March 2021 (Step 1), 12<sup>th</sup> April 2021 (Step 2), 17<sup>th</sup> May 2021 (Step 3) and 21<sup>st</sup> June 2021 (Step 4) as the earliest dates for various sectors of the economy to reopen. In terms of additional days for ARG payments beyond 31<sup>st</sup> March 2021, these dates would mean a further 11 days for Step 2, 46 days for Step 3 and 81 days for Step 4.
8. At Step 1, only schools and colleges and those businesses entirely in their supply chain were able to reopen. At Step 2, businesses in the retail, individual indoor leisure, outdoor attractions, personal care and self-contained accommodation sectors were able to reopen.

9. Step 3 saw the reopening of indoor entertainment and attractions, events and the full range of accommodation, together with their supply chain. At Step 4, all businesses will be able to reopen.

## Analysis

10. ARG applicants were asked to provide their business sector in the application process, allowing the assignment of each applicant to a reopening step. Of the 1,540 successful applicants, 6 were able to reopen at Step 1 and 537 at Step 2. Step 3 saw a further 959 applicants reopening, leaving just 38 that will be closed until Step 4.
11. By relating these Step by Step reopening to the number of further days of closure, assuming that the Roadmap is followed, we were able to calculate a basis for payment of restart grants as follows:

|        | Notional reopening date     | Additional days shut |
|--------|-----------------------------|----------------------|
| Step 1 | 1 <sup>st</sup> March 2021  | 0                    |
| Step 2 | 12 <sup>th</sup> April 2021 | 11                   |
| Step 3 | 17 <sup>th</sup> May 2021   | 46                   |
| Step 4 | 21 <sup>st</sup> June 2021  | 81                   |

12. Using the amounts allocated per 28 day period (as agreed in the 18<sup>th</sup> January ARG paper), the following distribution was calculated:
- Step 1 reopening: No further grant (reopening already provided for in grant paid from 1st March to 31st March)
  - Step 2 reopening: One payment of 11 days amount plus a fixed payment of £200 (£396 to those with no premises, £724 - £1,379 for those in premises)
  - Step 3 reopening: One Payment equating to 46 days amount (£821/£2191-£4929)
  - Step 4 reopening: One payment equating to 81 days amount (£1446/£3859-£8679)
13. This distribution provided payments which reflected the Steps at which businesses can reopen, while ensuring that those reopening at Step 2 received a meaningful amount, given that they would have had only a further 11 days payment due to them. The additional £200 fixed grant for Step 2 businesses ensured that those non-essential retail and personal services businesses reopening on 12 April received at least £396 as a reopening contribution, helping them to restock or adapt for the recommencement of trade.

14. These grant amounts translated into a series of payments as follows:

|                   |            |
|-------------------|------------|
| ARG Allocation    | £6,083,291 |
| Spend to 31 March | £4,737,917 |
| Step 2 payments   | £270,013   |
| Step 3 payments   | £1,062,239 |
| Step 4 payments   | £92,109    |
| Total spend       | £6,162,278 |

15. Following payment of the Restart element, the additional £1.4m was thus available for draw-down from Government, as the full previous ARG allocation had been spent. This £1.4m is thus now available to support the reopening of the city centre (£200k currently allocated), further business support measures (£500k allocated to voucher-based support scheme) while also providing further potential budget for direct business support of £600k. Allocation of this remaining budget will be the subject of proposals to Executive.

### **Consultation**

16. In developing these proposals, Officers consulted with the Federation of Small Businesses, Institute of Directors, York BID, Make it York, York Chamber of Commerce, York Food Festival, and the University of York.

### **Implications**

#### **Financial**

17. There are no direct financial implications arising from this scheme as it is funded entirely from the Government Additional Resources Grant.

#### **Human Resources (HR)**

There are no HR implications.

#### **Equalities**

This report will impact on all communities equally.

#### **Legal**

No implications

#### **Crime and Disorder, Information Technology and Property**



No implications

**Risk Management**

21. The key risk associated with this paper is that there is not enough money in both the core and discretionary schemes to provide the level of financial support required by affected businesses in the city during the ongoing covid-19 pandemic.

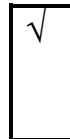
**Author responsible for the report:**

**Chief Officer responsible for the report:**

Simon Brereton  
Head of Economic Growth

Debbie Mitchell  
Chief Finance Officer  
01904 554161

**Report  
Approved**

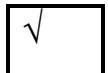


**Date 4/6/21**

**Specialist Implications Officer(s):**

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers: None**

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