

## **Executive**

**Thursday, 16 November 2023**

### **Decisions**

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 16 November 2023. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Services no later than 4pm on the Monday 20 November 2023.

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

#### **6. Finance & performance monitor 2**

Resolved:

- i. Note the finance and performance information.

Reason: To ensure expenditure is kept within the approved budget.

#### **7. Capital Programme Monitor 2**

Recommended:

- i. To Full Council the adjustments resulting in a decrease in the 2023/24 budget of £13.009m as detailed in the report and contained in Annex A.

Resolved:

- i. Noted the 2023/24 revised budget of £135.736m as set out in paragraph 6 and Table 1;
- ii. Noted the restated capital programme for 2023/24 – 2027/28 as set.

Reason: To enable the effective management and monitoring of the Council's capital programme.

**8. Treasury Management and Prudential Indicators 2023/24  
Mid-Year Review and Quarter 2 Prudential Indicators**

Resolved:

- i. Noted the Treasury Management activities to date in 2023/24;
- ii. Note the Prudential Indicators set out at Annex A and note the compliance with all indicators.

Reason: To ensure the continued effective operation and performance of the Council's Treasury Management function and ensure that all Council treasury activity is prudent, affordable and sustainable and complies policies set.

**9. Medium Term Financial Strategy Update**

Resolved:

- i. Agreed the Medium Term Financial Strategy as outlined in this report.

Reason: To ensure the Council meets future financial challenges and produces a robust budget.

**10. Castle Gateway Update**

Resolved:

17- 21 Piccadilly

- i. Approved the granting of a further head lease to Spark York of the 17- 21 Piccadilly site for a further 2-year period from and including: 1st November 2024 until and including 31st October 2026;
- ii. Delegated to the Director of Housing, Economy, and Regeneration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), authority to negotiate the terms of and the entry into of such further lease of the 17-21 Piccadilly site to Spark York.

Reason: To enable the current use to continue in the short term and provide a continued income to the Council,

whilst allowing Spark York the opportunity to identify an alternative location in the city.

### Castle Mills

- iii. Confirmed that further work on developing the Castle Mills site is paused and ask officers to investigate appropriate meanwhile use options in parallel with exploring longer term opportunities for the future delivery of 100% affordable housing on this Council owned site;
- iv. Delegated authority to the Director of Housing, Economy and Regeneration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary professional advice required for said work in compliance with the Public Contract Regulations 2015 ('the Procurement Regs') and the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution ('Council's CPRs'), and to draft, negotiate, and conclude any contractual arrangements and/or legal documentation required for said work.

Reason: To seek an active use for this City Centre site and to progress the Council's objective of 100% affordable housing being delivered on Council owned sites.

- v. Instructed Officers to progress work to secure delivery of the pedestrian/cycle bridge, sustainable travel links, subject to confirmation of funding with West Yorkshire Combined Authority ("WYCA"); updated delivery costings; and all necessary approvals, planning, highways, and bridge agreement.
- vi. Delegated authority to the Director of Housing, Economy and Regeneration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary contractors and/or consultants required for said works in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any and all such contractual arrangements

and/or legal documentation required for said works (including any and all planning agreements and/or highways agreements required; however for the sake of clarity this delegation is not for any requirements of either the Local Planning and/or Highways Authority).

- vii. Delegated authority to the Director of Housing, Economy, and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance (and their delegated officers) to draft, negotiate, and conclude with WYCA any and all such contractual arrangements and/or legal documentation relating to the funding for the proposed works.

Reason: To maximise use of external funding, previously allocated by WYCA, to deliver city centre connectivity in accordance with the sustainable travel principles of the Local Transport Strategy, with delivery progressed in advance of development of the Castle Mills site, achieving the wider aims of the Castle Gateway masterplan.

### St George's Field Car Park

Resolved:

- viii. Confirmed that the Council will not proceed with the building of a Multi-story car park (MSCP) on St George's Car Park and that officers are to develop proposals which balance: improved parking capacity; pedestrian and cycle connectivity; and coach drop off facilities within a surface level layout. This decision acknowledges that there will be an in-year revenue impact to the Council of up to £1m;
- ix. Delegated authority to the Director of Housing, Economy and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary professional advice required for said work in compliance with the Procurement Regs and the Council's CPRs, and to

draft, negotiate, and conclude any contractual arrangements and/or legal documentation required for said work.

Reason: A MSCP does not represent value for money in terms of providing additional spaces, reconfiguring the surface level parking will provide improved facilities in accordance with the draft Local Transport Plan.

### Castle & Eye of York

- x. Confirmed the re-purposing of the Castle car park to support the delivery of a revised Castle Gateway Masterplan, with retained Blue Badge parking; subject to an updated business case being brought back to Executive for full consideration, and where closure will only occur when a revised Scheme has been approved for delivery;
- xi. Delegated authority to the Director of Housing, Economy and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary professional advice required for the updated business case in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any contractual arrangements and/or legal documentation required for said work. A further report to the Executive will be required once the business case has been concluded as it will have a budget impact.

Reason: To enable the Council plan objectives, and Castle Gateway masterplan benefits, to be delivered with parking capacity and city centre traffic reduction prioritised in accordance with the draft Local Transport Plan.

- xii. Confirmed the re-design of the Castle and Eye of York Scheme, with a specific emphasis on the retention of blue badge parking numbers, flexible green space with children's play provision and a

keen focus on reducing capital and management costs and the submission of revisions to the planning application;

- xiii. Delegated authority to the Director of Housing, Economy and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary contractors and/or consultants required for said works in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any and all such contractual arrangements and/or legal documentation required for said works (including any and all planning agreements and/or highways / bridge agreements as required; however for the sake of clarity this delegation is not for any requirements of either the Local Planning and/or Highways Authority).

Reason: To enable the existing planning application to be revised with a simpler, more affordable Scheme reflecting the more inclusive ambitions of new Council Plan.

### Coppergate Centre

- xiv. Approved the granting to Mahavir Properties Ltd. of a new headlease for a period of 250 years [from and including the date of grant of such lease] in return for Mahavir: (i) carrying out improvement works to the shopping centre; (ii) transferring to the Council unencumbered ownership of an agreed area of land to the rear of the Coppergate Centre); and (iii) settlement of rent reconciliations on the basis set out in the report (paras 76-77). Upon the grant of the new lease, the existing lease shall be surrendered;
- xv. Delegated to the Director of Housing, Economy, and Regeneration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), authority to negotiate the terms of and the entry into of such surrender and replacement head lease of the Coppergate Centre

- site to Mahavir Properties Ltd. on the basis of the terms set out in this Report;
- xvi. Agreed to waive the requirements of Rules 11.1.3(iii) and 11.4 of the Council's CPRs in respect of any proposed Leaseholder Development Agreement ("LDA") at the Coppergate Centre site between the Council and Mahavir Properties Ltd., further to Rule 26.1 of the Council's CPRs;
  - xvii. Subject to paragraph 16 of this Report, agreed to delegated authority to the Director of Housing, Economy and Regeneration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers), authority to negotiate the terms of and the entry into a LDA at the Coppergate Centre site with Mahavir Properties Ltd. on the basis of the terms set out in this Report, in compliance with the Procurement Regs and the Council's CPRs.

Reason: To facilitate investment into the shopping centre and provide land to the Council which will aid the plans for Castle Car Park.

## **11. Specialist Mental Health Housing and Support**

Resolved:

- i. To adopt a phased approach of delivery for the wider programme which significantly includes a 7-unit pilot at 92 Holgate Road for 12-months;
- ii. To enter a service contract with mental health support services provider (the "Provider") for a Term of 12-months for provision by the Provider from 92 Holgate Road of a 7-unit mental health support service (the "Service Contract");
- iii. To grant a lease of 92 Holgate Road to the Provider for a Term of 12-months (the "Lease")
- iv. To amend the existing Section 75 Agreement with the ICB to address changes to the long-term intentions of the Mental Health Housing and Support project and the funding requirements for the 12-month pilot at 92 Holgate Road;
- v. To delegate authority to the Corporate Director of Adult; Services and Integration ("DASS") (and their

delegated officers), in consultation with the Director of Governance (and their delegated officers), to:

1. negotiate the provisions, and conclude the entry into, of the Service Contract and the Lease;
2. negotiate and approve any required amendments to the existing Section 75 Agreement and arrangements with the ICB on the Council's behalf; and
3. negotiate and agree any arrangements and agreements with TEWV, ICB or other stakeholders as may be required including (but not limited to) any alternatives or replacements to the existing ICB Section 75 Agreement if necessary.

Reasons: The reasons for this are as follows:

- a) The Pilot should allow for in-year financial savings against high-cost residential placements.
- b) The delivery of suitable accommodation at the 2-sites previously identified at Woolnough House and Crombie House will take several years. A 7-unit pilot at 92 Holgate Road will enable immediate delivery of the project's aspirations within a currently vacant resource.
- c) The level and acuity of demand has only increased since the development of the original delivery plan. The Pilot will enable us to go a small way towards meeting this increased level of need.
- d) Although the shared house setting is not suitable for people with the highest level of associated risks who require self-contained accommodation, it will increase our ability in the interim to meet the needs of people we have been previously unable to successfully support due to levels of complexity. The pilot cohort will contain a mixture of people who have been in expensive out-of-area residential placements, in long-term NHS rehabilitation placements, people within the resettlement pathway with significant mental health and substance use disorder support needs and people stepping down from Foss Park.



e) This new service will not succeed without the support of other specialist services such as the mental health teams with TEWV, Drug and Alcohol services, police and community safety, primary care and the third sector offer for people with multiple and complex needs. The pilot will provide an opportunity to develop a methodology of how York successfully supports people with multiple and complex needs in a community setting. Work is ongoing with TEWV and other partners to develop what this support will look like. The pilot is an opportunity to develop partner working arrangements whilst managing the risk by working with a smaller cohort of people. These arrangements will be tested and refined over the pilot period ready for the expansion into the final phase of the project.

## **12. Delivering More Affordable Housing in York – update on the Housing Delivery Programme**

Recommended:

- i. To full council a contribution of £1.47m of Housing Revenue Account (HRA) borrowing to enable the purchase of up to 10 homes for the Local Authority Housing Fund (LAHF) programme.

Resolved:

- ii. To seek planning permission at the Ordnance Lane site, with the aim of delivering a 100% affordable housing scheme (with associated communal and commercial spaces);
- iii. That in consultation with the Head of Commercial Procurement (and their delegated officers), to tender a building contract to develop 100% affordable housing, communal and commercial spaces at the Ordnance Lane site, in line with the Council's Contract Procedure Rules ("CPRs"), the Public Contract Regulations 2015 (the "Procurement Regs"), the revised planning permission, and return to Executive with a budget ask following the completion of this process;

- iv. To seek planning permission at the Willow House site with the aim of delivering a 100% affordable housing scheme;
- v. Accepted the Local Authority Housing Fund (“LAHF”) grant funding offer of £1.2m to purchase 10 homes for resettlement and temporary accommodation;
- vi. Delegated authority to the Director of Housing, Economy & Regeneration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), to negotiate the provisions, and conclude the entry into any funding terms and conditions prior to acceptance of the LAHF grant, subject to compliance with the requirements of the Subsidy Control Act 2022;
- vii. To seek to dispose of land at the former Woolnough House care home site to a registered provider for the purposes of developing general needs 100% affordable housing;
- viii. To seek to dispose of land at the former 68 Centre site to a registered provider for the purposes of developing general needs 100% affordable housing;
- ix. Delegated to the Executive Member for Housing, Planning and Safer Communities and Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion, the finalisation of the disposal route and evaluation criteria to select a purchaser;
- x. Noted that the Council has formally become a member of the ‘York and North Yorkshire Housing Partnership’, ensuring that the Council’s voice is heard in order to influence the type and number of affordable homes developed in the city alongside supporting opportunities for joint working on specific projects and increasing the attractiveness of the sub-region as a place for investment and partnership working to unlock sites for affordable housing;
- xi. To work strategically alongside the co-owners of York Central and the master developer to create a business case around the delivery of affordable housing through the Housing Delivery Programme.

Reason: To deliver more affordable housing in York.

**13. Extension of the Young People’s Community Wellbeing and Support Service**

Resolved:

- i. To approve the extension of the current Community Wellbeing and Support Contract for Young People with SASH by 6- months until 31st July 2024;
- ii. To delegate authority to the Director of the Corporate Director of Adults and Integration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to draft, negotiate and conclude any necessary documentation with SASH to extend the Contract, in compliance with the terms and conditions of the Contract, the Council’s Contract Procedure Rules set out within Appendix 11 of the Council’s Constitution (“the Council’s CPRs”) and the Council’s statutory obligations under the Public Contract Regulations 2015 (“the Procurement Regs”).

Reasons: To enable the Council to use existing the Contract to both meet current deliverables and enable the Council to stretch its resources, potentially no additional cost, while the Council works to deliver any strategic aims generated by the review of the wider Youth Homelessness Pathway.

To ensure the Contract is extended in compliance with its terms and conditions and in line with the Council’s CPRs and statutory obligations.

**14. Delivery of KS2 Universal Free School Meals Pilot Project**

Resolved:

- i. that implementation of the pilot project that focuses on delivery of a lunchtime offer at Westfield Primary School, subject to the pilot remaining within available funding, between January 2024 and December 2024 is approved;
- ii. that subject to additional funding from the Community Fund being found, a breakfast offer for all pupils attending Burton Green Primary Academy is piloted

- for the period January 2024 to December 2024 is approved; and
- iii. to delegate authority to the Corporate Director for Children's and Education, (and their delegated officers) in consultation with the Director of Governance and the Chief Finance Officer (and their respective delegated officers) to assist the pilot schools (and their respective Trusts) to negotiate, draft and conclude any necessary contractual arrangements with existing catering contractors at the schools to implement the pilot project, including (but not limited to) any necessary amendments, changes, extensions, modifications, updates and/or variations to any existing contractual arrangements, in line with the Council's obligations under the Public Contract Regulations 2015 (the "Procurement Regs") and the Contract Procedure Rules set out in Appendix 11 of the Council's Constitution (the "Council's CPRs"), as well as any contract procedure rules and/or standing orders of the chosen schools and (where applicable) their Trusts; and
  - iv. to delegate authority to the Corporate Director for Children's and Education, (and their delegated officers) in consultation with the Director of Governance and the Chief Finance Officer (and their respective delegated officers) to commission and negotiate, draft and conclude any necessary contractual arrangements (including (but not limited to) any necessary amendments, changes, extensions, modifications, updates and/or variations thereto) with the University of York to provide assistance with the collection and analysis of qualitative and quantitative data sets from the pilot project, in line with the Council's obligations under the Procurement Regs and the Council's CPRs, as well as any contract procedure rules and/or standing orders of the chosen schools and (where applicable) their Trusts.

Reason: to provide more detailed information to inform the planning of any future scale up of the project due to the contrast in circumstances of the proposed pilot schools. The pilot will also be used to explore the financial sustainability of the delivery of the school meals offer, both at Westfield Primary School and to

fully understand the implications and benefits of any future full city implementation.