

Appendix 3

Call-in Request Form	
This form must be completed and signed by THREE City of York Councillors and MUST be returned to Democratic Services within 5 working days of the decision being published (not including the day of publication).	
Decision taker:	Executive
Date of publication of decision:	19/07/24
Title of Decision Called in:	Update on the Housing Delivery Programme including making strategic use of land
Date Decision Called in:	24/07/24

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	X
2.	Decision contrary to or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 7 of the Council's Constitution.	X
	If reason 4, please tick which specific element of Article 7 the decision maker has not followed, did he or she not:	
	a) Meaningfully consider all alternatives and, where reasonably possible, consider the views of the public.	X
	b) Understand and keep to the legal requirements regulating their power to make decisions.	
	c) Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	X
	d) Act wholly for proper purpose and/or in the interests of the public.	X
	e) Keep to the rules relating to local government finance.	
	f) Follow procedures correctly and be fair.	
	g) Make sure they are properly authorised to make the decisions.	
	h) Take appropriate professional advice from Officers.	

Detailed Reason(s) for Call-in.

Please explain below why one of the reasons for call-in applies (e.g. for number 1- which major policy affected and how/why).

PLEASE NOTE: If you wish to produce and rely on significant supplementary, external evidence in support of your reasons for this call-in it must be provided to Democratic Services prior to the publication of the agenda. It will not be permissible to introduce and rely upon evidence at the meeting without it being subject to prior circulation unless by consent of the Chair.

1. Policy Framework

Council Plan Priority e) Housing: Increasing the supply of affordable housing. Paper involves market sale of affordable homes, ie 28 and 45/47 Shambles, reducing both the number and distribution of affordable homes.

Council Plan Priority e) Action 3a) Improve the sustainability and condition of current housing and commercial premises: Review the council's Housing Asset Management Programme to improve the quality of current social housing and to accelerate progress towards our net zero commitment. Paper recommends disposing of current social housing, ie 28 and 45/47 Shambles, rather than retrofitting.

4a. All alternatives and views of public

- 2020 Housing delivery update outlined a council-led Castle Mills scheme generating £8.4m surplus into council funds, 106 new homes including 20 affordable homes.
- 2023 development appraisals raised six options for Castle Mills with a potential variation in income to the council of up to £5m. Executive papers did not provide independent updates on these valuations. The confidential annex included provided no evidence at all of value of any of the parcels of CYC land.
- Views of public. Local residents, health providers and the voluntary sector have not been consulted on sale of 22 The Avenue. Evidence of significant public interest in this site following call in of previous decision by three existing elected members - Cllr Myers, Cllr Pavlovic and Cllr Wells
 - i. 22, The Avenue is a public asset and should be used to help address the city's housing affordability crisis, through its transfer to the council's Housing Revenue Account;
 - ii. The Executive's decision ignores the opportunity to help to reduce the city's existing housing waiting list;
 - iii. Options should be provided to the Executive as to how 22, The Avenue could be re-developed for housing by the Council and put to beneficial use, rather than being sold off to the private sector to profit from a public asset.

<https://democracy.york.gov.uk/%28S%28aw2b23jofoyuejfc1asnl055%29%29/mgAi.aspx?ID=56315>

Given the time elapsed and change in council plan policy framework detailed options and alternatives should have been considered and public consulted or given the opportunity to comment. No evidence has been provided why council plan policy has been applied to some sites yet others it has not.

4c. Take account of all matters

- No business case provided for decisions relating to the sale of any of the following assets including options for delivering affordable housing;

22 The Avenue
28 & 45/47 Shambles
Castle Mills

4d. Act wholly in the interests of the public

Council budget consultation states “The council is facing an unprecedented financial challenge that demands immediate action. As one of the lowest funded unitary authorities in England, and after more than a decade of budget cuts, with external factors beyond the council’s control, our budget is at breaking point.” The paper does not provide details of the cumulative impact of these council sales which could result in a financial reduction to the taxpayer of between £5m - £10m.

	Name (please print)	Signature (<i>please note that signatures will not be published with the agenda. Electronic signature will be accepted</i>)	Date
1.	Nigel Ayre	Nigel Ayre	24/07/24
2.	Darryl Smalley	Darryl Smalley	24/07/24
3.	Emilie Knight	Emilie Knight	24/07/24

For office use only:

Received on behalf of the Monitoring Officer by: (signature)

Name: Jane Meller

Date: 24/07/24

Time: 15:46

Validation check (if necessary):

Monitoring Officer / Chief Operating Officer

Valid: YES/~~NO~~ IN PART

Reason:

General Point

The call-in references the Castle Mills site only once, under ground 4c, on the basis of a lack of business case for the disposal of this site. This fundamentally misunderstands the decision taken by the Executive, which was to grant a 4-month period of exclusivity to the potential RSL to develop a business case for social housing use of the site. There is, therefore, no disposal authorised, and this element of the call-in must therefore fail.

Ground 1

The proposed disposal is not contrary to the Council Plan. As noted in the call-in form, the commitment made under Priority e) Action 3a) is to “Improve the sustainability and condition of current housing and commercial premises: review the Council’s Housing Asset Management Programme to improve the quality of current social housing and to accelerate progress towards our net zero commitment.” This does not equate to a moratorium on the disposal of current affordable housing units (even were the units in the Shambles actually in use for that at present, which they are not); rather, it is a commitment to an overall improvement, which may be achieved through disposal of sub-standard units and re-provision through higher-standard units. This ground of call-in must, therefore, fail.

Ground 4a

The report is clear that 22 The Avenue is neither suitable nor required for operational purposes, and is in poor condition requiring full refurbishment. The report is also clear that, given its size and condition, it is not considered financially viable for affordable housing. The recommendation is therefore for disposal.

As noted on the call-in form (in the description text), there is a requirement to “meaningfully consider all alternative and, **where reasonably possible**, consider the views of the public” (emphasis added). In the case of the disposal of a single property, it is not considered reasonable to undertake a public consultation; to do so for any such disposals would place an unnecessary and undue burden on the Council and its staff. Any member of the public who had specific concerns and queries in relation to the matter was able to register to speak at the Executive meeting, and have their views considered as part of the decision-making process.

For clarity, the previous call-in was based on a different decision, and holds no relevance in respect of this decision.

This ground of call-in must, therefore, fail.

Ground 4c

Disregarding the Castle Mills site (for the reasons mentioned above), it is the case that no disposal business cases were presented to the meeting in respect of the Shambles and The Avenue sites. Such business cases would doubtless have

contained additional information and justification for the recommendations presented, and for discounting other possibilities.

As such, this ground of call-in appears valid, and may proceed.

Ground 4d

The reason for call-in under this ground does not disclose any valid reason for calling-in the decision; there are, therefore, no reasonable grounds which could justify this ground being accepted.

This ground of call-in must, therefore, fail.

Conclusion

On the above basis, the call-in in respect of the properties in the Shambles and The Avenue, on the ground of a lack of business case (ground 4c), may proceed. **No other grounds may be argued.**

Completed by:



Date: 25 July 2024

Time: 12:00