



**Notice of a public meeting of  
Executive**

**To:** Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller

**Date:** Wednesday, 7 December 2016

**Time:** 5.30 pm

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

**A G E N D A**

**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 Democracy Support Group by **4:00 pm on Friday 9 December 2016**.

\*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 called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

**1. Declarations of Interest**

At this point, Members are 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. **Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex to Agenda Item 8 (Community Stadium Update Report) on the grounds that the annex relates to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. This information is classed as exempt under paragraph 5 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

## 3. **Minutes** (Pages 1 - 18)

To approve and sign the minutes of the last Executive meeting held on 24 November 2016 (*to follow*).

## 4. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Tuesday 6 December 2016**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

- 5. Forward Plan** (Pages 19 - 26)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.
- 6. Older Persons' Accommodation Programme Update**  
(Pages 27 - 34)  
This report provides a short update on the Older Persons' Accommodation Programme as an introduction to the subsequent reports which deal with specific parts of the Programme: Burnholme, Haxby Hall and Lowfield.
- a) Burnholme Health & Wellbeing Campus: Key Decisions to further progress this development** (Pages 35 - 58)  
This report seeks consent to complete the next phase of delivery of the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site in Heworth Ward.
- b) Haxby Hall Older Persons' Home: A Sustainable Future**  
(Pages 59 - 94)  
This report examines the options available for the delivery of a sustainable future for Haxby Hall older persons' home on York Road, Haxby and recommends that a partner be found to take over the ownership and management of the home along with a commitment to build a new home on the site in the near future.
- c) Lowfield Green Development: Moving forward to deliver a care home, health facility and housing** (Pages 95 - 140)  
This report provides Members with feedback on the public engagement relating to the proposals for the former Lowfield School site and details the case for the development. It also seeks agreement to the spatial plan, investment in enabling works and to move forward with the delivery of a care home, health facilities and housing on this site as part of the Older Persons' Accommodation Programme
- 7. Park & Ride Service Operator Specification** (Pages 141 - 158)  
This report presents a number of options for altering the Park & Ride specification to address the concerns of potential suppliers, and to increase the likelihood of securing viable bids for the Park & Ride contract.

**8. Community Stadium Update Report** (Pages 159 - 176)

This report will update the Executive on the progress of the Community Stadium and Leisure Facilities Project since the last report brought to Executive in March 2016 (*to follow*).

**9. City of York Local Plan - Update on Preferred Sites Consultation and Next Steps** (Pages 177 - 188)

This report provides an update on the Local Plan following the Preferred Sites consultation July – September 2016. It highlights other factors that have arisen since the consultation and sets out next steps for consideration by Members. The contents of this report will be considered at the Local Plan Working Group on 5 December.

**10. York Music Hub and York Arts Education** (Pages 189 - 202)

This report proposes new delivery arrangements for the York Music Hub and York Arts Education, which together will plan for and provide music opportunities for children and young people in York.

**11. Review of Fees and Charges** (Pages 203 - 220)

This report seeks approval to increase a range of the council's fees and charges with effect from the 1 January 2017.

**12. Discretionary Rate Relief Awards 2017-2019** (Pages 221 - 236)

This report provides Executive with details of new applications in respect of Discretionary Rate Relief for the period 1 April 2017 to 31 March 2019. The report asks Executive to approve any new awards based on the cost and the budget available.

**13. City of York Safeguarding Adults Annual Report 2015/16** (Pages 237 - 248)

This report presents the Annual Report of the City of York Safeguarding Adults Board (CYSAB) for endorsement, a formal requirement following ratification by the CYSAB board and its progress through the Health and Wellbeing Board and Health and Social Care Policy and Scrutiny Committee.

**14. Urgent Business**

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

Democracy Officer:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services 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)**

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City of York Council

Committee Minutes

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Meeting	Executive
Date	24 November 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillors Craghill, Derbyshire and Flinders

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## **Part A - Matters Dealt With Under Delegated Powers**

### **64. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Ayre declared a personal pecuniary interest in relation to agenda item 6 (Bootham Park Hospital Scrutiny Review Final Report) owing to his employment as an NHS Manager for North Yorkshire County Council and he left the meeting during the discussion and voting thereon.

### **65. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Annexes 2 and 3 to agenda item 10 (York Central – Third Party Acquisitions) on the grounds that they contained information relating to the financial or business affairs of any particular person (including the authority holding that information). This information was classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

**66. Minutes**

Resolved: That the minutes of the last Executive meeting held on 13 October 2016 be approved and signed by the Chair as a correct record.

**67. Public Participation**

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

Funding Major Transport Projects – West Yorkshire Transport Fund

Paul Hepworth spoke on behalf of Cycling UK to highlight the reductions in investment in sustainable transport and, in particular, in the Cycling and Walking Investment Strategy. He expressed concern that the Local Enterprise Partnership's were not incentivised by Government to allocate funding to promote sustainable travel and requested that the WYCA funding should be used to widen travel choices and contribute to the Local Transport Plan.

York Central – Consultation on Access Options

Annabel Jelley spoke on behalf of local residents and the Save Holgate Garden campaign group. She referred to Access Option C to the York Central site, opposite Chancery Rise, pointing out that the route would cut through a green garden space for which village green status had recently been applied. She confirmed support for full consultation with residents regarding all access options, referring to the detrimental impact of access close to homes and the impact on residents and the local community.

Ben Hall also spoke to express concern regarding the effect on local residents of an access road opposite to Chancery Rise in to the site. In particular the effect of pollution from vehicles adjacent to a play area. He asked that all options should be given equal consideration and the effect of each on the local community. Claire McMahon-Harvey also referred to the impact an access road at this point would have on the St Paul's Primary School, affecting air quality with additional traffic on Holgate Road. She also referred to the loss of a valuable amenity space for the local community at Holgate Garden.



Cllr Derbyshire requested that, when Officers undertook more detailed consideration of the access options, public views should be fully weighed alongside the five criteria listed in the report. Whilst residents supported the development, an access route opposite Chancery Rise would affect community green space and she requested that sufficient weight should be given to community impact.

#### Update on Land Assets at Piccadilly

Sam Leach, spoke as a Director of Spark:York in support of the granting of a three year tenancy, to their community interest group, to provide start up space for local businesses and street food on the vacant Piccadilly site. He confirmed that the project would provide local residents with affordable retail units and space for food, drink, retail art studios and work space to enhance the city offer.

Cllr Craghill, expressed her support for the temporary development of the Piccadilly site to support local enterprises and to regenerate the area for residents. In particular she supported the reinvestment of profits in community projects.

Cllr Flinders also expressed his support for the Piccadilly project which he felt would provide impetus for the Southern Gateway project and benefit the local community. He also supported the sharing of profits from the project and the benefit the development would provide for existing businesses in the area.

#### The Next Phase of the Older Persons' Accommodation Programme: Deciding the future of Willow House Older Persons' Home

Cllr Craghill expressed concern at the inclusion in the sale of Willow House Older Persons' Home of a green amenity space at the front of the home.

### **68. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

**69. Bootham Park Hospital Scrutiny Review Final Report**

Consideration was given to the final report of the Bootham Park Hospital Scrutiny Review, at Appendix 1 of the report. A review which had been undertaken following the hospital's closure further to an unannounced inspection of the psychiatric inpatient services by the Care Quality Commission in September 2015. The following recommendations had been put forward in the final report for Executive approval:

That NHS England should ensure that:

- i. The NHS nominated a named person to be responsible for the overall programme of sustained improvements to mental health services in York. That person to provide regular progress reports to the Council and meet the Committee when requested to review progress;
- ii. Specific details were provided of all mental health services currently provided or planned in the City of York area, with timescales for provision or replacement where appropriate;
- iii. Commissioning agents should sign up to an understanding that they were more proactive in engaging with people to avoid the sudden closure of health facilities.

That the Tees, Esk and Wear Valleys NHS Foundation Trust and the Vale of York Clinical Commissioning Group:

- iv. Carry out a full and robust consultation process ahead of the procurement of a new mental health unit in York and that details are shared with the Committee.

That the Care Quality Commission:

- iv. Should consider varying its internal processes so that there was a procedure for service transfers between providers, rather than treating them as a full deregistration and re-registration procedure.

The Health & Adult Social Care Policy & Scrutiny Committee also agreed that:

- i. The Final Report and its recommendations should be referred to the Executive and the Health & Wellbeing

Board for endorsement and consideration as appropriate, prior to forwarding them to NHS England.

- ii. Copies of the final report were sent to all the organisations mentioned in the recommendations in the paragraphs above.
- iii. Those organisations mentioned in the recommendations be asked to respond to the Health & Adult Social Care Policy & Scrutiny Committee within three months. <sup>1</sup>.

Councillor Cuthbertson, as Vice Chair of the Task Group, presented the report outlining the background to the review and the work undertaken both by the Group and John Ransford, an Independent Expert Adviser. He highlighted the NHS Learning and Assurance and Healthwatch reports and the subsequent NHS Action Plans and key observations arising from the summary of events and issues raised. He confirmed that whilst it appeared that all agencies had failed in some way, in the closure of the hospital, in patient services had now been reinstated in the city. He also expressed his thanks to John Ransford for his independent review work.

Members also expressed their thanks to the Task Group and all involved in the review for their comprehensive report and recommendations, which they felt provided future accountability for mental health services in the city.

Resolved: That the Executive endorse the recommendations set out in the final report of the Bootham Park Hospital Scrutiny Review as listed at paragraphs 10,11 and 12 (i to v) and the additional recommendations at paragraph (vi) (i to iii) of the cover report.

Reason: So Members are aware of the work undertaken by the Health & Adult Social Care Policy & Scrutiny Committee in relation to the closure of Bootham Park Hospital and the measures taken to re-establish services in York.

#### Action Required

1. Implement recommendations arising from Bootham Park Hospital final report.

SE, MF

## 70. Protection of Grass Verges Scrutiny Review Final Report

Members considered the final report of the Grass Verges Scrutiny Review which had been undertaken to examine concerns raised about damage by motor vehicles to grass verges across the city.

Councillor Fenton, as Task Group Chair, thanked the Committee, Task Group and Officers for their work on the review which had been set up with the aim of finding how the Council could work in partnership with residents to improve and protect grass verges from damage. Cllr Fenton referred to the objectives, information gathered and feedback received and outlined the under mentioned recommendations as a first step in alleviating the problems.

The Scrutiny Committee and Task Group had recommended that the Council:

- i. Continue to carry out its current policy to repair grass verges when reported as and when it deemed it appropriate. <sup>1</sup>.
- ii. Sets up a system to acknowledge and record complaints with a view to taking action against individuals and organisations where this was possible and practical. <sup>2</sup>.
- iii. Ensure that off-street parking provision was a consideration in the revised Local Plan. <sup>3</sup>.

Also in an effort to encourage drivers not to park on or drive over grass verges and reduce the amount of damage to verges across the city, EDAT and the Task Group recommended:

- iv. That the Director of City and Environmental Services:
  - Promoted via My Account the need for a verge crossover where front gardens had be made into hard standing areas and offered residents the facility to construct a vehicle access crossing point, at their own cost. <sup>4</sup>.
  - Offered reduced rates where a number of residents decided to proceed with construction of vehicle access crossing points or when other significant highways construction work was

taking place in their neighbourhood.<sup>5.</sup>

- Arrange for an informative to be included in planning application documentation to reduce the risk of damage being caused to verges by contractor's vehicles during building work and if damage was caused during the course of any work it should be repaired on completion of the work and the verges reinstated to their original condition.<sup>6.</sup>
- v. The Communications Team to produce a pro forma letter to further promote community and neighbourhood pride and advise that it costs council tax payers £35 per square metre to repair damaged verges, which can:
- Be made available to ward councillors for distribution to drivers and residents when a particular problem was identified or reported;<sup>7.</sup>
  - Be circulated to residents online or by text message via the new My Account system;<sup>8.</sup>
  - Form the basis of a poster to be displayed in local libraries, community centres, other public buildings and included in relevant council publications.<sup>9.</sup>

Furthermore, the Task Group had recommended that the Director of City and Environmental Services:

- vi. reviewed, and where appropriate amended, the existing Council policy with regard to damage to grass verges and assessed staff resources required.<sup>10.</sup>
- vii. produced a menu of options to be made available to ward councillors, ward committees and parish councils so that they:
  - had an idea of the cost of various interventions that could be funded through ward budgets, such as installation of parking bays or repairs to damaged verges;

- could focus on areas of greatest need dependent on a consensus of support from the local community and partner agencies. <sup>11.</sup>

Members welcomed the recommendations and partnership approach suggested, pointing out that this was also a problem in rural areas.

Officers confirmed that the recommendations were achievable and could be implemented at minimal cost. However the main issue was for residents to feel a sense of personal responsibility and pride in their neighbourhood.

Resolved: That the Executive endorse the recommendations set out in the final report of the Protection of Grass Verges Scrutiny Review as set out at paragraphs 5 to 7 (i to vii) of the cover report.

Reason: So the Council can help address ongoing issues for a number of residents in various wards in the city.

Action Required

1,4,5,6,10&11. Implement Task Group recommendations.	NF
2. Implement Task Group recommendation to set up acknowledgement system.	NF, PS
3. Ensure off-street parking provision is a consideration in the revised Local Plan.	MG
7 to 9. Implement Task Group recommendations in relation to advice regarding damaged verges.	AC

**71. York Central - Consultation on Access Options**

Members considered a report which set out proposals to fund the access route to the York Central site using the West Yorkshire Transport Fund (WYTF) and to undertake further consultation on the route of the proposed new access to the site.

Members were reminded of the significant work, over a number of years, to identify access options to unlock the York Central site and to the jointly funded Network Rail/CYC assessment of the site and spatial plan. It was also noted that the access route onto York Central, which included an access road, a bridge across the rail lines and the main road round the rear of the station would largely be funded from the WYTF, in order to provide certainty to the development of whole site.

Officers confirmed details of progress with partners to produce a master plan for the site and engagement with all interested parties via the York Central Community Forum. Officers also reported on the recommendations of the Corporate & Scrutiny Management Policy & Scrutiny (Calling-In) meeting, held earlier in the week. The meeting had considered the pre-decision call in of this matter to enable Members to input in the consultation, ensure that it engaged all Holgate residents and to gain assurance that all possible access options would be given equal consideration. Copies of the draft minutes of that meeting, were circulated for information and it was noted that following a wide ranging discussion the Scrutiny Committee had recommended:

- (i) high level, ongoing engagement across the City in relation to the access route for York Central be undertaken, with particular regard being given to residents most directly affected; and
- (ii) arrangements be made to ensure that any further consultation processes, in relation to the route and site, clarify the current status of Access Route E as being part of the package to unlock funding from the West Yorkshire Transport Fund (WYTF).

The Deputy Leader referred to his attendance at the Scrutiny meeting and reiterated that no decision had yet been taken on the access route to the site and that further specific consultation would be undertaken on all the access options. Following further discussion and consideration of the following options

Option A - route accesses the site from Water End to the North

Options B to E - accessing the site from Holgate Rd. Due to the high cost of each of the options, the identified need for public sector funding to support any redevelopment at York Central, and the fact that work to date indicated that development was serviceable and deliverable from a single additional point of access, there was an assumption that only one new route would be provided.

It was

Resolved: That Executive agree:

- (i) To take up the West Yorkshire Transport Fund (WYTF) funding allocated for York Central and to

confirm that the York Central access route will be part funded by CYC;

- (ii) To undertake further consultation on the access route for York Central as part of a future York Central planning strategy, with high level, ongoing engagement across the City in relation to the access route, with particular regard being given to residents most directly affected;
- (iii) Subject to the council agreeing to join the West Yorkshire Transport Fund, to agree to fund the access route definition and design outlined in the report from the £2.15 WYTF Gateway 1 allocation;
- (iv) To note the appointment of Development and Technical Advisors to develop a detailed planning strategy for the York Central Partners. <sup>1</sup>.

- Reason:
- (i) To ensure the delivery of York Central.
  - (ii) To ensure that a range of access options have been considered.
  - (iii) To enable timely progress on the York Central project.
  - (iv) To ensure that a development scheme for the York Central site can be delivered.

Action Required

1. Join the WYTF, take up funding and undertake full consultation on the access route.

TC, TC

**72. York Central - Third Party Acquisitions**

The Executive considered a report which set out proposals to purchase the Unipart Rail site to the rear of the railway station, one of the third party properties on the York Central site required to assemble all the strategically important parts of the site under the ownership of the York Central Partners.

Members noted that the City of York Council were leading the land assembly strategy for York Central and that, owing to the need to reprovide the Unipart facility elsewhere, the purchase value of the site would be above the market value of the current site. Consideration was also given to the funding of the acquisition and



the risks involved which it was noted would be regularly reviewed by the project board.

Officers confirmed that confidential negotiations were currently taking place regarding site funding costs, details of which would be publically available following the sale.

Members expressed their support for the sale which would ensure that Unipart remained in the city and their agreement of the final purchase price set out in the report.

Resolved: That Executive agree to:

- (i) The purchase price of the Unipart site as set out in confidential Annex 2 in advance of any potential initiation of a Compulsory Purchase Order.
- (ii) Delegate to the Corporate Director of Economy and Place in consultation with the Corporate Director of Customer and Corporate Services and the Leader to share the purchase cost of the Unipart site with the Homes and Communities Agency on the basis set out in confidential Annex 2.
- (iii) Delegate to the Corporate Director of Economy and Place in consultation with the Corporate Director of Customer and Corporate Services and the Leader the authority to agree the application and terms for a further loan from the Leeds City Region Local Enterprise Partnership (LCR LEP) Local Growth Fund (LGF) to part fund the purchase as set out in confidential Annex 2.
- (iv) Agree that the LEP loans be considered as an element of the £10m budget approved to York Central and therefore the remaining balance of the Unipart acquisition be charged against this CYC approved budget prior to the finalisation of the York Central partnership agreement and funding strategy.<sup>1</sup>

Reason: To enable timely progress on the York Central project.

Action Required

1. Proceed with the sale/loan on the terms set out in the report.

TC

**73. Update on Land Assets on Piccadilly**

Consideration was given to a report which examined the granting of a three year tenancy to provide a meanwhile development on the former Reynard's Garage site. This would provide a start-up space for social enterprises, new businesses and street food on a vacant city centre site, opening in spring 2017 to encourage footfall in the Piccadilly area.

It was noted that whilst the responsibility for securing funding and planning permission would rest with Spark:York, a Community Interest Company, the upfront investment required would be recovered through a rental agreement.

Officers confirmed that a report, which set out progress to date on the Southern Gateway project and opportunities to partner with other stakeholders would be considered by the Executive at their January 2017 meeting, in the meantime this scheme would assist in the promotion of the area.

Members welcomed the development and confirmed the support of the three Ward Members for the innovative use of the site.

Resolved: That Executive agree to:

- (i) Grant Spark:York a three year lease for the use of 17-21 Piccadilly from Spring 2017 to build and operate a shipping container development for start-ups and street food, subject to them:
  - Securing finance
  - Securing planning permission
- (ii) Note the use of the remaining capital demolition budget of £40k to provide utility services to site, the cost of which would be recovered through Spark:York's rent over the term of their tenancy.  
1.

Reason: (i) To allow the meanwhile use of 17-21 Piccadilly to drive the regeneration of the area in advance of the sites long term redevelopment.

- (ii) To provide the necessary utilities to the site to allow the meanwhile use to proceed.

Action Required

1. Grant the lease on the grounds stated together with the provision of utility services to the site. TC

**74. The Next Phase of the Older Persons' Accommodation Programme: Deciding the future of Willow House Older Persons' Home**

Consideration was given to a report which provided the Executive with the results of consultation undertaken with residents, relatives and staff of Willow House residential care home to explore the options to close the home, with current residents moving to alternative accommodation.

Members noted the criteria used in selecting Willow House for potential closure. It was also noted that the same approach to consultation had been undertaken as had been followed for other homes using 'Moving Home Safely' protocol.

Officers confirmed that consultation had also been undertaken with users of a learning disability 'drop in' resource and their carers who would also be relocated if approval were granted. In answer to earlier speakers comments, Officers also confirmed that the area of land adjacent to Walmgate Bar was in the ownership of the local authority and part of the Willow House site.

Members expressed their support for the level of consultation undertaken and improved provision for residents and staff.

Resolved: That the Executive agree to:

- (i) Note that the Older Persons' Accommodation Programme aimed to address the needs and aspirations of older people who required accommodation and care, both now and in the future, equipping York to meet their needs by delivering new Extra Care accommodation and good quality residential and nursing provision which met modern day standards.
- (ii) Note the outcome of the consultation undertaken with residents, family, carers and staff of Willow House to explore the option to close the home with

current residents moving to alternative accommodation.

- (iii) Close Willow House residential care home and, require that residents' moves to their new homes were carefully planned and managed in line with the Moving Homes Safely protocol.
- (iv) Sell the Willow House site and adjacent land, in total 3,092 m<sup>2</sup>, in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.<sup>1</sup>

Reason: In order to increase the supply of good quality accommodation with care for independent living together with new residential and nursing home provision to address the changing needs and aspirations amongst York's older population and ensuring that more could choose to live independently at home.

Action Required

1. Implement closure of OPH and sale of site and adjacent land.

RW

**75. Capital Programme - Monitor 2 2016/17**

*[See also Part B minutes]*

Consideration was given to a report which set out the projected out turn position for the 2016/17 Capital Programme which included any adjustments and requests to re-profile budgets between years.

It was reported that the Capital Programme approved by Council in February 2016 and updated from later reports to the Executive was £100.146m and, with a decrease of £29.080m, reported in the current monitor, had resulted in a revised Capital Programme of £71.066m. The variances reported against each portfolio area together with a summary of the key exceptions and their implications on the programme were also highlighted.

As a result of the changes the revised 5 year capital programme was reported together with financing details of the programme to 2020/21 at table 3 and Annex A.

Resolved: That Executive:

- (i) Note the 2016/17 revised budget of £71.066m as set out in paragraph 6 and Table 1 of the report.
- (ii) Note the restated capital programme for 2016/17 – 2020/21 as set out in paragraph 40, Table 2 and detailed in Annex A.

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

## **76. 2016/17 Finance and Performance Monitor 2**

Members considered a report which presented details of the Council's overall finance and performance position for the period 1 April to 30 September 2016 which assessed performance against budgets and included progress in delivering the Council's savings programme.

With the Council's net budget at £117.9k, it was noted that the financial pressures facing the Council were projected at £480k, an improvement of £717k from the £1,197k reported at Monitor 1. A financial overview of the forecast was reported on a directorate by directorate basis at Table 1 of the report.

Officers highlighted the continuing risks and pressures in particular in adult social care, however it was expected that with ongoing monitoring and mitigation that the Council would outturn within budget.

Resolved: That Executive note the current finance and performance information to 30 September 2016 and approve the strategic set of indicators.

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

## **77. Treasury Management Mid Year Review and Prudential Indicators 2016/17**

Members considered a report which provided an update on treasury management activities for the period 1 April to 30 September 2016, to ensure that the Council was implementing best practice in accordance with the Local Government Act 2003 (revised).

Information was presented on the current economic background and its effect on the Annual Investment Strategy and Investment Portfolio at paragraphs 4 to 28 of the report.

To ensure that the Council had operated within the treasury limits and Prudential Indicators (PI's) details of the monitoring of and compliance with the PI's were reported at paragraphs 29 and 30 and Annex A.

Resolved: That, in accordance with the Local Government Act 2003 (revised), Executive agree to note the:

- (i) Treasury Management activities to date in 2016/17;
- (ii) Prudential Indicators set out at Annex A of the report and note the compliance with all indicators.

Reason: To ensure the continued performance of the Council's Treasury Management function.

## **Part B - Matters Referred To Council**

### **78. Funding Major Transport Projects – West Yorkshire Transport Fund**

Consideration was given to a report which set out proposals to formally join the West Yorkshire Transport Fund to enable Capital Funds to be released to undertake delivery of two strategic major Transport Projects, roundabout improvements on York Outer Ring Road and York Central Access Road and Station Gateway.

Members noted the latest position on the York schemes included in the Fund together with the key risks surrounding the Council's payments into the fund and the mitigating measures proposed.

Officers confirmed that, if agreed, the recommendations would be considered at the Combined Authority meeting on 1 December and by Council on 15 December for final determination. In answer to Members questions Officers confirmed that the priority of the York scheme's had been based on deliverability by 2020/21 and that modelling work on each project was publically available.

Members welcomed the financing as the most affordable way of funding the major investment in the Outer Ring Road and York Central.

Following further discussion it was

Recommended: That Council agree to:

- (i) Formally join the West Yorkshire Transport Fund.
- (ii) Accept the financial liability that arises from joining the fund and to note that future increases in the levy would represent as unavoidable additional cost in future budgets. Although the precise figures could not be determined at this stage it would be within the parameters identified in the report which estimated an increase from the budgeted contribution of £500k per annum to £1m to £1.5m per annum in 2025.
- (iii) Delegate to the Deputy Chief Executive/Director of Customer and Corporate Services the finalisation of the legal agreement in consultation with the Leader of the Council, the Deputy Leader of the Council and the Finance Portfolio holder.<sup>1</sup>

- Reason:
- (i) To ensure the delivery of the York Outer Ring Road improvements and York Central Access Road and Station Gateway schemes.
  - (ii) To ensure proper financial planning within the authority.
  - (iii) To ensure that York's position is fully protected in line with the principles set out in the report.

Action Required

1. Refer to Council.

JP

**79. Capital Programme - Monitor 2 2016/17**

*[See also Part A minutes]*

Consideration was given to a report which set out the projected out turn position for the 2016/17 Capital Programme which included any adjustments and requests to re-profile budgets between years.

It was reported that the Capital Programme approved by Council in February 2016 and updated from later reports to the Executive was £100.146m and, with a decrease of £29.080m reported in the current monitor had resulted in a revised Capital Programme of £71.066m.

Members noted an increase of £110k had been made to the Harewood Whin transfer station scheme to reflect a loan to Yorwaste, to replace the current contribution of £1m, currently approved in the capital programme. Officers also drew Members attention to the decrease detailed in the monitor resulting in the revised 2016/17 capital programme as set out in Table 1 of the report.

Recommended: That Council:

- (i) Agree to make adjustments resulting in a decrease in the 2016/17 programme of £29.080m as detailed in the report and contained in Annex A.
- (ii) Approve the loan of £1.110m the Council will provide to Yorwaste, as set out in paragraphs 23 – 29 of the report, to be funded from the Waste reserve and note that this will have no impact on the Council's overall borrowing levels. <sup>1</sup>.

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

Action Required

1. Refer to Council.

JP

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.50 pm].



**Forward Plan: Executive Meeting: 7 December 2016**

**Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 26 January 2017**

Title and Description	Author	Portfolio Holder
<p><b>Options for the Disposal of 29 Castlegate</b>                      Purpose of Report: To present to Executive options for the disposal of 29 Castlegate following the decision to relocate and reconfigure services currently operating from the building.</p> <p>Members are asked to consider and make a decision on the options for the disposal of 29 Castlegate.</p>	Tracey Carter	Executive Member for Finance & Performance
<p><b>Lord Mayoralty 2017-18</b>                      Purpose of Report: Members are asked to consider which of the political groups should be invited to appoint the Lord Mayor for the 2017-18 municipal year.</p> <p>Members are asked to invite the group with the most points for the Mayoralty to nominate a Lord Mayor for the 2017-18 municipal year.</p>	Anne Platt	Executive Member for Finance & Performance
<p><b>Taxi Licensing Policy</b>                      Purpose of Report: To seek final approval of the Taxi Licensing Policy and conditions.</p> <p>Members are asked to give final approval of a Taxi Licensing Policy and conditions relating to hackney carriage vehicles and drivers, and private hire vehicles, driver and operators. The Policy was considered by Gambling, Licensing and Regulatory Committee on 25 April 2016 and agreed.</p>	Lesley Cooke	Executive Member for Transport and Planning

<p><b>Proposed Long Term Leases - West Bank Park, Glen Gardens, Scarcroft Green and Clarence Gardens</b></p> <p>Purpose of Report: The report seeks an Executive decision on granting long term leases to the following clubs/associations using the bowling/croquet facilities at:</p> <ul style="list-style-type: none"> <li>a. West Bank Park</li> <li>b. Glen Gardens Bowling Green</li> <li>c. Clarence Gardens</li> <li>d. Scarcroft Green</li> </ul>	<p>Tim Bradley</p>	<p>Executive Member for Culture, Leisure &amp; Tourism</p>
<p><b>Annual Report of the Financial Inclusion Steering Group 2015/16</b></p> <p>Purpose of Report: To update progress on financial inclusion activities, as supported throughout the year by the Financial Inclusion Steering Group (FISG), including FISG funded projects, Council Tax Support, York Financial Assistance Scheme (YFAS) etc.</p> <p>Members are asked to receive the report for information as per Executive decision 30 July 2015 (Annual report of the Financial Inclusion Steering Group 2014/15).</p>	<p>John Madden</p>	<p>Executive Member for Adult Social Care and Health</p> <p>Executive Member for Finance and Performance</p>
<p><b>Council's Response to the Independent Flood Inquiry Report and Investment for Floods in the City's Infrastructure</b></p> <p>Purpose of Report: Members will receive the Independent Flood Inquiry report and the proposals on how we will respond. The proposals will highlight the improvements and the engagement process with the public and the Environment Agency on the appropriate governance structure around the programme of work that will enable the city to steer and shape the decisions on investment and projects.</p>	<p>Steve Wragg</p>	<p>Executive Member for Environment</p>

<p><b>Update on progress and vision for the Southern Gateway</b>  Purpose of Report: The report will set out progress to date on the Southern Gateway project and opportunities to partner with other stakeholders to deliver the regeneration aims for the area. It will also seek to establish the principles and parameters of the Area of Opportunity policy for inclusion in the Local Plan.</p> <p>Members are asked to consider the recommendations as outlined in the report.</p>	<p>Andy Kerr</p>	<p>Executive Member for Finance &amp; Performance</p> <p>Executive Member for Transport and Planning</p>
<p><b>Disposal of Land to English Heritage for a Clifford's Tower Visitor Centre</b>  Purpose of Report: The report will set out proposals to dispose of the freehold of a small portion of land around Clifford's Tower to enable English Heritage to develop a Visitor Centre following award of planning permission for the scheme. The report will also seek permission to grant a short term lease for a plot of land to deliver public realm area next to the visitor centre.</p> <p>Members are asked to approve the officer recommendations as outlined in the report.</p>	<p>Tracey Carter</p>	<p>Executive Member for Finance &amp; Performance</p>

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 9 February 2017**

<b>Title and Description</b>	<b>Author</b>	<b>Portfolio Holder</b>
<p><b>North and Humber Regional Adoption Agency Options</b></p> <p>Purpose of Report: This report outlines a proposal that City of York Council will host a regional adoption agency. The report outlines the national and local context of the regionalisation of adoption services. It considers the four options for a legal basis for a North and Humber Regional Adoption Agency. It considers the risks and benefits for City of York Council in hosting a Regional Adoption Agency.</p> <p>Members will be asked to:</p> <ul style="list-style-type: none"> <li>• agree to City of York hosting the North and Humber Regional Adoption Agency</li> <li>• agree legal basis for North and Humber Regional Adoption Agency</li> </ul>	Mary McKelvey	Executive Member for Education, Children and Young People

**Table 3: Items slipped on the Forward Plan**

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p><b>Provision of School Places from ‘Basic Need’ Capital - Spending Priorities and Schemes from September 2017</b></p> <p>Purpose of Report: This report seeks Executive approval for spending of ‘Basic Need’ capital for the provision of school places in order to accommodate rising pupil numbers for the start of the school year in September 2017 and beyond. ‘Basic Need’ funding is provided directly to Local Authorities for the purposes of ensuring a sufficient supply of school places, and together with forecast pupil numbers in planning areas across the city, informs the priorities for where additional provision is required.</p> <p>Members are asked to approve the proposed budgets and spending allocations for a small number of schemes – including ensuring that the temporary accommodation required at Acomb Primary School for bulge classes admitted in September 2016 is in place for September 2017.</p>	Tom Chamberlain	Executive Member for Education, Children and Young People	26 Jan 2017 - Executive	24 Jan 2017 - Decision Session Executive Member for Education, Children and Young People	It has been agreed that this decision will be taken by the Executive Member for Education, Children and Young People as this paper will now only focus on gaining approval for one Basic Need scheme to be delivered in time for the start of the school year in September 2017 rather than a wider programme of works.

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p><b>Options for the Disposal of 29 Castlegate</b>  Purpose of Report: To present to Executive options for the disposal of 29 Castlegate following the decision to relocate and reconfigure services currently operating from the building.</p> <p>Members are asked to consider and make a decision on the options for the disposal of 29 Castlegate.</p>	Tracey Carter	Executive Member for Finance & Performance	24 Nov 16	26 Jan 17	Officers are still awaiting the final external valuation of this building before opening negotiations for the sale
<p><b>Disposal of Land to English Heritage for a Clifford's Tower Visitor Centre</b>  Purpose of Report: The report will set out proposals to dispose of the freehold of a small portion of land around Clifford's Tower to enable English Heritage to develop a Visitor Centre following award of planning permission for the scheme. The report will also seek permission to grant a short term lease for a plot of land to deliver public realm area next to the visitor centre.</p> <p>Members are asked to approve the officer recommendations as outlined in the report.</p>	Tracey Carter	Executive Member for Finance & Performance	7 Dec 16	26 Jan 17	TBC

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p><b>Oakhaven Extra Care facility: Appointment of Preferred Bidder</b></p> <p>Purpose of Report: To seek Member agreement to appointment the preferred bidder for the provision of an Extra Care facility at Oakhaven in Acomb.</p>	Roy Wallington	Executive Member for Adult Social Care and Health	7 Dec 16	16 Mar 17	Due to delays in agreeing the preferred procurement route this item has been deferred. Subject to receipt of satisfactory bids, officers will be in a position to recommend a preferred bidder to the Executive meeting on 16 March 2017.

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**Executive****7 December 2016**

Report of the Corporate Director of Health, Housing and Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

**Older Persons' Accommodation Programme Update and introduction to the following Programme reports**

This report provides a short update on the Older Persons' Accommodation Programme as an introduction to the subsequent reports which deal with specific parts of the Programme: Burnholme, Haxby Hall and Lowfield.

**Recommendations**

1. The Executive are asked to:
  - a) Note the contents of the update report.
  - b) Agree that six monthly progress reports on the Programme be given to Executive.

Reason: So that Executive can be assured that the Older Persons' Accommodation Programme is progressing.

**Background**

2. The Council's Executive on 30th July 2015 approved the Business Case for the Older Persons' Accommodation Programme (the Programme). This will:
  - a) fund 24/7 care at Auden House [Fishergate ward], Glen Lodge [Heworth ward] & Marjorie Waite Court [Clifton ward] Extra Care schemes;
  - b) build a 27 home extension to the Glen Lodge Extra Care scheme;
  - c) build a new Extra Care scheme at Oakhaven in Acomb [Holgate ward];
  - d) procure a new residential care facility as part of the wider Health & Wellbeing Campus at Burnholme [Heworth ward]; and

- e) encourage the development of additional residential care capacity in York including block-purchase of beds to meet the Council's needs.
3. Executive on 14th July 2016 agreed additions to the programme:
- a) the development of a care home on the Lowfield School site [Westfield ward] as part of a wider redevelopment of the site; and
  - b) examination of options for the future of Haxby Hall older persons' home [Haxby & Wigginton ward] as an alternative to closure.
4. The Programme is overseen by a Programme Board, chaired by the Deputy Chief Executive and Director Customer and Corporate Services. It reports to an external stakeholder panel and regularly reports to, and is scrutinised by, the Health and Adult Social Care Policy and Scrutiny Committee and the Audit & Governance Committee.
5. The Council's external auditors Mazars have twice reviewed governance and management of the programme in the last eighteen months and report satisfaction with the arrangements in place. They have asked that regular updates on the Programme be given to Executive so that a high level summary of progress is provided even during periods of minimal activity or when an approval by the Executive is not required.

### **The Update**

6. Good progress is being made by the Programme and confidence is held in its ability to deliver the outcomes required by Executive. To date:
- a) 24/7 Extra Care provision is now in place at Auden House on Cemetery Road and Glen Lodge. Customers with high care needs now live in these facilities as an alternative to residential care.
  - b) Construction is well underway with a 27 home extension to Glen Lodge, providing dementia ready accommodation at this council-run Extra Care facility. The project has received a £850,500 grant from the Homes & Communities Agency.
  - c) Grove House [Guildhall ward] and Oakhaven older persons' homes have closed, residents have safely moved and the sites/resources put to new use to further the aims of the Programme.
  - d) The transformation of the Burnholme school site to create a health and wellbeing campus is approved and underway. Enabling works are complete and demolition of unwanted classrooms will begin shortly. Procurement has begun to find a partner to deliver a care

home on the site. Planning consent for the new community & library facilities will be considered by Committee in December 2016.

- e) Our partners have bid for NHS Transformational Capital Funding for primary care facilities at Burnholme and we await a decision.
- f) Procurement has begun to find a partner to fund, build and operate an Extra Care facility on the site of Oakhaven older persons' home on Acomb Road. However, this procurement was launched later than planned due to lengthier examination of the procurement and legal options associated with the plan.
- g) Consultation on the option to close Willow House older persons' home [Guildhall ward] is now complete. Executive in November agreed to close the home and sell the site.
- h) Public engagement on the proposals to develop Lowfield Green [Westfield ward] has shown support for the plan to deliver a care home, bungalows and flats for older people, family homes, plots for self-build housing, a health centre and public open space on the site. We are ready to progress this development.
- i) Options for the future of Haxby Hall have been drawn up and are ready for Member decision.
- j) Planning consent has been granted to the Joseph Rowntree Housing Trust for a 105 home Extra Care facility and a 60 bed care home in New Earswick [Huntington & New Earswick ward]. The Council has secured nomination rights to homes in this scheme and construction is expected to begin in Q1 2017 with the first of the new homes available in Q2 2018.

7. Key milestones in the Programme are:

Date	Milestone
Q4 2016	Executive approval regarding the option to close a third care home, Burnholme Community & Library investment, a sustainable future for Haxby and the Lowfield Green redevelopment.
Q4 '16/Q1 '17	Procure a partner to deliver the Extra Care facility at Oakhaven.  Procure a partner to deliver the Burnholme care home.  Prepare the Burnholme site for re-development

Q2&3 2017	Consideration of Burnholme care home planning application.
Q2 2017	Burnholme community facilities start on site.
Q3 2017	Submit Oakhaven Extra Care facility planning application.
Q3 2017	Complete Glen Lodge extension.
Q4 2017	Burnholme care home start on site.
Q4 2017	Oakhaven Extra Care facility starts on site.
Q4 2018	Complete Burnholme care home.
Q4 2018	Complete Oakhaven Extra Care facility.

## Implications

### Financial

8. The Programme is on track to deliver the following, agreed savings:

(figures in £000)	2017/18	2018/19	2019/20 to 2023/24	ongoing
Yearly saving	(76)	0	(284)	(553)

9. Capital receipts from the sale of older persons' homes have exceeded expectations and the capital position of the Programme is healthy.

### Legal

10. Legal services have been involved in the development of the Programme and their advice incorporated. Further examination of the legal implications of the various property and procurement elements of this Programme will be undertaken as proposals are developed further and brought forward for due consideration, as we progress with the various elements of the Programme.
11. We continue to press for confirmation of the School Standards & Framework Act consent to dispose of an area of redundant land at

Burnholme. Without this consent we cannot progress with housing on this site.

### **Human Resources**

12. The HR implications of the Programme are regularly under review and implications are the subject to specific reports and decisions.

### **Equalities**

13. An Equality Impact Assessment for the Programme and its parts is in place and is regularly updated. It particularly highlighted the positive implications of the Project for the health, security and wellbeing of all residents. This has and will continue to be updated as the project progresses.
14. An Older Persons' Accommodation Project Board and a Reference Group have been established to act as a sounding board for the development of plans as the implementation of the Project unfolds. The project team also continues to use established channels to communicate with, and gather the views of, members of the local community, partners, stakeholders and staff.

### **Risks**

15. Key risks are kept under review and mitigations are pro-actively managed. No key risks currently present a concern. Recent progress in mitigating risks include:
  - a) The acceptance of a good offer above original estimate for Grove House.
  - b) Department for Education consent granted for the disposal of the Burnholme school buildings.

**End**

**Contact Details**

<b>Author:</b> Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 <a href="mailto:roy.wallington@york.gov.uk">roy.wallington@york.gov.uk</a>	<b>Chief Officer responsible for the report:</b> Martin Farran Corporate Director of Health, Housing and Adult Social Care		
	<b>Report Approved</b>	✓	<b>Date</b> 27 <sup>th</sup> Nov 2016
<b>Specialist Implications Officer(s)</b> Legal – Walter Burns (Ext 4402). Finance and Procurement: Debbie Mitchell (Ext 4161) Property – Philip Callow (Ext 3360)			
<b>Wards Affected:</b> All			
<b>For further information please contact the authors of the report</b>			

**Background Papers**

19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.

30 July 2015	Report to Executive seeking approval of the Business Care for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close and sell Grove House and close Oakhaven and use the site as the location of a new Extra Care facility.
29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site in Heworth ward.
14 July 2016	Report to Executive by the Director of Adult Social Care. Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.
28 <sup>th</sup> Sept 2016	Report to the Audit & Governance Committee by the Programme Director, Older Persons' Accommodation, providing an update on progress of the Programme and actions taken to address External Audit recommendations.
24 <sup>th</sup> Nov 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. Receipt of the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care home to explore the option to close the home with current residents moving to alternative accommodation. Executive agreed to close Willow House and sell the site.

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**Executive****7 December 2016**

Report of the Corporate Director of Health, Housing and Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

**Burnholme Health & Wellbeing Campus: Key decisions to further progress this development**

This report seeks consent to complete the next phase of delivery of the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the **Site**) in Heworth ward.

Following extensive engagement with key stakeholders and robust procurement processes and in the context of a worked-up spatial plan for the redevelopment and previous Executive approvals, Members are asked to sanction the investment of £4.73m in new and refurbished community and library facilities, subject to Department for Education (DfE) approval to dispose of redundant land, as well as £200,000 in urgent repairs and works to the sports facilities on site.

**Recommendations**

1. The Executive are asked to:
  - a) Approve capital investment in the refurbishment and redevelopment of Community and Library facilities, subject to DfE consent to the sale of redundant land to the south of the Site.
  - b) Recommend to Council that the estimated £4.727m of costs for the community and library facilities are added to the Capital Programme with the costs to be funded from the capital receipt received from the future disposal of surplus development land on the Site subject to obtaining DfE consent necessary for such disposal. No capital costs will be incurred until official confirmation of the DfE consent has been received.
  - c) Approve capital investment in urgent repairs and capital works to the sports facilities on the Site.
  - d) Recommend to Council that the estimated £200,000 of costs for urgent repairs and works to the sports facilities are added to the Capital Programme with the costs initially being funded from capital

held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

*Reason: To progress to delivering the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.*

e) Request that reports are brought to Executive in 2017 to:

- i. Agree the management arrangements for the Community and Library facilities.
- ii. Agree further investment in the Sports facilities and arrangements for their management.
- iii. Confirm the appointment of the preferred bidder for the provision of the care home on the Site and any land sales associated with that appointment.
- iv. Provide details of the health facilities that can be provided on the Site, the structure of the partnership which will deliver them and any land sales associated with delivering these facilities.
- v. Agree to receive the recommendation, where relevant, to sell land for housing to the preferred developer.

*Reason: So that the elements of the Burnholme Health & Wellbeing Campus can progress.*

## **Summary**

2. Executive agreed in May 2016 to proceed with the redevelopment of the Burnholme school site to deliver care, health, community and sports facilities as well as new housing.
3. The report provides an update on the Burnholme redevelopment and seeks sanction for the investment of £4.727m in new and refurbished community and library facilities, subject to DfE approval to dispose of redundant land, as well as £200,000 in urgent repairs and works to the sports facilities on site.
4. The proposal to invest in refurbished community, library and sports facilities and retain playing fields while also setting aside land for development to deliver a Care Home, health facilities and housing is forecast to be affordable based on current projections. This is because the development of land will release funds for the refurbishment of the

community, library and sports facilities, where existing site users will be accommodated. It is anticipated that the cost of operation of the community and library facilities can be sustained from rents and other receipts from users.

5. To date no objections have been received to the planning application for the community and library facilities that was submitted in August 2016 and the proposal is recommended for approval by the Area Planning Sub-Committee when they meet on 1<sup>st</sup> December 2016. It is therefore timely to agree the investment needed to build this facility.
6. The retained sports facilities on site also require urgent repairs and investment. The roof regularly leaks and, despite patch repairs, the severity of the leaks now pose a risk to the safe operation of the building. Immediate improvements to storage in the retained sports facilities will empower new users to use the centre. Therefore, capital investment for these works is needed. Investment of up to £1.2m in the sport facilities was envisaged as a later task in the redevelopment of Burnholme. Urgent works would bring forward part of this investment.
7. By making the decisions requested in this report we can continue to progress the redevelopment of the site in accordance with the Project Programme:

Planning approval for community & library facility, parking and access road	December 2016
Demolition of redundant classroom blocks	Q1 2017
DfE consent to dispose of redundant land pursuant to S.77 of the School Standards and Framework Act 1998	Q1 2017
Construction of new access road	Q1/2 2017
Selection of developer and operator of new care home	Q1 2017
Start on site for community & library facility	Q2 2017
Start on site for care home	Q3/4 2017
Community & library facility opening	Q2 2018
Demolition of nursery block	Q3 2018
Sale or self-development of land for housing	Q3 2018
Care Home opening	Q4 2018

## Background

8. The Council is committed to securing a viable future for the Burnholme School site in Heworth ward. Burnholme Community College closed in summer 2014. During consultation on the school closure the Council committed to continue community use on the Site and encourage the on-going use of its sports facilities.
9. The strategic solution was presented to and agreed by Executive in October 2015, namely: continued community and sports use of the Site, complemented by wider health, care and enterprise services and new housing.
10. The spatial plan and the proposals for the Site (**Annex 1**) were the subject of extensive public information and engagement activity (between 1st March and 12th April 2016). The subsequent report to Executive in May 2016 noted the positive resident and stakeholder support for the plans, approved the redevelopment of the Site and agreed the spatial plan prepared for the Site as the guide to its redevelopment. Further engagement events were conducted in August 2016, prior to submission of the proposed Community & Library development for Planning approval.
11. It was also agreed that a developer will be sought for, or alternatively for the Council to undertake the, development for housing of approximately 4.5 acres on the Site subject to obtaining necessary DfE consent pursuant to relevant legislation since this land was in the past used as school playing fields. The funds released by this development were agreed to be used to support the provision of community, library and sports facilities on the Site.

## The Vision

12. The vision for the redevelopment of the Site delivers a range of integrated public, private, community and voluntary activities and services, all of which support each other and contribute to improved health and wellbeing for the local community.
13. This vision is entirely congruent with the Council Plan key priorities of:
  - **A prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - **A focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities

- **A council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities.

14. The co-location, within improved environments, of health and care providers, alongside community and voluntary sector groups and wider public, commercial and community services such as the pharmacy and social-enterprise led activity will provide an invaluable test-bed for a range of new models of integrated care.

### **Development Strategy**

15. In order to achieve best value, yet retain control over build standards and usage, as well as being able to exploit synergies between the different areas of the Site, it is proposed that:

- a) pitches, sports and active leisure facilities are retained freehold by the Council (operational management may be separately procured at a later date); and
- b) premises reserved for use by community, enterprise and third sector organisations (including accommodation for existing tenants such as the Burnholme nursery and Tang Hall SMART) and an Explore Library together with flexible spaces for training and lifestyle support are retained freehold by the Council and leased to the occupiers in return for an annual rental payment.

16. It has been agreed that, in order to obtain sufficient capital receipts to fund the community, library and sport facilities the following approach to development will be taken:

- a) approximately 1.1 acres is to be disposed of (by way of long term lease) as land for the development of a Care Home;
- b) land is to be sold as the Site for the GP/primary care/NHS services, enabling our NHS or other healthcare provider partners to invest in the construction and running costs of the new facilities; and
- c) approximately 4.5 acres of the Site which is not required for the uses described above will be sold for development (or potentially developed by the Council itself) of residential housing subject to receipt of DfE disposal consent and also subject to obtaining planning permission. The land could accommodate approximately 70 homes of which 25% would be affordable in line with planning policy.

## **Progress Since May 2016**

### **Department for Education Consents**

17. An application was submitted under Schedule 1 of the Academies Act 2010 for the appropriation and disposal of the redundant Burnholme Community College buildings at Area A. Consent was granted on 22<sup>nd</sup> August 2016. This consent now facilitates the delivery of the Care Home, the health centre and the community/library buildings on the site, as they are all planned to be located within the boundary of Area A, the area of the college site previously occupied by school buildings.
18. An application for disposal of Area C under Section 77 of the School Standards & Framework Act 1998 and Schedule 1 of the Academies Act 2010 has been submitted to the Secretary of State for Education. This application has been considered by the relevant DfE panel and they have recommended to Ministers that our application be approved.
19. An application for appropriation of Area B under Schedule 1 of the Academies Act 2010, alongside a letter advising the Secretary of State for Education that the Council considers that General Consent applies under the School Standards & Framework Act for these playing fields, has been submitted. The outcome of this submission is awaited, though has no impact on the proposals described within this report.

### **Enabling Works**

20. New mechanical and electrical (M&E) supplies have been procured to:
  - ensure that redundant classrooms and other buildings can be safely demolished; and
  - enable the community/library and the sports facilities to be managed independently of each other at a later date.

Following formal tender and appointment, the contractor commenced work on 12<sup>th</sup> September. New electricity and gas supplies were commissioned and the formal “switch over” from the old to the new supplies successfully took place during the week of 7<sup>th</sup> November 2016.

21. In order for the further enabling works to be undertaken for the new community/library facility, the existing tenants were decanted into a relatively “new” classroom block, which already accommodated the nursery and training room. They will eventually move into the new community and library facility at the front of the site.

22. We are currently tendering the demolition of redundant classroom blocks and, subject to the outcome of this procurement, expect this work to begin in January 2017 and to be completed by Easter 2017.
23. We will also tender for the construction of the new access road which will serve the care home, housing and other areas of the site. Once planning permission is in place, and the redundant classrooms demolished, we can begin to build the new road.

### **Care Home Procurement**

24. The OJEU notice for procurement of a partner to fund, design, construct and operate a dual-registered nursing home was published on 20th October 2016 and all relevant documentation uploaded onto Yortender. A shortlist of three bidders has been selected to move forward to the Invitation to Tender stage of the procurement and they will provide their proposals early in 2017.
25. The evaluation team will consider both financial (45%) and qualitative (55%) elements of the bids.
26. The Preferred Bidder is anticipated to be selected in February 2017 and a recommendation to appoint will be put before the Executive in Q1 2017.

### **Land available for residential development**

27. The land identified for potential housing development (Area C) is expected to accommodate approximately 70 homes, primarily family houses. Of these, we expect that 25% will be affordable in line with planning policy. We have mooted this development opportunity with several developers and they reflect strong interest in this land as a development opportunity. The council also reserve the option to develop the housing themselves, as agreed by Executive in May 2016.
28. The development of land identified for housing is dependent on the Council being able to secure consent from the Secretary or State for Education for the disposal of the land. The consent process is currently on-going and has obtained the support of the relevant DfE consultation panel and, because of its links with the government's One Public Estate programme, from the Cabinet Office. We expect consent to be granted shortly. Any housing development would also be conditional upon planning permission being granted on satisfactory terms.

## **Investment Needed Now**

### **Delivery of the community & library facility**

29. Executive are asked to agree the investment in the community and library facilities at Burnholme. Delivery of this element of the Project will:
- a) demonstrate to bidders for the Care Home opportunity that progress is being made towards redeveloping the whole Site;
  - b) evidence Council support for community and voluntary sector groups and existing tenants at the Site;
  - c) enable the Tang Hall library to be relocated from out of date accommodation and to embrace its wider remit as an Explore Centre;
  - d) enable existing Tenants to vacate the Nursery Block, which will then be demolished, opening up the land for housing development; and
  - e) provide fit-for-purpose accommodation for services for vulnerable adults, which are currently provided from Burton Stone Lane Community Centre.
30. It is anticipated that the new community and library facilities will accommodate the following uses subject to agreement of leases on satisfactory terms:
- a) **Explore Centre** (moving from Tang Hall library)  
To include library, children's area, space for IT and adult education (shared) and a reading cafe in the main entrance.
  - b) **Burnholme Nursery**  
A charitable body, operating nursery facilities for around 30 pre-school children, including babies and toddlers.
  - c) **Tang Hall SMART**  
A social enterprise that has two main strands: music-based clubs and events for local people and vulnerable groups, and entry-level music industry training.



**d) Activity and meeting rooms**

A range of spaces of different sizes and specifications, which can be rented on a sessional basis by individuals, groups or organisations, promoting social interaction and community cohesion.

**e) Office bases**

A number of offices are available for rent to community, voluntary sector organisations and for rent by local enterprises, particularly start-ups.

**f) Specialist social activities for adults**

The specialist activities, which are currently provided from Burton Stone community centre, will be accommodated within the new building.

31. The proposal is focussed around the existing school hall, which is a highly valued facility for the area. The design promotes the sharing of spaces, which are bookable on a sessional basis, for meetings, education and training and group activity. The proposals are shown in **Annex 2**.
32. A planning application relating to the community and library facilities, the access road and car parking was submitted in August 2016. Local people and existing user groups have been extensively engaged in the design development process and the planning application has received no objections during the formal consultation period. It is recommended for approval by the Area Planning Sub-Committee when they meet on 1st December 2016.
33. It is now timely that the Council agree to the investment in these facilities. This decision will allow procurement of the building works and allow us to keep to plan, with construction anticipated to begin in Q2 2017 and completion a year later. However, it is proposed that any contract for this work is not signed until written confirmation of DfE consent for disposal of Area C is obtained, expected to be in Q1 2017.
34. The Executive is therefore requested to approve capital investment in the refurbishment and redevelopment of Community and Library facilities, subject to DfE approval to dispose of redundant land at Area C.
35. Potentially interested parties for the development of a Care Home have indicated that they would be keen to see the works associated with the community & library facility move towards completion as soon as

possible because the new Care Home will be facing the community & library facility and a completed refurbishment and redevelopment would be more appealing for residents as they move into and settle in their new home. A decision to proceed with these works at the earliest possible opportunity will therefore allay some of these concerns.

36. As agreed by Executive in May 2016, the decision on the management of the community and library facilities will be the subject of a separate report to Executive in early 2017. As described in the report to Executive in May 2016, negotiations are underway with the Explore Library Service to take on the management of this facility, alongside their own activities on site, as an extension of their current contract with the Council. Appropriate commercial terms have yet to be agreed. Should the Explore Library Service not be able to take on the management of the wider facility, we will pursue other options including management by another of the tenants on site, self management or management by a third party.

### **Sports and active leisure facilities**

37. The Burnholme site has continued to be maintained and used as an operational venue for sports clubs and other active leisure users, facilitated by the YorWellbeing team at City of York Council. Activity on this site, which includes ten acres of grassed pitches, has grown enormously since the school closed in summer 2014 and the Council is keen to maintain and enhance the facilities to encourage further uptake.
38. The emphasis is upon community use, use by informal teams and leagues and as a venue where sports entrepreneurs can provide services. We wish to retain the diversity of these uses while also attracting new customers. Current uses include:
- Bad Bargain Badminton
  - Beeswing Football Club
  - Bishopthorpe Cricket Club
  - Dunnington Football Club
  - Elmpark Junior Football Club
  - Elvington Harriers
  - Fight Fit Combat
  - Fulford Football Club
  - G2 Sunday Football
  - Hempland Kids Club
  - Heworth Green Football Club
  - Heworth Juniors Football Club
  - Heworth Rugby Club

- Jorvik Boccia
- Leisure Leagues
- Men's Fitness
- Netball Nights
- Osbaldwick Junior Football Club
- Raggy Dolls Netball Club
- Sambarca
- Tang Hall Tigers
- Wheldrake Junior Football Club
- Yapham Cricket Club
- York City Football Club
- York Disability Athletics Club
- York Hotshots
- York Hunters Handball
- York Minxsters Roller Derby
- York Phoenix
- York Vikings Basketball Club.

39. The sports buildings will be a prominent feature on the site once redundant school buildings are removed. For this reason, their external appearance, in particular the appearance of the dominant sports hall, will need to be improved and enhanced.
40. In the meanwhile, however, two problems have arisen, which have led the Council to propose that initial investment is required in advance of the main refurbishment. The roof to the sports hall has developed leaks, which have not been resolved by internal maintenance. Additionally, there is insufficient storage space for the wide range of groups who want to provide services to vulnerable user groups. We therefore propose initial investment of approximately £200,000 to address these issues.
41. It is, however, imperative that any such investment should be mindful of the longer term vision for refurbishment of the facility and it is for this reason that early design work has been commissioned to consider how later investment might enhance the buildings.
42. A future report to Executive will seek sanction for the larger-scale investment in the sports and active leisure facilities on site and their long-term management.

## **Implications**

### **Financial**

#### Capital costs

43. The redevelopment of the Burnholme site to deliver new community, library and sports facilities and enable the development of care, health and housing on site will cost approximately £7m and is forecast to be self-financing in relation to capital expenditure based upon current estimates of capital receipts for the care home, health and housing land and estimates of construction costs for the enabling works and redevelopment of the community & sports facilities.
44. It is anticipated that the Project will also attract private sector and health sector investment of approximately £20m.
45. The original capital modelling was completed following an external assessment of the Site and the likely requirements of refurbishment. Industry standard assumptions were made regarding fees and an appropriate level of contingency. In addition, an amount was included for inflation, based on BCIS industry standard.
46. As with all projects of this nature, the final costs of each element will not be known until its respective procurement process is complete.
47. Early enabling works were agreed to be funded from the Older Persons' Accommodation Programme budget. Once receipts are received from the sale of land at Burnholme the cost of the enabling works will be charged to these funds, releasing the Older Persons' Programme receipts for other uses.
48. The capital cost of works to the community and library facility is estimated to be £4.727m and will be funded from the sale of land on the site and is the subject of this Executive and Council sanction.
49. Urgent capital works to the sports facilities are needed at a cost of £200k and are the subject of this Executive and Council sanction.
50. The capital cost of the remaining works to the sports facilities is estimated to be £1m and will be the subject of a separate Executive and Council sanction.
51. The capital works will be undertaken approximately one year in advance of receiving the capital receipt, giving rise to short term cash flow costs that would need to be funded. However, capital receipts are already being generated ahead of schedule within the wider Older

Persons' accommodation programme and therefore the timing difference between income and expenditure can be managed within the existing corporate treasury management budget.

52. Financial monitoring of the whole Project is undertaken on a regular basis as new information regarding actual and projected costs for each element becomes available. This monitoring process continues to demonstrate that the Project will be completed within the original cost envelope.

### Revenue

53. Upon completion, the new community and library facilities are forecast to be self-financing and thus a sustainable resource for local people.
54. We are in discussion with the Explore Library service regarding the proposal that they take a head lease, enabling that organisation to maximise usage and respond to operational requirements. Other options for the management of this facility are also available.
55. YorWellbeing service continues to manage the indoor and outdoor sports facilities on site, pending a decision being taken regarding the management of these areas in the future.

### **Legal**

56. A full examination of the legal implications of the various property and procurement elements of this Project have been undertaken and these will be kept under review, and brought forward for due consideration, as we progress with the various elements of the Project.
57. External legal advice has guided the procurement of the Care Home, including the potential implications of TUPE in this regard.
58. The key legal implications at this stage relate to Department for Education consents for disposal of land at the Site.
59. Paragraphs 4 and 6 of Part 1 of Schedule 1 to the Academies Act 2010 requires that consent of the Secretary of State for Education is obtained before a local authority disposes of (or appropriates to non-educational use) any land or buildings which has been used for other school purposes (not as playing fields) within the last 8 years. This has been secured for the "brownfield" element of the school site, referred to as Area A, only.
60. Section 77 of the School Standards and Framework Act 1998 requires that consent of the Secretary of State for Education is required for

disposal or change of use by a local authority of land used as playing fields by a maintained school within the last 10 years.

## **Equalities**

61. In considering these matters the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
62. The Equalities Act 2010 explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
63. An Equality Impact Assessment (at that time a “Community Impact Assessment”) for the Site was undertaken in July 2014 and remains valid. It particularly highlighted the positive implications of the Project for the health, security and wellbeing of all residents. This will continue to be updated as the project progresses.
64. An Older Persons’ Accommodation Project Board and a Reference Group have been established to act as a sounding board for the development of plans as the implementation of the Project unfolds. The project team also continues to use established channels to communicate with, and gather the views of, members of the local community, partners, stakeholders and staff.

## **Human Resources**

65. The HR implications of the Burnholme Health & Wellbeing Campus are being monitored as the Project progresses.

66. Should TUPE obligations arise (and based upon recent care home closure experience it may not) potential bidders have been asked to identify the financial impact, based upon clear information issued via the procurement documentation

### **Crime & Disorder**

67. Since the school closed and a large part of it is empty, the Site has been the subject of vandalism and trespass, including access to roof areas, which carries significant risk to the persons involved. We therefore seek to move forward with redevelopment as quickly as possible in order to remove these risks.
68. During redevelopment, plans will take account of design features, which minimise opportunities for vandalism and trespass and thus risk to the individuals concerned and ultimately financial risk to the Council.

### **Information Technology**

69. There are no direct Information Technology implications to this report.
70. Provision has been made within the budget for the installation of an appropriate level of IT access for community use.

### **Other Implications**

71. There are no other implications arising from this report.

### **Risks**

72. The key risks to delivery of the Project are:

	<b>Risk</b>	<b>Net Score</b>	<b>Mitigation measures &amp; comment</b>
a)	Failure to secure consent to dispose of Area C to the South of the Site	18	Consultation to date has not elicited any valid objection. Failure to secure consent would prevent development for residential development and capital receipt against expenditure on community/library facility. DfE panel has now recommended approval to Ministers.

	<b>Risk</b>	<b>Net Score</b>	<b>Mitigation measures &amp; comment</b>
b)	Burnholme - Commercial Delivery Model - Negative affect on the coherence of the whole site vision	19	Consideration of initial master planning exercise prior to tendering elementary opportunity. Facilitation of joint working between separate developments.
c)	No long term commitment from NHS Provider Organisations	18	Early engagement with CCG as commissioning body. Priory Medical Group prepared to lead on capital development on behalf of the NHS.
d)	Burnholme - Private Sector not attracted to financial viability	18	Soft market testing / 'socialising' the scheme with potential bidders
e)	Burnholme - Planning Permission not granted /onerous	18	Early site master planning and pre-submission engagement. No objections to proposals for community & library facility.
f)	Failure to deliver an operational Care Home by the end of 2018	10	The delivery of the Care Home at the Site forms an integral part of the Older Persons' Accommodation programme and proposals for early enabling works will help facilitate delivery to timetable.

**End**



**Contact Details**

<b>Author:</b> Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 <a href="mailto:roy.wallington@york.gov.uk">roy.wallington@york.gov.uk</a> Louise Ramsay Burnholme Project Manager Tel: 01904 551828 <a href="mailto:louise.ramsay@york.gov.uk">louise.ramsay@york.gov.uk</a>	<b>Chief Officer responsible for the report:</b> Martin Farran Corporate Director of Health, Housing and Adult Social Care		
	<b>Report Approved</b>	✓	<b>Date</b> 27 <sup>th</sup> Nov 2016
<b>Specialist Implications Officer(s)</b> Legal – Gerard Allen (Ext 2004); Walter Burns (Ext 4402). Finance and Procurement – Debbie Mitchell (Ext 4161), Andy Wilcock (Ext 1129); Mark Woolford (Ext 2237) Property – Nicholas Collins (Ext 2167) and Ian Asher (Ext 3379)			
<b>Wards Affected:</b> Heworth, Heworth Without, Osbaldwick,			
<b>For further information please contact the authors of the report</b>			

**Annexes:****Annex 1** - Spatial plan for Burnholme**Annex 2** - Design for new Community and Library facilities at Burnholme**Abbreviations:**

DfE	Department for Education
GP	General Practitioner (family doctor)
NHS	National Health Service
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended)

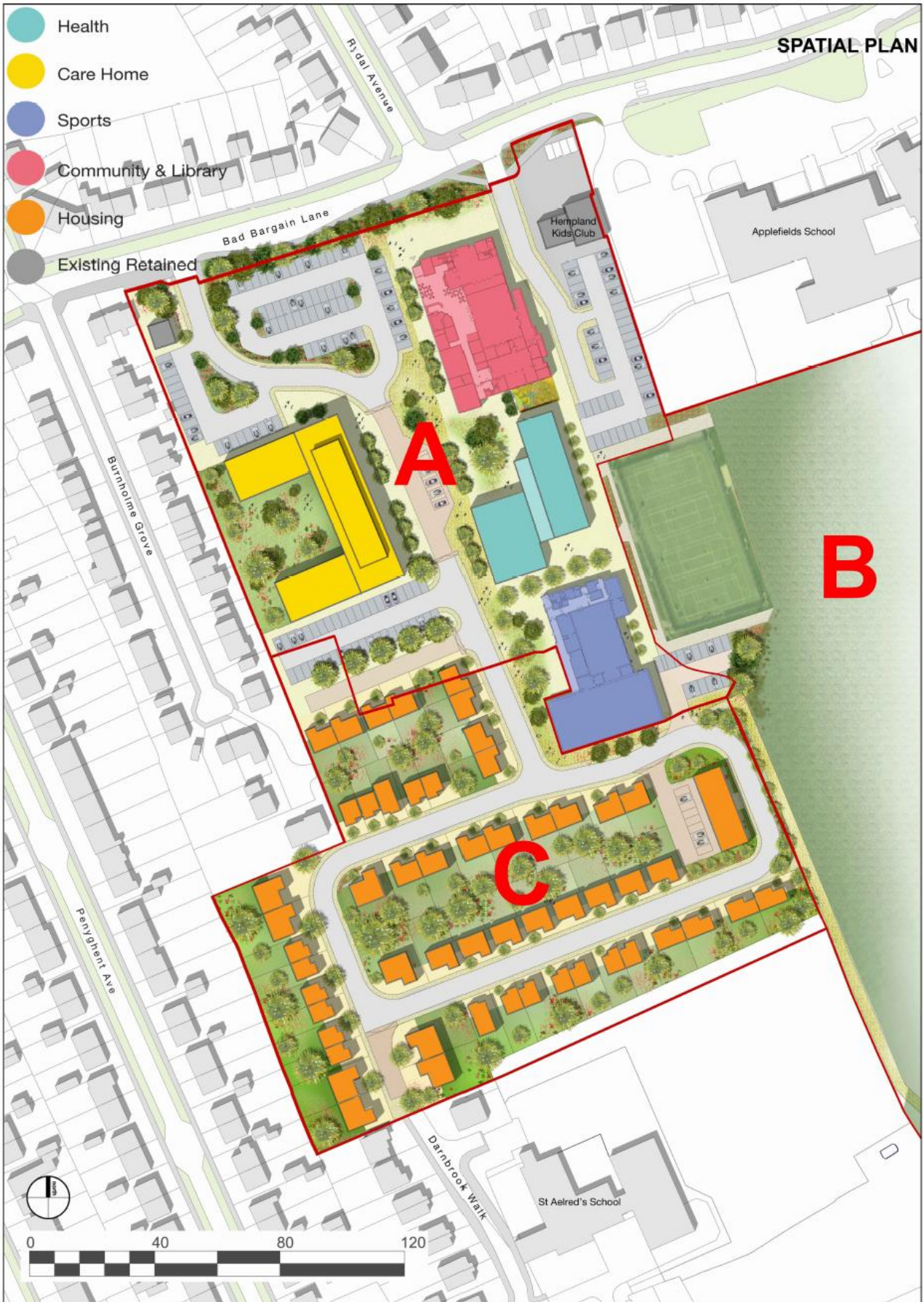
**Background Papers:**

19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive seeking approval of the Business Case for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close Grove House and Oakhaven.
29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.

19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the <b>Site</b> ) in Heworth ward.
14 July 2016	Report to Executive by the Director of Adult Social Care. Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.
28 <sup>th</sup> Sept 2016	Report to the Audit & Governance Committee by the Programme Director, Older Persons' Accommodation, providing an update on progress of the Programme and actions taken to address External Audit recommendations.
24 <sup>th</sup> Nov 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. Receipt of the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreement to close Willow House and sell the site.

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Annex 1 – Spatial Plan for Burnholme



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**Executive****7 December 2016**

Report of the Corporate Director of Health, Housing and Adult Social Care from the portfolio of the Executive Member for Adult Social Care & Health

**Haxby Hall older persons' home: A sustainable future (option appraisal and business case to secure the long-term delivery of older persons' care on this site)**

This report examines the options available for the delivery of a sustainable future for Haxby Hall older persons' home on York Road, Haxby [Haxby & Wigginton ward] and recommends that a partner be found to take over the ownership and management of the home along with a commitment to build a new home on the site in the near future.

**Recommendations**

1. The Executive are asked to:
  - a. Note the review of options for the future of Haxby Hall.
  - b. Consider the three options in this report and decide whether the preferred option is for the Council to seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future and that this option is the subject of consultation with residents, relatives, interested parties and staff of Haxby Hall.
  - c. Agree that a six week period of consultation is undertaken with residents, relatives, interested parties and staff of Haxby Hall to explore the option to seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future and that a further report on the outcome of this consultation be received at the Executive before a final decision to transfer is made.

Reason: To progress to deliver a sustainable future for Haxby Hall as a care home, as part of the Older Persons' Accommodation Programme.

## Summary

2. The purpose of this report is to review the options for the future use of the services and land at Haxby Hall. The review is prompted by the growth in the 75+ population of York, a rise which will continue for at least the next fifteen years, the success of the Older Persons' Accommodation Programme to date and the need to manage the long-term financial pressures facing the authority. Three options have been examined:
  - a. Continue with the current plan to consult on closure and, subject to any decision to close, sell the site.
  - b. The Council to redevelop the site itself as a new care home.
  - c. Transfer of property and services with guarantee of redevelopment.
3. This review concludes that Haxby Hall should not be the subject of consultation to close but instead the Council should seek a partner to take over its ownership and management with a commitment to build a new care home on the site in the near future (Option C). This option will be the subject of consultation with residents, relatives and staff.
4. A plan has been developed in which adult care provision can be continued at Haxby Hall in a modern and high quality environment. The scheme that has been devised makes efficient use of the space in order to provide:
  - a. a new care home with approximately 70 beds including special provision for those with complex care needs such as dementia; and
  - b. a capital receipt from the sale of the site to an independent provider.
5. The proposal is affordable in the context of the Financial Plan for the Programme and will secure a number of good quality care beds for purchase by the authority at an agreed price, helping to manage medium term financial pressures.

## Background

6. Executive in July 2015 agreed a programme of activity which will transform the provision of older persons' accommodation with care (the **Programme**) York's current provision of accommodation with care is both incompatible with modern standards and is insufficient to meet the needs of an ageing population.

7. On 14<sup>th</sup> July 2016 Executive agreed to investment in land holdings adjacent to Haxby Hall older persons' home and that they would "receive a further report in the autumn on the examination of options for the long term future of Haxby Hall, including seeking a partner to operate and redevelop as an alternative to consultation on closure".
8. There is a shortage in York of suitable accommodation with care for older people. This is caused by historic under-investment and expected growth in the size of the over 75 population of the city (the 75+ population is expected to increase by 50% over the next fifteen years, from 17,200 to 25,800).
9. The Programme, as currently set, anticipates the following outcomes in the period 2016 to 2018:

Table 1: New provision under the Programme

<b>New Provision</b>	<b>When</b>	<b>Total</b>
<i>Extra Care</i>		
Glen Lodge Extra Care Extension	Q3 -17	27
New Extra Care Scheme in Acomb	Q4 -18	40
Red Lodge Extra Care – net new	Q1-18+	75
<b>TOTAL new Extra Care units of accommodation</b>		<b>142</b>
<i>Residential Care</i>		
Chocolate Works Care Home	Q2 -17	90
Red Lodge Care Home – net new	Q4 -17	16
Burnholme Care Home	Q4-18	80
<b>TOTAL new residential care beds</b>		<b>186</b>
<b>Making best use of existing Sheltered Housing with Extra Care accommodation for those with high care needs</b>		<b>50</b>
<b>TOTAL new provision</b>		<b>378</b>

10. These efforts will facilitate the closure of the five remaining Council run Older Persons' Homes, subject to consultation. It is recognised that the buildings that these homes operate in are no longer fit for purpose.
11. In total 378 new units of accommodation are expected to be achieved in the next three years, closing the 2014-18 gap identified and replacing existing Council-run care beds.

12. However, more is needed to meet the demand generated by population growth through to 2020 and beyond, as the table below shows:

Table 2: Demand & Supply through to 2020

<b>Demand &amp; Supply through to 2020</b>	<b>2014-18</b>	<b>2020</b>
<b>Shortfall in provision</b>	<b>-371</b>	
<b>New provision</b> as detailed in Table 1	<b>+378</b>	
<b>And, subject to that new provision, shortfall</b>		<b>-137</b>

13. We therefore estimate that we need to see the provision of 90 additional care beds and 50 units of Extra Care accommodation to meet projected need and supply through to 2020 and beyond.
14. Key strands for the Programme are now moving forward and it is therefore timely that we begin to plan for new provision which will come into use in 2019 and 2020 and which will close that 2020 gap. The other imperative is to achieve a supply of residential care beds and “assess to discharge” beds which will help the Adult Social Care team both to keep pace with demand and manage budget pressures.
15. With this in mind and as agreed by Executive in July 2016 we have explored alternative options for Haxby Hall.

### **Haxby Hall**

16. Haxby Hall Older Persons’ Home currently provides residential care accommodation for 41 permanent and 8 short-stay residents. However, the accommodation provided is no longer fit for purpose as few bedrooms have en-suite toilet and bathroom facilities and the social and communal facilities are inadequate.
17. Further, the Council is prevented from providing nursing care at Haxby Hall and this means that some residents have to move to alternative care accommodation when nursing care is needed. If Haxby Hall was instead to be owned and managed by an independent organisation then dual registration would be possible and both nursing and residential care could be provided on the site.
18. As with other Older Persons’ Homes owned and run by the Council, we currently plan to consult on the closure of Haxby Hall in either 2017 or 2018 and, should a decision to close be made, residents would have to move to alternative accommodation.

### **Haxby Hall operating costs**

19. Haxby Hall's annual operating costs currently stand at £1,266,130. After payments are made by residents for their care, the cost to the council of operating the site is £707,500 a year. At Q2 2016, the actual net weekly cost of running a Council bed is around £430 pw.
20. In comparison the average net cost per week that York pays to providers is £275 per week for residential care or £299 for residential care with dementia care.
21. These operating costs form only a part of any considerations in this options appraisal. Some options contain overheads such as build costs and TUPE transfers in addition to the revenue costs associated with running the care home.

### **Site and Building**

22. Haxby Hall is located in the village of Haxby, to the north of York. Haxby is an historic village with good transport links to the city centre and house prices in the area are just below the average for York.
23. The Council owned plot upon which Haxby Hall is situated is 1.04 acres in area (see Annex 1). Progress is currently being made on the purchase of land adjacent to the site. The combined lands, resulting from the additional site purchase, will greatly improved accessibility and layout for future use.
24. The current building on the site was constructed in 1965 and has capacity for 49 people. It is owned and operated by City of York Council as a residential care home since 1965 and also cares for people with high dementia needs.
25. As mentioned previously Haxby Hall's age means that many of its facilities are not up to modern standards. Rooms lack ensuite toilets; corridors and bedrooms are too small to meet accessibility standards and the building design does not work well for dementia care. On top of this the site requires high levels of maintenance. The roof repair in 2009 has failed to completely resolve the problem of leaks. The property contains only minimal quantities of asbestos thus minimising this as a risk to re-development.

### **Other Factors**

26. There are a number of residents at Haxby Hall who have been moved

there from other Council care homes which were closed, primarily Grove House and Oakhaven but also Fordlands and Oliver House.

### **Consultation**

27. A number of tools for consultation have been utilised over the past month. Architects from P&HS were contracted to provide feasibility drawings and produce a concept plan of how any new development might work.
28. The options examined in this report have been discussed with the Older Persons' Accommodation Programme reference group. They are supportive of the preferred option.
29. Residents, relatives and staff at Haxby Hall have also been engaged. Questions were asked about the impact upon current residents, the capacity and capability of the council and its partner to deliver the proposal, what a new care home may look and feel like and how much care would cost under the new arrangements. A summary of the meeting that occurred on 21<sup>st</sup> November is shown in **annex 2**.
30. Work with the property, finance and procurement teams has also been undertaken to review the costs and opportunities surrounding the options presented.
31. Wider research into how councils have dealt with similar situations elsewhere was undertaken during July and August 2016. Councils approached included Derby, Nottinghamshire, Leicester, Leicestershire and Doncaster. A visit to Doncaster council was conducted in August to discuss the issues around transfers as considered in Option C.
32. If Executive agrees Option C there will be a need for formal consultations with residents, families of residents, interested parties and staff to inform them of the proposal and to receive any feedback regarding the proposal. Option C may also require consultation with trade unions, the CQC and independent care home operators; the latter in order to ascertain demand.

### **Business Case**

33. A number of options have been considered for the Haxby Hall site. These proposals have been the subject of extensive discussion and include:

- a. closure of care home, relocation of staff and residents and sale of site;
  - b. the Council fund and build a new care on the site and continue to own and operate the new care home; and
  - c. procure a partner to take over ownership and operations of the site with a commitment to develop a new care home on the site.
34. The preferred option is a transfer of property ownership and services to an independent organisation whilst providing a commitment that a new care home will be developed on the Haxby Hall site.
35. The transfer of services at Haxby Hall to a private or non-profit organisation has a number of advantages such as:
- i. maintaining the service provision while shedding costly overheads;
  - ii. providing a modern high quality environment for care;
  - iii. increasing the number of care beds available in the city; and
  - iv. generating a capital receipt from the sale of the site.
36. The redevelopment of the site would also increase the capacity of beds above the 49 currently provided on site. The Council would enter into a contract with the new care provider to block purchase a number of care beds at the Actual Cost of Care.

### **Options examined**

#### **Option A: Continue with current plan to consult on closure and, subject to any decision to close, sell the site**

37. This is the current proposed option: subject to consultation and any decision to close, the closure of the care home, relocation of current residents and staff and final sale of the site. The village of Haxby has a good community and is well located for commuters, meaning the site ought to realise a decent capital value. This healthy capital receipt is currently intended to contribute to the £4m needed to support the wider aims of the Programme. Replacement provision of Extra Care accommodation and new residential and nursing care facilities is planned, allowing for the replacement of what is currently at Haxby Hall. However, the closure of the home and sale of this site for other uses does not increase the supply of accommodation with care, which is the focus of this stage of the review.

**38. Opportunities**

- Capital receipt from sale.
- Lower long term costs.

**39. Negatives and Risks**

- Loss of control of how the land is used.
- Reduced number of council owned care beds.
- Reduced number of total care beds in York.
- Loss of work for staff members.

**Option B: The Council redevelops the site itself**

40. City of York Council owns and constructs new care facilities at the site and continues to run these. This route would deliver growth in the provision of good quality care beds and also provide long term service benefits to the area. However this plan will also require a large outlay of capital to provide the improvements, estimated to be at least £5m. This plan also leaves the council with the highest operating costs and risk going forward. If the council was to deliver the proposed 70 bed home then net operating costs may grow.

**41. Opportunities**

- Greater control over quality of care.
- Continued operation of Haxby Hall as a Council owned facility.
- Retain ownership of land.
- Existing staff retain posts with the Council.

**42. Negatives and Risks**

- No revenue savings and highest long term costs.
- Capital investment required is large.
- Construction and delivery risks remain with the Council.
- Unable to provide both residential and nursing accommodation.
- Long term management and operation risks.



### **Option C: Transfer of services with guarantee of redevelopment**

43. City of York Council transfers operations and land to an independent organisation with guarantees that the site will be redeveloped and increased in capacity. A number of beds will then be block purchased for the Council's use at an agreed price. This option would ensure that Haxby Hall continues operating as a care home, increase the supply of beds in York and reduce long term costs for the Council. After consulting with other councils who chose this option in less prime localities, it would appear that it may be possible to also recoup a capital receipt from the transfer.

#### **44. Opportunities**

- Continued operation of Haxby Hall as a care home.
- Increased number of care beds in York.
- Council guarantee of fixed price beds for the future.
- Minimise long term costs to the Council.
- Minimise ongoing management obligations for the Council.
- Reduces the council's liability from risks.
- Potential Capital receipt.

#### **45. Negatives and Risks**

- Loss of ownership of the site.
- Risk that suitable development/provider partner cannot be procured.
- Risk that new provider will fail.
- Likely TUPE transfer of existing staff.
- Cost to new partner of TUPE obligations.

#### **Criteria and specification**

46. The decision to progress and the preferred option must meet certain criteria which are highlighted below:

- Deliver value for money for all partners.
- Focus on frontline services.
- Deliver a project that meets the aspirations of all involved, including the delivery of more care beds and complex care provision.

- Facilitate early delivery while ensuring good governance.

47. The social and financial context dictates that the council must continue to increase its capacity to provide modern high quality care while minimising long term costs to improve the councils' revenue position.

### Analysis

48. Each option was analysed in relation its alignment with the criteria illustrated above. The scoring is as follows:

- **Green** = meets the aim/objective, two points.
- **Yellow** = partially meets the aim/objective, one point.
- **Red** = does not meet the aim/objective, nil points.

	Focus on Frontline Services	A Council that listens	Opportunities to partner	Protect the most vulnerable	Delivery of more care beds	Minimise costs to Council	Capital cost of option
<u>Option A</u> Close & sell land <b>7 points</b>	1	1	0	1	0	2	2
<u>Option B</u> CYC develops <b>9 points</b>	2	2	1	2	2	0	0
<u>Option C</u> Transfer services <b>11 points</b>	2	1	1	2	2	2	1

49. Evaluation of the options shows that in regards to the context, the aims of the Programme and the request to seek additional provision of care beds for the period 2019 to 2020, the closure and sale of Haxby Hall (i.e. Option A) fails to meet a number of the key aims going forward.

50. Option B is the Council redeveloping the site itself. This option would provide good quality care for a greater number of people. However when analysed in the current financial climate it is both unaffordable and delivers unnecessary risk. The proposed new development would cost approximately £5million and would have a greater number of beds than the current site. Staffing these beds would involve hiring a larger workforce further increasing the long term net operating costs. This option brings the highest risk as the Council carries all the liability for

unoccupied rooms or changes in national policy. These issues mean that it is recommended that this option should not be taken forward.

51. This appraisal therefore recommends that the Council takes forward the option to transfer the site and services at Haxby Hall to an independent organisation i.e. Option C. Consultation with other councils has shown that transfer of services can bring a number of benefits when done correctly. Of the councils questioned all had seen a reduction in their operational costs and received a capital receipt which at least covered the costs of the project.
52. Doncaster Council who provided the greatest support also mentioned the warmer public reception in comparison to closure and the success of the new operator in maintaining the services. The location of the asset at Haxby Hall should increase the likelihood of bringing in buyers and therefore make this option viable.

### **Moving forward**

53. The preferred option is the transfer of site ownership and services to an independent organisation with the commitment to build a new care home on the Haxby Hall site (Option C). Architects have produced plans of a potential replacement which would allow for a staggered construction process meaning the care home could remain open during development. This plan is for 70 beds and would cost approximately £5 million. Space can also be freed up for Extra Care bungalows or apartments, if this fits in with the service delivery model of the new operator.
54. The delivery of a new care home with 70 beds would increase the supply of older persons' accommodation in the city.
55. The transfer of ownership and management to a partner organisation also allows the Council to make use of their expertise and resources in order to deliver the incremental redevelopment of the site for new nursing and residential care accommodation.
56. The transfer of services and redevelopment of a new care home at the Haxby Hall site could result in the realisation of a number of benefits.

<b>Benefit</b>	<b>Leading to...</b>	<b>Outcome</b>
Improved environment and facilities for older people in residential and nursing care.	Reduced incident rate of trips, falls etc. Users live in a safe,	Improved quality of life. Decrease in hospital

Benefit	Leading to...	Outcome
	well maintained environment.	admissions.
Older people with complex requirements and/or dementia are cared for in purposely designed facilities.	Engaged and fulfilled lives for older persons with dementia. Users have access to specialised equipment to maximise independence.	Improved quality of life. Reduction in use and cost of peripatetic occupational therapy services.
Independent living in Extra Care bungalows or apartments.	Residents less likely to move to institutionalised care. Users can maximise independence. Short stay hospital visits are reduced.	Improved quality of life. Reduced social exclusion. Reduction in use and cost of peripatetic occupational therapy services.

57. The proposed plans for the transfer of property and services to an independent partner have been the focus of an informal consultation event which included Haxby Hall residents, their family/next of kin and staff, as summarised in **Annex 2**. Formal consultation will be undertaken should Executive choose to support Option C.
58. It is envisaged that the development could progress along the following timetable:

Timeframe	Event/Action
Q1 2017	Formal consultation with residents, relative & staff
And, subject to the	outcome of that consultation...
Q2&3 2017	Procurement of partner
Q3 2017	Executive approval of transfer
Q4 2016/Q1 2018	Transfer
Q1 2019	Construction of new care home begins

### **Development strategy**

59. To achieve the best value for the reform of the Haxby Hall site while retaining high quality design and build standards it is proposed that:
  - a. the ownership and operation of care at Haxby Hall be transferred to an independent developer/provider; and
  - b. an obligation is placed upon the new operator to build a new care home on the site accommodating approximately 70 beds.
60. The initial phase of redevelopment at Haxby Hall would be that of partial demolition. The south wing of the existing Haxby Hall care home would be demolished allowing the opportunity to develop the southern area of the site while still retaining the majority of residents.
61. A new care home could then be built on the southern half of the site that could accommodate 50 en-suite bedrooms. Once completed residents within the remaining existing Haxby Hall can be transferred into the newly developed care home allowing for the demolition of the remaining original Haxby Hall and a further 20 bed extension can then be constructed
62. This option has the potential to accommodate additional facilities such as Extra Care bungalows or apartments, while maintaining the majority of existing trees, on the northern portion of the site.

### **Procurement strategy**

63. It is proposed that the Council procures a single partner or consortium to undertake the operation of care at Haxby Hall and the development of a new care home providing residential and nursing accommodation alongside three extra care scheme style bungalows.
64. The Council should procure an appropriately qualified partner through an OJEU compliant framework or procurement exercise to deliver:
  - a. high quality nursing and residential care at the Haxby Hall site; and
  - b. a new care home with approximately 70 beds.

### **Considerations moving forward**

65. Should Executive agree to Option C a project plan will be formulated to identify risk and manage the process going forward. This should also contain a full engagement and communication plan, as well as a risk

register. Measures should be put in place to mitigate any risks identified in this report or subsequently through the risk management process.

66. The context surrounding outsourcing to the independent sector earlier in the appraisal noted a number of concerns, which need to be taken into consideration in progressing this proposal to delivery phase. The key in reducing risk of market failure will be ensuring that a high quality provider with a track record of good service delivery is selected.
67. Moving forward with Haxby Hall the risks involved with transferring services should be considered. When choosing a provider, advisers suggest that the preferred bidder should display the following characteristics:
- proven track record of successfully operating large care homes;
  - proven experience of both nursing care and specialised dementia care;
  - previous experience of meeting TUPE regulations in relation to care homes;
  - stable business/financial model which is sustainable over term of contract; and
  - experience of designing, building and commissioning a modern care home.
68. These elements would form the basis of the selection criteria when procuring a partner for any proposed undertaking of services at Haxby Hall.

### **Delivery of Council and partner priorities**

69. The Programme is set in the context of the Council Plan for 2015-19 and will contribute to achieving its ambitions. Based on our statutory responsibilities and the aims of the new administration, the plan focuses on three key priorities:
- **a prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - **a focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities

- **a council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities

70. To support these corporate priorities and under the guidance of the Health & Wellbeing Board, York has developed proposals to achieve a new focus for adult health and social care which delivers:
- a. self care and self management;
  - b. better information and signposting;
  - c. home is best;
  - d. early intervention and prevention;
  - e. reablement and intermediate care (targeted resources);
  - f. management of long term conditions; and
  - g. services at a community level where this is desired and possible.
71. In making York a great place for older people to live and in particular the themes of ageing and dying well, the contribution of the voluntary sector, older people and carers should be recognised, especially in:
- a) supporting people with long term conditions to live independently;
  - b) preventing admissions to hospital;
  - c) encouraging physical activity;
  - d) addressing loneliness and social isolation; and
  - e) preparing for an increase in dementia.

## **Implications**

### **Financial**

72. The Financial Plan for the Programme was agreed by Executive in July 2015 and anticipates generating revenue savings from 2019/20 onwards. This Plan assumes that the Programme concludes in 2018. Should Executive agree to extend the Programme beyond 2018, for example, by taking a different approach to Haxby Hall, a different financial outcome would be expected.
73. The preferred option for Haxby Hall has the following impact on the Plan:

(figures in £000)	2017/18	2018/19	2019/20 to 2023/24	ongoing
Financial Plan agreed by Executive, July 2015				
Yearly saving	(76)	0	(284)	(553)
<b>Transfer Haxby Hall and buy 20 residential &amp; dementia beds</b>				
Yearly saving	0	0	(306)	(575)

74. The preferred solution increases slightly the total saving to be generated from the Programme compared to the July 2015 approved plan. The solution also increases the number of good quality care beds available to the city and ensures that the Council can buy beds at an agreed rate for the medium term.
75. The preferred solution will reduce the likely capital receipt from the Haxby Hall site. However, because overall receipts from the recent sale of older persons' homes that have closed have significantly exceeded estimates, a reduced receipt from Haxby Hall will not affect the overall financial outcomes of the Programme.
76. The option to retain and re-build Haxby Hall is not recommended because it is the least cost effective solution:

(figures in £000)	2017/18	2018/19	2019/20 to 2023/24	ongoing
Yearly saving/cost	0	0	220	(49)

### Human Resources (HR)

77. The HR team are engaged regarding staff, TUPE and associated issues.
78. A key risk raised by other councils which have undertaken a transfer of care services, was staff pensions and the length of TUPE negotiations. Care staff tend to include a mixture of younger, less experienced staff members and people who have worked there for most of their working lives. Dealing with pension concerns, trade unions and TUPE was identified as the aspect of the transfer that was most difficult and time consuming for other councils. A Local Government Pension Scheme



Admissions Agreement is likely to need to be secured as part of negotiations for comparable pension rates.

79. The process of negotiation can take approximately 6-8 weeks. A number of risks and examples of best practice for a successful transfer of services have been provided by other local authorities that have undertaken the procedure and include:
- Employee representatives should be consulted as early as possible to identify any issues;
  - the project team should include a human resources representative who is knowledgeable of pension transfers to advise on any issues and guide this process; and
  - staff should be consulted soon after Executive approval to identify who is likely to transfer and their current pay/pensions arrangements.

### **Equalities**

80. An Equalities Impact Assessment already exists of the Programme. It is undated to reflect the option to transfer Haxby Hall as a going concern.
81. The continued provision of care accommodation at the Haxby Hall site has several positive impacts on quality of life outcomes for a number of customer groups. For example, residents at the care home will not need to be moved to another care home due to closure. Furthermore, the high quality and fit for purpose design of a new care home will also improve the quality of life of residents resulting in improved care provision for older people. Any new facilities will also meet the needs of people with disabilities or impairments exceeding statutory expectations. Specifications for any facilities will consider and exceed accessibility standards as well as considering visual impairments in relation to colour choice and appropriate contrast. The new modern care home will have larger rooms with en-suites that allow older couples to live together if they wish. Older couples can have the opportunity to live and support each other in the modern care home. This could potentially provide additional support and reinforce family and social values.
82. However, the care staff that are older may suffer adversely if seeking alternative work as a result of the proposals for Haxby Hall. Staff would also be offered protections under TUPE regulations.

## Legal

83. The consideration of the closure or transfer of existing council run older persons' homes should follow a clear and consultative path. There are a number of potential challenges to local authorities during the process of closing/transferring older persons' homes which have been considered. Previous advice is held and has been updated by specialist legal colleagues. This advice includes an examination of the application of the Human Rights Act and the Equality Act.
84. In order to ensue fair competition and transparency as well as to avoid a challenge under the State Aid rules (in respect of any Council funding or land made available), there will be a procurement exercise conducted which complies with EU legislation and our own constitution in the event Option C were chosen. Any transfer of assets or operations to an independent operator would ensure that affected staff would transfer their employment rights wherever applicable.
85. The transfer of site ownership and operation of the care home to another entity will trigger the application of the TUPE legislation in relation to staff employed at or involved in the operation of Haxby Hall.
86. When examining options for transfer, the Council will need to consider transfer of both the freehold ownership of the site of Haxby Hall and, in the alternative, disposal of a long lease of the site to the prospective new operator. A lease would potentially give the Council some more control over how the facility is redeveloped and operated. If the Council wants to ensure that a new/replacement care home is constructed on the site to a certain specification/standard within a specified period and to require that the premises are not used for any purpose other than a care home for certain minimum period, such obligations may be more enforceable if contained within a lease than if included within a freehold transfer deed.
87. The transfer of the assets, liabilities and contracts relating to Haxby Hall to a new operator would entail the negotiation and completion of a commercial transfer/business sale agreement.
88. A condition/obligation to construct and operate a care home on the site may adversely affect the capital receipt which the Council is offered for the site meaning that the Council may need to accept less than best consideration/full market value for the site. The General Disposal Consent Order (2003) gives the Secretary of State's consent (pursuant to S.123 of the Local Government Act 1972) to local authorities for

disposal by them at less than best consideration/full open market value provided that:

- i. the Council (acting reasonably) is satisfied that the disposal will facilitate the promotion/improvement of the economic, social or environmental well-being of the area; and
- ii. the difference between the consideration/price received and best consideration/full market value does not exceed £2 Million.

If the above conditions are not satisfied then the Council would need to obtain the Secretary of State's specific consent under S.123 for any disposal (freehold sale or grant of lease for more than 7 years) at less than best consideration/full market value.

89. If the Council wishes to impose a contractual obligation on any new operator within transfer deed/lease to construct a new/replacement care home on the site that may be a works contract for the purposes of the Public Contracts Regulations depending on the value of those works. If the value exceeds the relevant threshold in those Regulations then the contract would need to be procured in accordance with those Regulations.
90. Bidders may possibly not be willing to enter into a commitment to construct a replacement care home on the site (nor to take over ownership and operation of the existing care home) unless and until they obtain planning permission for their preferred design/size of replacement care home on terms acceptable to them. They might potentially consider that otherwise the project is not sufficiently financially attractive if they commit to operating a care home on the site for a substantial number of years but are then unable to obtain planning permission to replace the existing outdated high-maintenance care home with a larger, modern more efficient care home.

### **Property**

91. The property team has been consulted over concerns with the sale, development or transfer of the property
92. The preferred option means that the council will not receive the sizable capital receipt that is assumed in the current Plan. However, this loss is off-set by several sales already achieved which have been significantly in excess of expectations.

93. Any transfer of the Haxby Hall site would be conditional on the commitment to build a new care home on the site.

### Crime and Disorder

94. *Not Applicable*

### Information Technology (IT)

95. *Not Applicable*

### Risk Management

96. The risks associated with the examination of the options are highlighted in each option evaluation.
97. The risks associated with the preferred option are listed below and will be carefully managed and monitored:

	<b>Risk</b>	<b>Control/action</b>	<b>Gross</b>	<b>Net</b>
98.	Anticipated level of capital receipts not realised.	Work closely with partners and CYC finance to maximise capital receipts.	<b>8</b>	<b>1</b>
99.	Increase in interest rates.	Ensure impact is capped or controlled through the contracts.	<b>19</b>	<b>14</b>
100.	Rising cost of external residential care providers.	Undertaking negotiations with Independent Care Group.	<b>23</b>	<b>19</b>
101.	Project does not deliver the right number and type of care places required by the city.	Modelling of predicted care levels to look at effect of the provision of different numbers of care places by type.	<b>19</b>	<b>13</b>

	<b>Risk</b>	<b>Control/action</b>	<b>Gross</b>	<b>Net</b>
102.	Loss of morale for existing staff leading to negative impact on service provided to current residents.	Maintain staff morale and focus through regular briefings/updates; engagement through Operational Managers and staff groups; investment in staff training, support and development.	<b>19</b>	<b>13</b>
103.	Challenge and negative publicity from existing residents and relatives.	Development of good communications via briefings to residents and relatives, Executive, group leaders, trade unions, operational management & staff, Programme Wider Ref Group, media etc.	<b>19</b>	<b>13</b>
104.	Private Sector unattracted to financial viability.	Soft market testing / 'socialising' the scheme with potential bidders.	<b>19</b>	<b>18</b>
105.	Planning Permission not granted / onerous.	Early site master planning and pre-submission engagement.	<b>19</b>	<b>18</b>

**End**

**Contact Details**

<b>Author:</b> Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 <a href="mailto:roy.wallington@york.gov.uk">roy.wallington@york.gov.uk</a>		<b>Chief Officer responsible for the report:</b> Martin Farran Corporate Director of Health, Housing and Adult Social Care		
		<b>Report Approved</b>	✓	<b>Date</b> 27 <sup>th</sup> Nov 2016
<b>Specialist Implications Officer(s)</b> Legal – Walter Burns (Ext 4402)Gerard Allen (Ext 2004) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Philip Callow (Ext 3360) and Ian Asher (Ext 3379)				
<b>Wards Affected:</b> <i>Haxby &amp; Wigginton</i>				
<b>For further information please contact the author of the report</b>				

**Annexes:****Annex 1** – Plan of the Haxby Hall site**Annex 2** – Summary of feedback from consultation**Annex 3** – Updated Equality Impact Assessment as it relates to the Haxby Hall transfer proposal**Abbreviations:**

OPH – Older Persons' Home, previously referred to as – Elderly Persons' Homes

TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended by the 2014 amendment regulations

**Background Papers:**

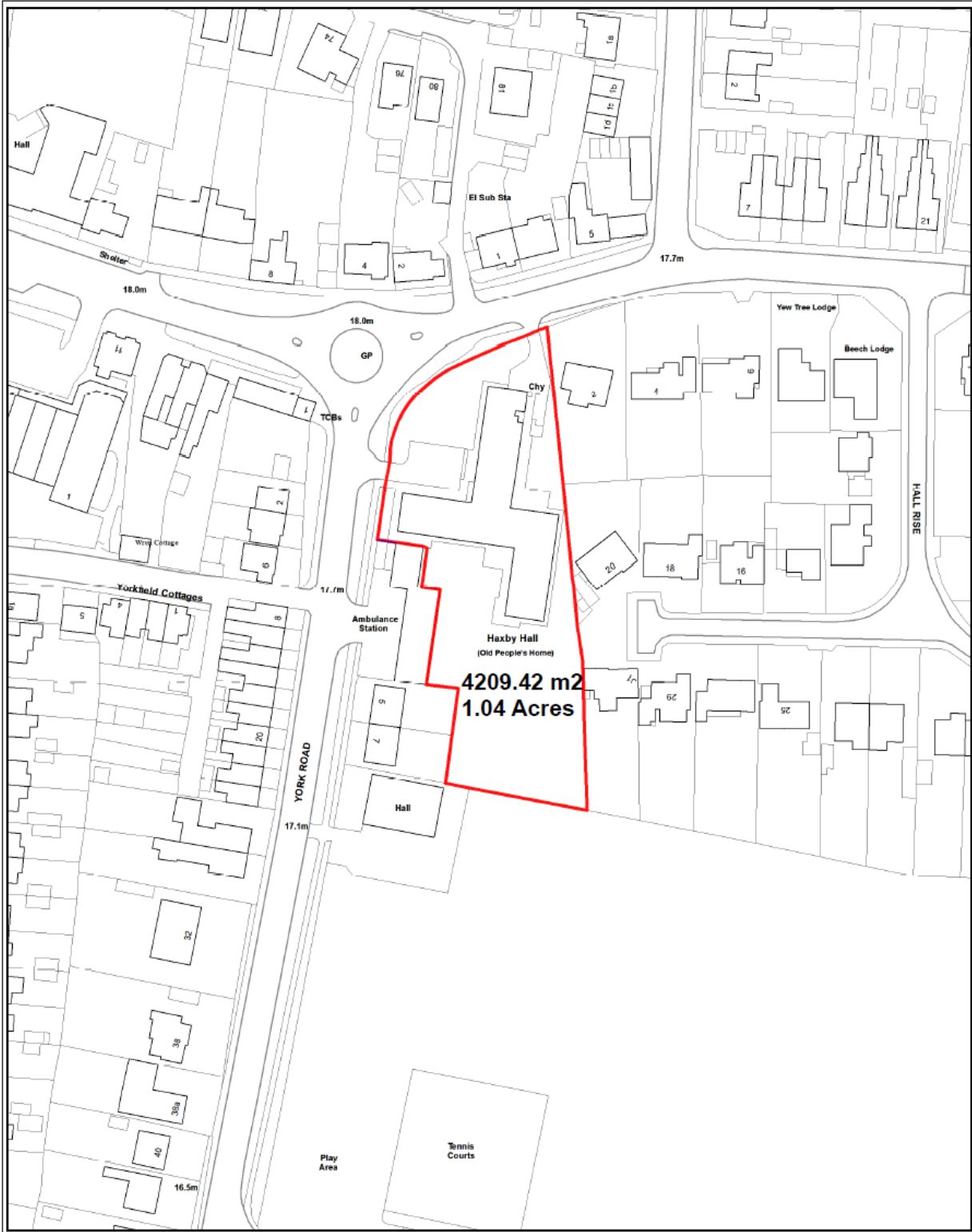
19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result.

	Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive seeking approval of the Business Case for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close Grove House and Oakhaven.
29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the <b>Site</b> ) in Heworth ward.
14 July	Report to Executive by the Director of Adult Social Care.

2016	Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.
28 <sup>th</sup> Sept 2016	Report to the Audit & Governance Committee by the Programme Director, Older Persons' Accommodation, providing an update on progress of the Programme and actions taken to address External Audit recommendations.
24 <sup>th</sup> Nov 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. Receipt of the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreement to close Willow House and sell the site.



Annex 1 - Plan of the Haxby Hall Site



**Haxby Hall Elderly Persons Home**

SCALE 1:1,250      DRAWN BY: DH      DATE: 06/01/2016



Originating Group: **Asset & Property Management**      Drawing No. **E00644**

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## Annex 2 - Summary of feedback from consultation

The meeting took place on November 21<sup>st</sup> between 1.30pm and 2.30pm. Representatives of the Council were available to discuss individual concerns after the meeting.

### Opening remarks

The overall aims and outcomes of the older persons' accommodation programme were outlined, including the Council's plans to modernise care for the elderly in the city. References were made to the closure of other Council run care homes as part of this programme and the needs of older people moving forward.

The proposal for Haxby Hall was then described. Care services would be transferred to another provider and a new care home would be built on the existing site. It was made clear that the plans were a proposal that required Executive approval. The need for a care home in Haxby was acknowledged however, it was stated that the current Haxby Hall is not fit for purpose and that the Council cannot provide nursing care. It was made clear that the provider and operator of a new care home would not be City of York Council.

The process for the upcoming years with regards to Haxby Hall was then described. This was as follows:

Timeframe	Event/action
April 2017	Identify and select a partner for transfer of services and redevelopment (subject to formal consultation)
September 2017	Executive approval
April 2018	Transfer of property and services
July 2018	Planning application
April 2019	Demolition and construction begin

The process of how the provider would be selected was elaborated on in more detail to emphasise that the Council will scrutinise any potential provider.

The meeting was then opened up to questions from the attendees.

1. The first topic raised was whether residents would need to move out of Haxby Hall. This was discussed in detail and it was explained that the proposed plan is for the transfer and redevelopment to take place while the home remains open to minimise disturbance. The development of the new care home would be incremental. It was clarified throughout the meeting that the proposals are for a phased demolition and construction meaning that residents at Haxby Hall will not have to move off site.
2. Residents and relatives wanted to know what would happen to the levels of green space at Haxby Hall. It was explained that amount of green space would depend on the final design of the new care home.
3. A key discussion topic was the price of care. Residents and relatives were concerned that the price of care would increase if a private provider took over. It was clarified that this will form part of the agreement between the Council and the provider. If the Council currently funds your care they will continue to do so. This is based upon a financial assessment. In regards to self-funders there will be no difference between what happens now if the cost of the care was to change. At this point Richard explained the City of York Council's top-up panel and how it would support people in this situation.
4. The progress of the older persons' accommodation programme was highlighted. An example of lack of progress was given by an audience member of the proposed care village at Lowfield. It was confirmed that the Lowfield site still remains part of the plans for the older persons' accommodation programme.
5. The issue of timing was also raised in relation to planning permission for the new care home and that it would take a long time to get permission so why are the Council upsetting people by telling them about these proposals now. It was stated that the Council would rather tell residents and relatives first rather than them hearing about it in the media. The report is due to go to executive in December.
6. Audience members wanted to confirm if there would be a cut off date for taking new residents at the current Haxby Hall. It was confirmed that it is something that the Council is looking at but is not likely to be any time soon.
7. There was a long discussion about why the home is not currently fit for purpose and why the Council are not spending money on improving the home now. A suggestion was made that the current building should be extended into the south of the site and the existing building remain. It was

explained that the Council have spent money on the home to keep it up to standards for example replacing the floor however, this is not an appropriate way to create a modernised care home. It was stated by a member of the audience that it is the quality of care that counts more than the environment. This was agreed with but there are benefits to a modern care home design. A point about the staffing levels at Haxby Hall was raised by several residents/relatives. This was addressed after the meeting concluded.

8. The amount of disturbance during construction was also talked about at the meeting. It was stated that there will likely be some disturbance but the new operator would endeavour to keep disturbance to a minimum.
9. There was also a worry that the fees would go up after the initial agreement between the Council and new operator expired. The fact that the Actual Cost of Care (ACOC) has recently risen was also mentioned. It was suggested that the ACOC could be raised by the Council in the upcoming 2 years allowing the new operator to charge higher costs.

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## Annex 3 - Updated Equality Impact Assessment as it relates to the Haxby Hall transfer proposal

### City of York Council

#### EQUALITY IMPACT ASSESSMENT

1	Name and Job Title of person completing assessment	Programme Director, Older Persons' Accommodation
2	Name of service, policy, function or criteria being assessed	Haxby Hall older persons' home: a sustainable future
3	What are the main objectives or aims of the service/policy/function/ criteria?	<p>To continue to provide care at the Haxby Hall site in a modern and fit for purpose environment.</p> <p>The continued provision and modernisation of care accommodation at Haxby Hall will improve the quality of services at the site and have modern standards of accessibility that the current site does not have. The Council will seek a partner, with whom to work to develop a scheme, which is both commercially viable and which delivers the maximum community benefit.</p>
4	Date	24th November 2016

#### Stage 1: Initial Screening

5	<p>What evidence is available to suggest that the proposed service/policy/function/criteria could have an adverse impact <b>on quality of life outcomes</b> (as listed at the end of this document) for people (both staff and customers) with protected characteristics? Document the source of evidence, (e.g. past experience, anecdotal, research including national or sectoral, results of engagement/consultation, monitoring data etc) and assess relevance of impact as: <b><i>Not relevant / Low / Medium / High.</i></b></p>
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Protected Characteristic		Not relevant		Low / Medium / High		Source of evidence that there is or is likely to be adverse impact	
		Cust	Staff	Cust	Staff	Customers	Staff
a	Race	X	X			n/a	n/a
b	Religion / spirituality / belief	X	X			n/a	n/a
c	Gender	X			L	n/a	The OPH staff profile shows that the majority of the current workforce are women.
d	Disability	X	X			n/a	n/a
e	Sexual Orientation	X	X			n/a	n/a
f	Age	M			L	Change of care provider and construction of a new care home may cause disturbance to residents at the existing Haxby Hall.	The OPH staff that are older may suffer adversely if seeking alternative work.
g	Pregnancy / maternity	X	X			n/a	n/a
h	Gender reassignment	X	X			n/a	n/a
i	Marriage and	X	X			n/a	n/a



Protected Characteristic		Not relevant		Low / Medium / High		Source of evidence that there is or is likely to be adverse impact	
	civil partnership						
j	Carers of older and disabled people	X	X			n/a	n/a

If you assess the service/policy/function as **not relevant across ALL the characteristics**, please proceed to section 11. If you assess the service/policy/function as **relevant for ANY of the characteristics**, continue to Stage 2, Full Equality Impact Assessment.

### Stage 2: Full Equality Impact Assessment

6	Are there any concerns that the proposed or reviewed service/policy/function/criteria may be discriminatory, or have an adverse impact on members of the public, customers or staff with protected characteristics? <b>If so record them here</b>	
a	Public/customers	Yes – possible negative effects on health and well-being of frail residents.
b	Staff	Yes – older staff especially those who are also carers in their home environment with limited ability to move and find other jobs.

If there are **no concerns**, go to section 11.

If **there are concerns**, go to section 7 and 8 amend service/policy/function/criteria to mitigate adverse impact, consider actions to eliminate adverse impact, or justify adverse impact.

7	Can the adverse impact be justified? E.g. in terms of community cohesion, other legislation, enforcement etc. <b>NB. Lack of financial resources alone is NOT justification!</b>
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#### Customers

Our quality assurance studies as well as the results of consultation showed that the current OPHs, whilst in reasonably good condition, are 40-50 years old and no longer meet current residents' needs and also are not fit for the

future. Their size and design make it more difficult for staff and other practitioners to care for people with dementia and high dependency care needs.

### Staff

Looking at experiences at other councils, there were no forced redundancies however, staff would be offered a fair severance package under TUPE law. Staff also recognise the need to improve and modernise the care environment for customers.

8	What changes will you make to the service/policy/function/criteria as result of information in parts 5&6 above?
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There will be no changes to the proposed policy.

9	What arrangements will you put in place to monitor impact of the proposed service/policy/function/criteria on individuals from the protected characteristics?
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Assessment & Safeguarding Care Managers and OPH Managers will monitor the impact of any changes on individual residents. They will also track feedback from relatives and, where appropriate request independent advocates looking out for the interests of individual residents.

OPH Managers, Human Resources, and Trade Unions will support OPH staff through the transfer process if this decision is approved by the Members'.

10	<b>List below actions you will take to address any unjustified impact and promote equality of outcome (as listed at the end of this document) for staff and other people with protected characteristics. Consider action for any procedures, services, training and projects related to the service/policy/function/criteria which have the potential to promote equality in outcomes.</b>
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Action	Lead	When by?
<u>Customers</u> The Council will endeavour to keep disturbance during to transfer to a minimum; the new operator of the home will do the same during any construction	Head of Service (Operations)          Care Home	Until transfer of property and services has occurred.          Until new construction is



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**Executive****7 December 2016**

Report of the Corporate Director of Health, Housing and Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

**Lowfield Green development: Moving forward to deliver a care home, health facility and housing**

This report provides Members with feedback on the public engagement relating to the proposals for the former Lowfield School site (the **Site**), gives details of the case for the development and seeks agreement to the spatial plan, investment in enabling works and to move forward with the delivery of a care home, health facilities and housing on this site as part of the Older Persons' Accommodation Programme (the **Programme**).

**Recommendations**

1. Members will be asked to:
  - a. Note the feedback from public engagement regarding plans for the redevelopment of the Lowfield site in Acomb following agreement by Executive in July 2016 to move forward with the development of the Lowfield School Site.
  - b. Agree the spatial plan prepared for the Site as described in the report in order to deliver approximately 162 new homes, a care home, newly built accommodation for health & other public services as well as public open space and an estimated capital receipt of £4.5m, with appropriate adjustments made to the arrangement of homes to the north west boundary of the Site in order to facilitate integration and to the traffic flows through the site to prevent a through-traffic route being opened up between Tudor Road and Dijon Avenue.
  - c. Agree that the Older Persons' Accommodation Programme includes the procurement of a new residential care facility on the Site as part of the wider Lowfield Green development.

- d. Agree to:
- i. procure a developer/operator to construct and operate a Care Home containing approximately 70 beds on approximately 1.4 acres of the Site;
  - ii. the developer/operator to be chosen through a competitive process which complies with both the EU Public Contract Regulations and our own Contract Procedure Rules;
  - iii. dispose of approximately 1.4 acres of the Site to the developer of the Care Home by way of a long lease in return for payment of a premium/capital sum;
  - iv. impose a condition within the lease that the site of the Care Home can only be used as a Care Home for a specified period;
  - v. procure a contract under which the Council would seek to purchase access to a specified number of beds in the Care Home at a specified rate for a specified number of years;
  - vi. the undertaking by the Council of road construction and other enabling works estimated to cost approximately £993,000 in order to facilitate construction of the Care Home and development of adjoining land for housing; and
  - vii. the cost of this procurement and the necessary enabling works initially being paid out of the Older Persons' Accommodation Programme budget and later by receipts from the disposal of land on the Site.
- e. Agree to receive the recommendation to dispose of land for the Care Home to the preferred bidder by way of long lease in accordance with the Council's Financial and Contract Procedure Rules.
- f. Agree to the preparation and submission of a planning application (relating to new access routes to the site and other necessary elements of the plan) in order to facilitate the development of the Care Home with the cost of preparing the planning application to be initially funded from the Older Persons' Accommodation Programme and subsequently from future receipts from the disposal of land on the Site.
- g. Agree to seek a developer/s or alternatively for the Council to undertake development for housing of approximately 8 acres on the Site.

- h. Agree to receive the recommendation, where relevant, to sell approximately 8 acres of the Site for housing development to the preferred developer/s in accordance with the Council's Financial and Contract Procedure Rules.
- i. Agree to sell plots of land for use by self-builders and community housing to provide homes on approximately 1 acre of the Site in accordance with the Council's Financial and Contract Procedure Rules.
- j. Agree to work in partnership with a health care/service partner and North Yorkshire Police to develop a health and public service facility on approximately 1 acre of the Site.
- k. Agree to receive the recommendation, where relevant, to sell or lease land for health and other public service users in accordance with the Council's Financial and Contract Procedure Rules.
- l. Recommend to Council that the estimated £993,000 of costs for the enabling works and the access road needed to facilitate the development are added to the Capital Programme with costs initially being funded from capital held for the use of the Older Persons' Accommodation Programme and subsequently being paid back from the capital receipt received from the disposal of development land on the Site.

*Reason: To progress with the Lowfield Green development and deliver additional care, health and housing facilities for the residents of York.*

- m. Request that reports are brought to Executive in 2017 to:
  - i. Provide details of the health facilities that can be provided on the Site and the structure of the partnership which will deliver them.
  - ii. Provide details of the police facilities that can be provided on the Site and the structure of the partnership which will deliver them.
  - iii. Provide details of the football facilities that can be created on land off Tadcaster Road.

*Reason: So that the elements of the Lowfield Green development can progress.*

## Summary

2. Executive on 14<sup>th</sup> July 2016 agreed to move forward with the development of the Lowfield School site in order to deliver:
  - a. Approximately 3 acres for the potential development of health and wellbeing facilities, including a care home;
  - b. Approximately 9 acres for housing, including “starter homes” and homes for the over 60s;
  - c. Approximately 1 acre as play and open space; and
  - d. A capital receipt of at least £3.8m from sale of land on the site.
3. Following that approval, a spatial plan for the Lowfield Green development was drawn up (see **Annex 1**) and has been the subject of public engagement during October 2016. A good cross-section of interested parties were engaged including
  - a. 85 local residents who attended one of two drop-in sessions held locally, 15 of whom left written comments at the display of the proposals in Acomb Explore Library,
  - b. over 300 who “engaged” on line and via social media including 25 who provided written comments.
  - c. The proposals have also been presented to and discussed with the Programme stakeholders and with Yorspace self-builders.
4. The proposed spatial plan has been supported by the majority of the 428 residents who have engaged although there has been strong opposition to the development from a minority who are immediate neighbours to the north and south west of the site. The proposal is also supported by key stakeholders including the York Older Persons’ Assembly. A full report on the results of the public engagement is included in **Annex 2**.
5. Spatial planners have devised a scheme that makes efficient use of the site to deliver:
  - a. a care home, health and police facility;
  - b. approximately 162 homes including approximately 25 bungalows, approximately 27 apartments for the over 55s, approximately 93 family homes and approximately 17 self build & community build plots;
  - c. approximately 2 acres of public open space including allotments; and
  - d. an estimated capital receipt of £4.5m.



6. The spatial plan delivers the requirements agreed by Executive in July, with two exceptions:
  - a. approximately 2 acres of public open space, including play space, is proposed, rather than 1 acre; and
  - b. a net capital receipt of approximately £4.5m can be achieved, rather than £3.8m.
7. Executive are asked to agree the spatial plan, with some amendment, the necessary procurement activity and enabling investment which will allow it to be delivered.
8. The “working vision” for the Lowfield site is to provide a vibrant community that promotes health and community values in line with One Planet York principles and to give life to the Council’s Public Health ambitions. The integration of care services, police service and community users into the same space will make efficient use of space available and is in line with the principles of the One Public Estate programme which the Council has been a member of for some time and for which some funding has been applied for to assist with the delivery plan for this project.
9. The delivery of an integrated site that promotes health and wellbeing at the Lowfield site can result in the realisation of a number of benefits:

Benefit	Leading to...	Outcome
Improved environment and facilities for older people in residential care.	<p>Reduced incident rate of trips, falls etc.</p> <p>Users live in a safe, well maintained environment.</p>	<p>Improved quality of life.</p> <p>Decrease in hospital admissions.</p>
Older people with complex requirements and/or dementia are cared for in purposely designed facilities.	<p>Engaged and fulfilled lives for older persons with dementia.</p> <p>Users have access to specialised equipment to maximise independence.</p>	<p>Improved quality of life.</p> <p>Reduction in use and cost of peripatetic occupational therapy services.</p>

Benefit	Leading to...	Outcome
Improved local access to health and social support	Easier to remain independent in own homes  Improved security and perception of security	Improved quality of life  Reduced/later admission to residential care
Increased choice in housing on offer.	Older people “down-sizing” and releasing larger housing for young families.  Work on self-build plots to smaller local contractors.	Improved perception of security/safety and social cohesion.  Reduction in worklessness.
Improved access to GP services and associated primary and community based health provision.	Earlier diagnosis, particularly in traditionally “hard to reach” groups.	Reduction in limiting long term conditions and emergency admissions.  Reduction in use of A&E services.
Integration of public services into same space.	Co-locate and share resources.  Complement each other on complex issues.  Close collaboration to ensure focus on particular problems.	Efficiency savings.  Improve public service outcomes.
Access to open space and allotments.	Play and other healthy lifestyles.  Promote community values.	Improved quality of life.  Reduced social exclusion.  Locally produced food.

10. External traffic consultants have advised that the local roads surrounding the Lowfield site can cope with the impact of the redevelopment and the existing network can withstand any additional traffic generated.
11. Part of the Lowfield site is used by Woodthorpe Wanderers U16s Football Club. The football club has been consulted and are willing to relocate to a suitable alternative site. Options for a football pitch at Tadcaster Road in partnership with Bishopthorpe White Rose FC are being explored, supported by the Yorwellbeing Service.
12. It is envisaged that the development can progress along the following timetable:

<b>Timeframe</b>	<b>Event/Action</b>
Q1 & Q2 2017	Procure partners for redevelopment
Q3 2017	Executive approval
Q4 2017 & Q1 2016	Planning application
Q2/Q3 2018	Construction begins

### **Background**

13. In September 2007 Lowfield School merged with Oakland School to form York High School. A third of the school buildings were damaged by a fire on 3<sup>rd</sup> October 2008. The former Lowfield School site at Dijon Avenue has been vacant since December 2008 and school buildings were demolished in 2010.
14. The total area of the Lowfield site is 13.7 acres.
15. The Council was previously engaged in a project for a Care Village on the site, which was abandoned in 2015 as the plan at that time proved not to be financially viable.
16. The Executive on 14<sup>th</sup> July 2016 agreed to move forward with the redevelopment of the Lowfield site, as part of the Older Persons' Accommodation Programme, to deliver:
  - a. approximately 3 acres for the potential development of health and wellbeing facilities, including a care home;
  - b. approximately 9 acres for housing, including "starter homes" and homes for the over 60s;

- c. approximately 1 acre as play and open space; and
  - d. a capital receipt of at least £3.8 million from sale of land on the site.
17. BDP spatial planners have been engaged to draft proposals for the redevelopment of Lowfield. The finalised draft of their plan formed the basis of the public engagement events during autumn 2016.
  18. The public engagement events informed the local community and other interested parties of the plans for Lowfield Green development.
  19. The current spatial plan provides more play and open space and is expected to deliver a higher capital receipt than originally anticipated.

## **The Case For The Development**

### **Criteria and Specification**

20. The Lowfield Green development is recommended to progress because it meets certain key criteria as highlighted below:
  - a. It delivers value for money.
  - b. It delivers outcomes that meet the aspirations of the Council and its partners.
  - c. It is deliverable and avoids conflict of design/construction delivery.
  - d. It gives life to the principles of the One Public Estate programme, One Planet York and our Public Health ambitions.
  - e. The proposed approach facilitates early delivery while ensuring good governance.
  - f. It ensures that the Council's core requirements are met through a robust and complete procurement process.

### **The Proposal**

21. The vision for the redevelopment of the Site now includes a wide range of integrated public, private, community and voluntary activities and services, all of which support each other and contribute to improved health and holistic wellbeing for the local community.
22. The Site offers a significant opportunity to demonstrate that the Council can deliver the infrastructure required to facilitate integration between services and be a catalyst for change.
23. The realistic and deliverable vision for this site includes:

- a. Residential and nursing care for older people with complex care needs, including dementia.
  - b. A suite of residential options including bungalows and apartments for older adults who want to “downsize” and take advantage of co-located services.
  - c. 2/3 bedroom family houses to rent and to buy.
  - d. General practitioner (GP) services.
  - e. Community-based health services.
  - f. Integrated health and public services potentially including accommodation for the police service.
24. The proposals for the Site have been the subject of extensive discussions with partner organisations and the local community. Previous public consultation in the Westfield area had identified the desire for a care home at the Site. In the neighbouring Acomb ward improving health and wellbeing and increasing community involvement are stated priorities.
25. Public engagement based on the preferred plans for the Site highlighted:
- a. the desire for a care home to be provided on the Site;
  - b. a strong demand for bungalows;
  - c. a preference to see the types of houses integrated together;
  - d. concerns regarding traffic generation and, in particular, the potential that a new through route may be opened up between Tudor Road and Dijon Avenue, encouraging “rat runs”;
  - e. concerns relating to the arrangement of houses on the north west edge of the Site, with a preference to see new homes built slightly further away from existing homes in order to aid integration; and
  - f. the potential negative impact on wildlife.
26. The positive support for the Lowfield Green proposal is welcomed and reflects a general feeling that we should “get on with it”. However, it is appropriate that we listen carefully to concerns and, as we move forward, it is proposed that:
- a. in consultation with the Council’s Highways Engineers we ensure that traffic cannot ‘cut through’ the site from Tudor Road to Dijon Avenue;

- b. we review the layout of houses and other uses on the north western boundary of the site; and
- c. we confirm that the retention of significant trees, the design and type of public open space, the arrangement of gardens and boundary treatments all help to support and nurture wildlife on the site and contribute to the local green corridor which is intended to act as a stepping stone for biodiversity.

27. The development of the Lowfield site into a health and community campus is similar to the initiative at Burnholme in the east of the city. As a result the experiences and lessons learned in the redevelopment of Burnholme will be implemented to deliver the provisions at Lowfield.

### **Value for Money**

- 28. There is no scope for refurbishment or re-use of the former Lowfield School as it was demolished in 2010 to slab level following an extensive fire which destroyed the majority of the buildings.
- 29. The option to develop only the eastern portion of the Site as a Lowfield Care Village that included a care home alongside sheltered accommodation and extra care units was initially pursued. This option, following competitive procurement, proved not to be financially viable. Low property prices in this area combined with a high infrastructure to value ratio meant that this approach was not deliverable. The conclusion reached was that the whole of the Site would need to be developed in order to appropriately match value with cost.
- 30. The potential for developing the Site for one use and by one partner was considered. However, this approach would limit the range of services that could be easily achieved on site and was therefore rejected in favour of a mixed delivery option.
- 31. An option to develop the Site as a Health and Community Campus, replicating certain aspects of the development of Burnholme in the east of the city, is therefore the preferred option. It is anticipated that this option would provide a capital receipt to the Council of approximately £4.5 million.
- 32. Design options were considered for the spatial plan for the Lowfield site redevelopment with varying numbers of housing unit and different levels of public open space as shown in the below table:

	No. of homes	Approx. open space (acres)	Expected capital receipt	Enabling and infrastructure costs as a % of land value
Preferred spatial plan	162	2	£4.5m	24%
Public open space at planning policy levels	177	1.2	£4.9m	22%
50% more public space	146	3	£4m	26%
100% more public space	129	4	£3.57m	30%
Limit number of homes to 137	137	3.5	£3.8m	28%
Only build on school building footprint	95	6	£2.57m	35%

33. The preferred option is recommended because it delivers the best combination of housing units, public open space and capital receipt. It is also efficient in terms of infrastructure costs as a proportion of land value.

### **Delivery of Council and partner priorities**

34. The future vision for the Site is entirely congruent with the Council Plan key priorities of:
- **A prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - **A focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
  - **A council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities

35. Furthermore the provisions which the redevelopment of the Site aim to align well with a number of local Ward's key priorities.
36. Additionally, it supports the current Health & Wellbeing Strategy 2013-16 which seeks to:
  - a. Make York a great place for older people to live.
  - b. Reduce health inequalities.
  - c. Improve mental health and intervene early.
  - d. Enable all children and young people to have the best start in life.
  - e. Create a financially sustainable local health and wellbeing system.
37. The Lowfield redevelopment is also congruent with the proposed Health and Wellbeing Strategy 2017-21 which takes a "life course approach" with the following themes:
  - a. Starting and growing up well.
  - b. Living and working well.
  - c. Ageing well.
  - d. Dying well.
38. In making York a great place for older people to live and in particular the themes of ageing and dying well, the contribution of the voluntary sector, older people and carers should be recognised, especially in:
  - a. Supporting people with long term conditions to live independently.
  - b. Preventing admissions to hospital.
  - c. Encouraging physical activity.
  - d. Addressing loneliness and social isolation.
  - e. Preparing for an increase in dementia.
39. Additionally, the Lowfield Green development will be able to make a significant contribution to the ambitions of the Vale of York Clinical Commissioning Group in relation to the Five Year Integrated Operational Plan 2014-2019. In particular the vision for the Site will aid initiatives aimed at prevention, self care and wellbeing as well as facilitating the integration of services.



40. The vision for Lowfield is aligned with the aims of the Council in relation to delivery of public health interventions and with the NHS England Five Year Forward View. It will help move away from a 'factory' model of care and repair by acting to prevent and by allowing opportunities for early intervention. This will reduce the levels of detrimental "downstream" effects on health thus decreasing the burden on hospital admissions.
41. The redevelopment of Lowfield is also aligned with the One Public Estate programme which the Council is supporting. The co-location, within fit for purpose environments, of health and social care providers, alongside other public services such as the police, has the potential to demonstrate services efficiencies and drive towards more focused and coordinated delivery of services as well as delivering part of the site for housing development which is another of the One Public Estate programmes key outputs.
42. We have used as a guide to the development the One Planet York principles and seek to give life to these principles in several respects, namely health and happiness, equity and local economy, nurture and enhance wildlife, sustainable water, local and sustainable food and sustainable transport:
  - a. Promotion of health and happiness by providing open spaces to walk in, play areas and allotments. Lowfield Green will also host a care home and a health centre.
  - b. Affordable homes to rent and buy will promote equity; jobs in care will boost the local economy.
  - c. The creation of a village green alongside the preservation of good quality trees and hedgerows will provide a mature landscape which will nurture and enhance wildlife.
  - d. Gardens and allotments which can be part privately rented and part utilised by other organisations to promote local and sustainable food as well as providing an opportunity for intergenerational cooperation.
  - e. The Lowfield Green development is situated within 5 minutes walking distance to local shops, library and schools. Lowfield Green will promote sustainable transport.

## Opportunity Cost

43. The proposed development has also been the subject of an opportunity cost analysis, as follows:

Issue	Benefit	Capital deficit
GP and health/public services on site	<p>Purpose build health centre capable of providing a wider and more complete range of services.</p> <p>Integration of services allowing efficient operation and the opportunity to “join up” services.</p> <p>A capital receipt.</p>	Loss of value in land receipt compared with land sold for residential housing.
Up to a 70 bed care home	<p>A proportion of care beds purchased at our “actual cost of care” target price for a period of years.</p> <p>Capital receipt.</p>	Loss of land receipt compared with land sold for housing (offset by revenue benefit)
Public open space, allotments and play park	<p>Increased opportunities for intergenerational activities particularly gardening.</p> <p>Pro-actively managed public open space in the form of a “village green”.</p> <p>Play area for children provides a safe environment preventing children playing on streets.</p>	<p>Reducing public open space to planning policy levels for residential housing would generate an additional capital receipt of approximately £400,000.</p> <p>Doubling the area of public open space would result in a loss of receipt of approximately £1m.</p>

## Development Strategy

44. The development strategy for the efficient delivery and management of the regenerated Lowfield site in order to achieve best value while retaining control of build standards, is as follows:
  - a. development of different parts of the Site by different organisations and at different times, while guided by the spatial plan;
  - b. provision of a “stand alone” site for the Care Home in order to allow this to be developed in a timely manner;
  - c. early investment in road access to facilitate the care home, bungalows and self-build construction and investment in the new Tudor Road access point;
  - d. disposal of part of the Site for the proposed housing development including some bungalows and family housing;
  - e. public open space including allotments retained to promote community involvement, with consideration given to community land trusts or other forms of collective ownership/management; and
  - f. an appropriate and accommodating venue is sought for the relocation of Woodthorpe Wanderers Junior FC who have been engaged and are open to moving, working in partnership with Bishopthorpe White Rose FC.
45. In the spatial plan we have mirrored approaches taken by private sector builders, ensuring that space is used efficiently while delivering usable and defensible open space. In addition, the development of football pitches on other land away from the Site frees up land for other uses. This means that approximately 162 homes can be achieved, compared to the less ambitious Local Plan target of 137. In this way, slightly more homes are achieved, realising a potential additional £800,000 in land value which will allow the Council to invest in infrastructure, thereby facilitating the care home, bungalow and self-build elements of the development.
46. In order to generate capital receipts which will enable the redevelopment of the Site to be completed without additional Council funding, the following aspects of the site will be offered for freehold sale or long term lease:
  - a. approximately 1.4 acres to be disposed of by way of long lease for development and operation of a residential and nursing care home for older people with the obligation that the Council can purchase a

percentage of beds at an agreed price and for an agreed number of years. The care home will be capable of caring for those with high needs, such as people with dementia ;

- b. approximately 0.8 acres of land will sold or leased to facilitate development of an integrated public services hub to include a GP surgery/primary health care and other public services. This could facilitate the move of North Yorkshire Police services based at Oakhaven to “join up” public services; and
- c. the remaining available land of approximately 9 acres is to be allocated to housing development. The current spatial plan estimates that approximately 162 houses can be accommodated.

### Care Home

47. It is proposed that up to a 70 bed care home could be developed on the Lowfield site. There is significant scope for a new care home to replace outdated and inadequate stock in York as well as preparing for the expected increases in the ageing population.

### Housing provision

48. The draft spatial plan for the redevelopment of the Site includes a range of housing provision. Having sought the advice of land use experts, a mixed residential development precluding large (4 bedrooms or more) high value property is preferred. The spatial plan for the site achieves this by offering:
  - approximately 25 bungalows;
  - approximately 27 over 55s apartments;
  - approximately 93 2/3 bedroom houses to rent and buy; and
  - approximately 17 self-build or community housing plots.
49. Any housing developed on site, either for sale or for rent will need to be well designed and incorporate a suitable mix to cater for the range of housing requirements in the market.
50. There is strong demand for 2 and 3 bedroom houses.
51. Discussions with a number of estate agents in the Acomb area indicated a very good level of demand for bungalows despite bungalows often commanding a premium price. It is also noted that floor space doesn't need to be large to attract buyers.

52. Bungalows also provide an number of advantages over traditional two storey houses including:

- Accessibility for those with reduced mobility
- Versatility in using land area
- Attractiveness to neighbouring housing due to unobtrusive design.

#### Self-build and community build opportunities

53. The site also gives us the opportunity to give life to the Council's and central government commitment to support and encourage self-build housing. York maintains a register which includes 26 people interested in self build plots. During public engagement on plans for Lowfield Green strong interest was show by potential self-builders and by the YorSpace co-construction group.

54. Drawing upon national advice and good practice, we know that plots should be laid out for maximum efficiency but also to fit the needs of the self-builders. Feedback from consultation and those signed up to the self-build register will be used to inform layout to provide the best fit possible.

55. Plots will be serviced up to the boundary edge with road, sewage, electricity, water, gas and communications. By servicing all the plots together money can be saved on contracts. These costs can then be added back onto the land price, passing on savings and reducing the number of contractors on site.

56. The Council can ensure that plots are only sold to genuine self-builders as they are in council ownership. The following draft regulations will control access and activity on site:

- a. Each customer can only buy a single plot, thereby reducing the risk of a developer buying up multiple plots for development. If a group self-build wishes to purchase land then they must provide evidence of how this will work and that each member will be using it as a primary residence.
- b. A stipulation that any buyer must use the home as a primary residence for 2 or more years after construction.
- c. A stipulation that construction must start within an allotted time, normally within two years of purchase.

57. The Council may also wish to consider a design code for the plots. This is an agreement which would set out the plot size, how many storeys a

structure built there can be, size of structures and other details. This feature gives the council some level of building control but also gives the self-builder confidence and security in what they can do with the land.

58. We will further examine these options.
59. Collective construction (also called community housing) groups who are interested in working on Lowfield Green are likely to have different needs in terms of plot sizes and layouts. They will be consulted to see if it is possible provide the appropriate plots and services. Collective construction is likely to reduce up front site servicing costs.

#### GP surgery/public service centre

60. The GP surgery/public service hub could be expected to generate a capital receipt. Although it has been highlighted that an existing GP surgery/medical centre is located nearby on Cornlands Road, a purpose built facility would represent an improvement in provision within the area, giving life to the Clinical Commissioning Group's ambitions for improved community based health provision and urgent care centres.

#### Other potential uses

61. North Yorkshire Police currently operate a staff welfare and briefing station on Acomb Road. It is their intention to relocate from this venue in order to join up with other public services. The health/public services centre provides an excellent opportunity for this.

#### Traffic and Transport

62. The site has good vehicle access from the north through Dijon Avenue and good pedestrian access from the south.
63. An additional access route could be generated at the south of the Lowfield site on Tudor Road. This would relieve pressure on the Dijon Avenue access point. Residents/owners at the relevant addresses have been engaged individually regarding this possibility and are supportive.

#### Programme Management

64. The Lowfield Green development will form part of the Older Persons' Accommodation Programme and will therefore be governed by the Programme Board and led by the Programme Director. Housing Development colleagues, Public Health, Adult Social Care commissioning and Property, Legal, Financial and Procurement colleagues will be actively involved in making the development a reality.

## Procurement Strategy

65. The Lowfield Green development encompasses a number of intended uses which may result in potential phasing issues. To address the complexity of the Site a number of commercial options have been considered.

a) A single developer of Lowfield Green

A single developer would be appointed to develop and manage the Lowfield site. The intention would be for the Council to specify its requirements but otherwise commercial freedom to be handed to the developer.

b) Breaking up of site into separate developments

The Council would procure a partner to develop and operate an older persons' care home on site. The developer would raise the initial capital funding and the Council would look to block contract a percentage of the beds at the actual cost of care.

The sale or leasing of land to a GP health partner to develop the purpose built health and public services centre.

The remaining land would be sold for residential housing development and/or developed by the Council.

Self-build housing plots would be sold off individually, most likely by public auction.

c) Age related housing and care home is developed by a single developer

The Council would seek a partner to develop and operate an older persons' care home and the age-related housing proposed for the site i.e. the over 55s apartments and over 60s bungalows.

The Council would sell any and all surplus land for residential development.

It should be noted that during the consultation period a number of residents expressed their desire for a single developer for the Lowfield site.

Risk transfer through procurement

66. It is considered that the range of different uses and different partners on site prevent the effective procurement of a single delivery partner. The procurement would be complex and the risk transfer difficult.
67. It is therefore proposed that individual elements of the development are procured separately. This allows the procurement method to best suit the intended outcome and allows us to replicate procurement work already undertaken at Burnholme. It also allows for separate areas of the Site to be developed at different times.
68. This approach minimises procurement and delivery risk and allows for more risks to be transferred to each specialist delivery partner.

**Communications and Engagement**

69. The Lowfield Green development forms part of the Older Persons' Accommodation Programme and is thus covered by the Communication Strategy for that programme of work.
70. The proposed spatial plans were consulted upon with residents alongside extensive conversations with other potential stakeholders including North Yorkshire Police, health partners, the York Older Persons' Assembly and others.
71. As the Project progresses, it will be imperative to secure the continued engagement of stakeholders, neighbours and new partners, as well as current and potential future users of the site, as the proposals and plans for Lowfield Green are developed.

**Timescales for delivery**

72. The project plan for the delivery of the Lowfield Green development is summarised below. A detailed delivery plan will be developed.

<b>Timeframe</b>	<b>Event/Action</b>
Q1 & Q2 2017	Procure partners for redevelopment
Q3 2017	Executive approval
Q4 2017 & Q1 2016	Planning application
Q2/Q3 2018	Construction begins



### 73. Implications

#### Financial

74. The financial plan for the Lowfield Green development has been developed, drawing upon land sale valuations provided by external advisers and cost assumptions based upon recent experience.

75. The development is expected to deliver a positive capital receipt, as follows:

	Estimated Receipts & Costs £,000
<b>Total Receipts</b>	<b>£5,806</b>
<b>Costs</b>	
Design & procurement	£168
Enabling Works	£1,125
<b>Total Costs</b>	<b>£1,293</b>
<b>Expected net capital receipt</b>	<b>£4,513</b>

76. Up front capital investment will be covered by funds held by the Older Persons' Accommodation Programme (agreed by Executive in July 2015).

#### Equalities

77. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

78. The Equalities Act 2010 explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

79. An Equality Impact Assessment for the Programme was produced for the 15 May 2012 Executive Report and has been reviewed and updated on several occasions. It particularly highlighted the potential implications of the programme for the health, security and wellbeing of frail residents and also female members of staff at council-run care homes who are older and also carers themselves.

80. An Equality Impact Assessment has been prepared for the Lowfield Green proposals and is attached at **Annex 3**. The proposed developed for Lowfield would positively impact a number of community identities. People of all ages will be able to access GP and healthcare facilities, and public open space. A play area provides a much need area for children to play while allotments and a village green can be utilised by those of all ages. Housing for all ages is proposed for the site from starter family housing to over 60s bungalows. We will also ensure that any new facilities meet the needs of people with disabilities or impairments exceeding statutory expectations.

81. It is also proposed that the Woodthorpe Wanderers Junior football club would move from the Lowfield site. The Council is involved in locating an alternative site for their requirements. Overall, travel to play distances for children using the new facility will not be significantly different from that which applies now.

82. A Programme Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Programme progresses. The project team also continues to use established channels to communicate with, and gather the views of, Programme managers and staff, care management staff and Health colleagues.

### **Property Implications**

83. The Lowfield site is 13.7 acres and was originally a secondary school. The school closed in 2008 and following an extensive fire all buildings on the site were demolished in 2010. The site is locked off from public use but is used for football by Woodthorpe Wanders on agreed days of the week.

84. The uses and values of the site have been fully examined over the years and the proposed Lowfield Green development makes good use of the land and generates a health capital receipt.
85. The site is listed in the Draft Local Plan for mixed uses including housing. The Plan report states that “3.64ha [8.9 acres] are allocated for housing use giving a revised estimated yield of 137 dwellings... with 1.21ha [3 acres] indicated for health and well-being including a care home and 0.56ha [1.4 acres] for public open space”. The proposed spatial plan allocates more land to public open space and less to the health and well-being functions and through efficient design achieves a slightly higher density of housing while keeping to a design with a suburban ‘look and feel’.
86. The proposed spatial plan for the site also addresses other points raised in the Draft Local Plan, namely:
  - a. additional public open space which is integrated and can be used by local residents;
  - b. protection of significant trees on site and, via green open space, trees gardens and allotments, the continuation of the “local green corridor” to act as a stepping stone for biodiversity;
  - c. improved vehicular access to the site via a new route from the south; and
  - d. provision of new sports pitches off-site.
87. The re-provision of accommodation for the North Yorkshire Police will enable land adjacent to planned Oakhaven Extra Care development to be freed up, potentially allowing additional accommodation at that site for over 55s.
88. Land off Tadcaster Road which is currently being examined as suitable for community football use. Planning and other considerations will be examined before a further recommendation is made as to change of use. Land for community football use would be let on a long lease of at least 25 years.
89. **Legal Implications**
90. Legal services have been involved in the development of these proposals and their comments have been incorporated within this report. Further examination of the legal implications of the various property and procurement elements of this development will be undertaken as proposals are developed further and brought forward for due

consideration, as we progress with the various elements of the development.

91. Any proposed restrictions/conditions for development and occupation of the self-build plots may not be acceptable to buyers, and in particular their mortgagees/lenders
92. Because Lowfield School closed in 2007, the Council does not need Schedule 1 to the Academies Act 2010 consent for the re-use of the school building site as that only applies to disposals or change in use of land which has been used as school buildings within the preceding 8 years. The Council already has Department for Education (DfE) consent for disposal of a 1.42 acre strip of the land that runs through the centre of the site. In total, this ensures that 6.9 acres of the site can be developed immediately and without the requirement for formal DfE consent.
93. As the rest of the site is likely to be developed incrementally over the next few years, the Council is unlikely to need DfE consent under Section 77 of the School Standards and Framework Act 1998 (SSFA 1998) to change the use of the rest of this site as that only applies to disposals or change in use of land which has been used as school playing fields within the preceding 10 years. Should the development timetable for this area be accelerated then the relevant consent will be sought.
94. In order to avoid State Aid challenges being raised and to ensure compliance with competition rules, proper procurement processes will be undertaken as there may be Council contributions in terms of funding or land provision in order to facilitate the projects. Such processes will ensure transparency and fair treatment

### **Human Resources**

95. None.

### **Other Implications**

96. There are no specific Crime and Disorder, Information Technology or other implications arising from this report.

## Risk Management

97. The Programme holds many risks, as would be expected with change of this complexity. These have been identified and will be kept under review and will be carefully managed. Key risks include:

98.

ref	Risk	Mitigating Action
a)	Options for accommodation for older people do not match the expectations and aspirations of current residents.	A wide range of options are made available and current residents are supported to assess these against their needs and wishes.
b)	The Lowfield site does not realise the anticipated level of capital receipt included in the financial model.	Work closely with partners and the Council property team to maximise the capital receipt including open marketing and a competitive bidding process.
c)	The Health or other public sector uses of land at Lowfield does not happen.	The land allocated for these uses will instead be used for residential housing with the approach to development being flexible in order to facilitate this.
d)	Insufficient funding to deliver all elements of the project.	The early receipt of capital from the sale of other assets has placed us in a strong position to secure the receipts needed.
e)	Capital funding for health input at Lowfield will be decided nationally and not locally and may not be granted.	Strong joint working between health and social care services and active involvement in the Government sponsored One Public Estate initiative will strengthen any case for health investment at Lowfield. In addition, an incremental re-development means that certain elements can progress and not be dependant upon others; for example, the care home can progress independently of the

ref	Risk	Mitigating Action
		health hub.
f)	Title / related property issues, incorrect procurement of capital works and/or development.	Applying due diligence to ensure Council's normal approach to land disposal, procurement of capital works and/or a development partner is applied.
g)	Increase in interest rates would impact negatively on borrowing.	An interest rate sensitivity test has been run against the proposed Programme and it remains affordable.
h)	Risk of the new developments/deals driving up the price the Council pays to external residential care providers	Undertaking negotiations with Independent providers. Do not "flood" the market with purchase requirements but instead take a slow and considered approach to purchase of care bed places.

### Contact Details

<b>Author:</b>		<b>Chief Officer responsible for the report:</b>	
Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 <a href="mailto:roy.wallington@york.gov.uk">roy.wallington@york.gov.uk</a>		Martin Farran Corporate Director of Health, Housing and Adult Social Care	
	<b>Report Approved</b>	<input checked="" type="checkbox"/>	<b>Date</b> 27 <sup>th</sup> Nov 2016
<b>Specialist Implications Officer(s)</b> Legal – Walter Burns (Ext 4402); Gerard Allen (Ext 2004) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Tracey Carter (Ext 3419) and Philip Callow (Ext 3360) Housing Development – Paul Landais-Stamp (Ext 4098)			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<b>All</b> <input checked="" type="checkbox"/>
<b>For further information please contact the author of the report</b>			

**Annexes:****Annex 1** - Spatial Plan for Lowfield Green**Annex 2** - Lowfield Green Development – report on public consultation, information and engagement**Annex 3** - Equality Impact Assessment**Abbreviations:**

DfE – Department for Education

OPH – Older Persons' Home, previously referred to as – Elderly Persons' Homes

GP - General Practitioner (family doctor)

**Background Papers:**

19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive seeking approval of the Business Case for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House

	and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close Grove House and Oakhaven.
29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the <b>Site</b> ) in Heworth ward.
14 July 2016	Report to Executive by the Director of Adult Social Care. Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.
28 <sup>th</sup> Sept 2016	Report to the Audit & Governance Committee by the Programme Director, Older Persons' Accommodation, providing an update on progress of the Programme and actions taken to address External Audit recommendations.
24 <sup>th</sup> Nov 2016	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. Receipt of the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreement to close Willow House and sell the site.



Annex 1 - Spatial Plan for Lowfield Green



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**Annex 2 - Lowfield Green Development – report on Public consultation, information and engagement; 10<sup>th</sup> October 2016 to 28<sup>th</sup> October 2016**

**1. Promotion of consultation and engagement events**

The opportunity to view and scrutinise the proposals for the redevelopment of the former Lowfield school site were promoted in a variety of ways:

- A City of York Council press release sent to local media outlets including the York Press and Minister FM.
- Coverage on Minster FM to promote the consultation.
- A press release was also posted on the council's website, with accompanying social media. Information regarding the proposals including the spatial design was also available on the Council website.
- Two staffed engagement events at Gateway Community centre (Wednesday 12<sup>th</sup> and Tuesday 18<sup>nd</sup> October, 4.30pm-7pm) were held to discuss the proposals.
- Invitations to attend the drop-in sessions and provide feedback were delivered to approximately 450 houses in the immediate area around the Lowfield site.
- City of York Council twitter feed, promoting engagement events.
- Posters in local shops on Front Street and Morrisons.
- Posters and leaflets distributed to York High School, Hob Moors Primary school and Hob Moor Children's centre.
- Posters and leaflets distributed to Priory Group Medical centre, Energize leisure centre, Gateway Community church and Our Lady's RC church.
- Display and comment box was installed at Explore Library Acomb for the duration of the consultation period.
- Email invitations to those on the York self-build register.

- People were invited to email comments and questions to [lowfield.development@york.gov.uk](mailto:lowfield.development@york.gov.uk).

## 2. Lowfield Engagement events

Two drop-in engagement sessions were held at Gateway Community centre which is within a 5 minute walk of the Lowfield site. Invitations to attend the events were delivered to residents in the Lowfield area one week before the first event was held.

The events were held on separate days of the week and were manned by staff, who all filled in feedback forms while discussing the proposals with attendees. Attendees' postcodes were generally recorded, demonstrating that the majority were from the immediately neighbouring streets.

Comments were transcribed and then sorted into categories according to their content. Key issues/discussion topics were also identified from the comments given. The first event held on the 12<sup>th</sup> October was attended by over 50 people with over half of the responses being positive. The second event on the 18<sup>th</sup> of October was attended by approximately 35 people.

## 3. Display at Acomb Explore Library

The public engagement events at Gateway Community centre were complemented by a display at Acomb Explore Library. This display included copies of the spatial plan for the site, information pertaining to the site and leaflets.

The display also encouraged feedback from the public through comment cards which were collected over the course of the consultation period in a collection box. The feedback cards asked people to comment on what type of facilities/provision they would like to see at the Lowfield site as well as the type of housing.

## 4. Online and email

The City of York Council website carried the article below for the duration of the consultation and engagement period:

### **“Lowfield Green Development**

We seek the views of all local residents and interested parties on proposals for redeveloping the former Lowfield School site in Acomb.

The redevelopment at Lowfield Green seeks to deliver:

- an older persons' care home

- a health and policing community hub
- residential housing for all ages including starter family homes, bungalows and flats for the over 55's and self build plots
- open space including a village green, play area and allotments.

Send your comments by email to: [lowfield.development@york.gov.uk](mailto:lowfield.development@york.gov.uk), or attend one of our drop-in sessions at Gateway Community Centre, Front Street, Acomb:

Wednesday 12 October between 4.30pm and 7.00pm  
Tuesday 18 October between 4.30pm and 7.00pm

There will be a display of the proposals at [Acomb Explore](#) from 12 October and the [masterplan drawing](#) is also available online.

Comments received during this consultation will be used to shape the final proposals for Lowfield.

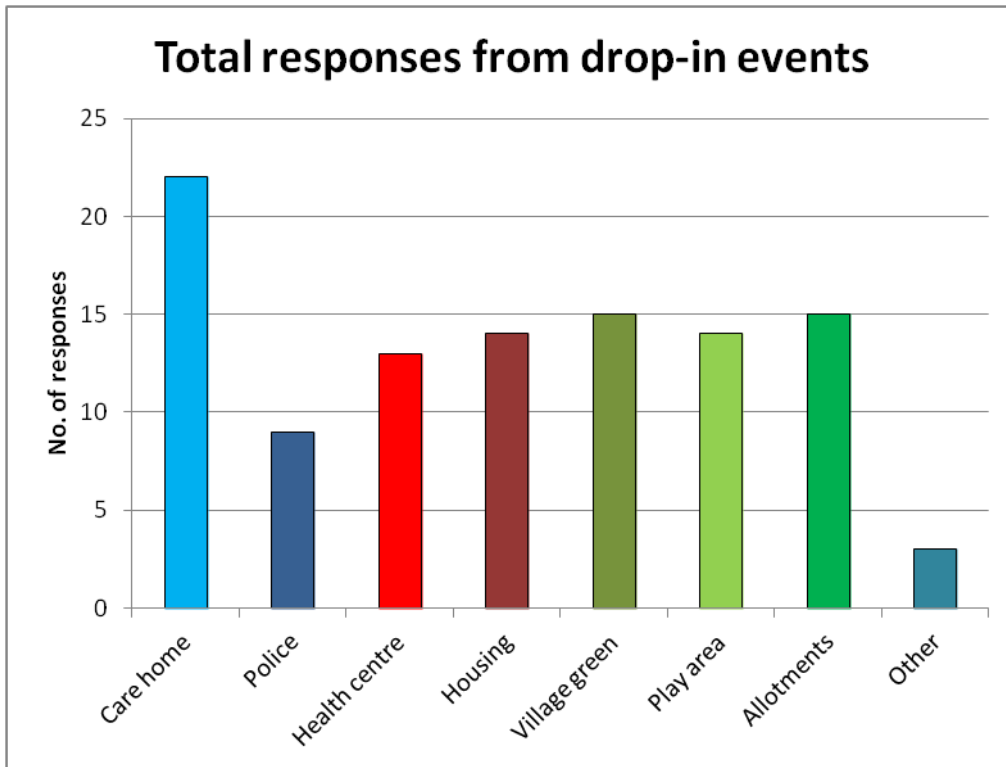
**Consultation closes 28th October 2016”**

## **5. Comments and feedbacks from consultation**

### Drop in session feedback

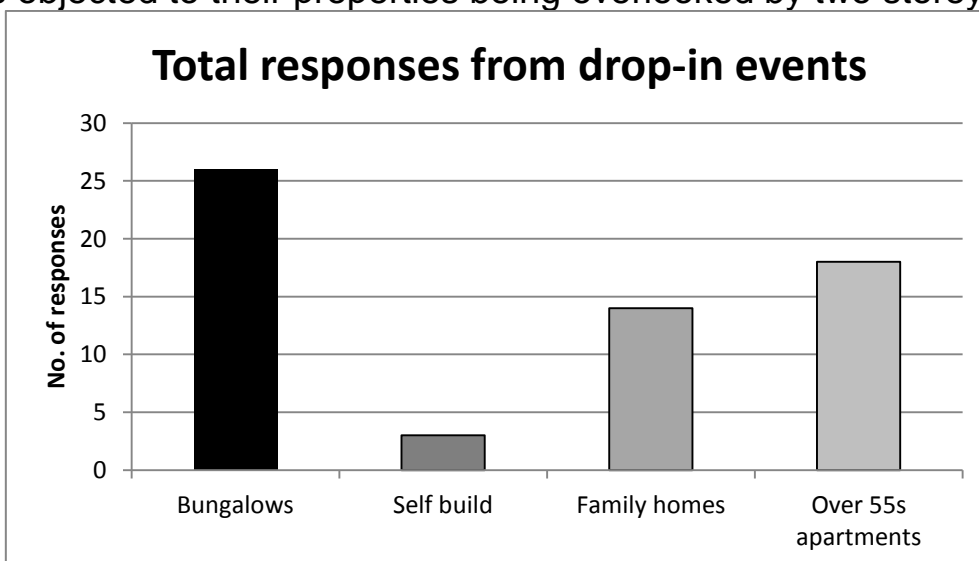
The first drop-in session for the Lowfield Green development was attended by over 50 people. The second drop-in session held on the 18<sup>th</sup> October was attended by approximately 35 people. Many who attended came as couples. Those who attended either event were asked to comment on and provide feedback on the Councils' proposed spatial plans for the site.

Specific questions were initially asked in order to gain feedback on the type of facilities people would like to see at the site and also the type of housing. In terms of facilities people would most like to see at the Lowfield Green development, the responses are summarised in the chart below. The most popular was the provision of the care home at the site, as many people recognised the need to modernise the care home landscape of York. Those in attendance were also broadly in favour of seeing the village green, play area, allotments, housing and a health centre being developed on the site. Some residents were quite insistent and pleased with the development of housing on the site, while others did not wish their property to be overlooked by new housing.



The provision of a police service on site was less popular as residents did not see the requirement for such a service at Lowfield. There was concern about noise from sirens and flashing blue lights disrupting the neighbours while a vehicle storage facility did not bring any value to the area. Other suggestion made included an assisted living facility for disabled people, a maypole and a nature reserve.

The responses for what form of housing residents would like to see on site is summarised in the chart below. The over 60s bungalows were the most popular. Residents were generally supportive of the 2/3 bedroom houses and over 55s apartments recognising the need for such provisions although some residents objected to their properties being overlooked by two storey homes.



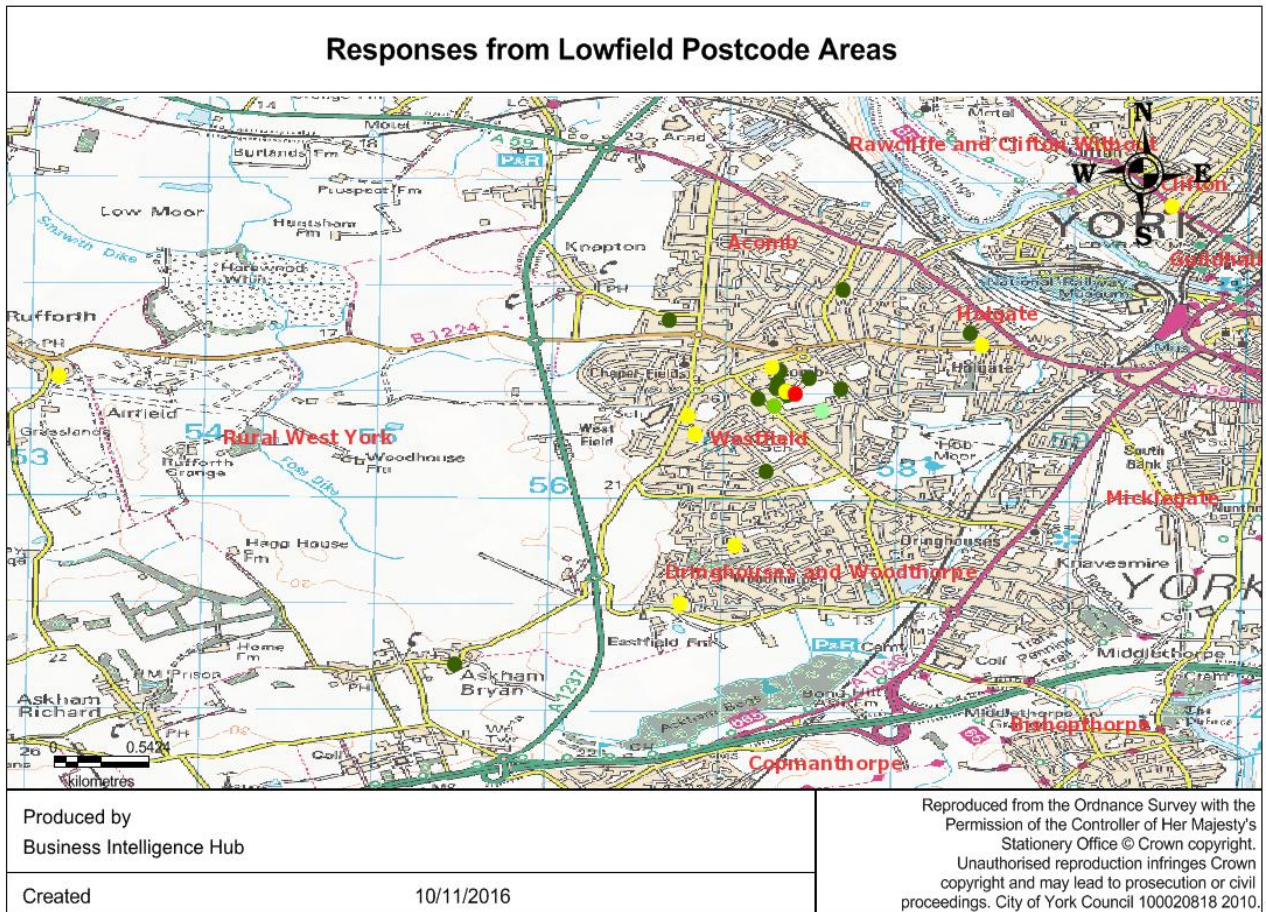
Where support was indicated for self-build plots it was strong support. There were however, a number of concerns people had regarding the self-build plots. These included the possibility that any self-built home would not complement the surrounding housing and the lack of a timeframe that could be implemented for “self-builders”.

In all 52 conversations were recorded, the majority of which were in couples or groups. The major conversation topics as extracted from volunteer’s notes are shown below. Other than the topics which have already been discussed in this report, issues were raised regarding traffic, the existing sports facilities on site and wildlife.



The responses that were recorded at the drop in events were either graded supportive (green), neutral (yellow) or opposed (red) to the proposed site plans at Lowfield. These responses were then collated and mapped based on the given postcode. The results are shown below. The majority of postcode areas were supportive of the proposed plans or felt positively about the development but had some concerns.

The only postcode that was opposed to the development related to Dijon Avenue, 3 positive responses, 3 neutral responses and 6 negative responses were received from this postcode. The main concerns were increases in traffic and being overlooked by the new build 2/3 bedroom houses. Committee members from the Cornlands and Lowfield Residents association were however supportive of the spatial plans for Lowfield Green.



Key: strongly supportive (dark green) supportive (light green), neutral (yellow) or opposed (red)

### Feedback from the Explore Library Acomb display

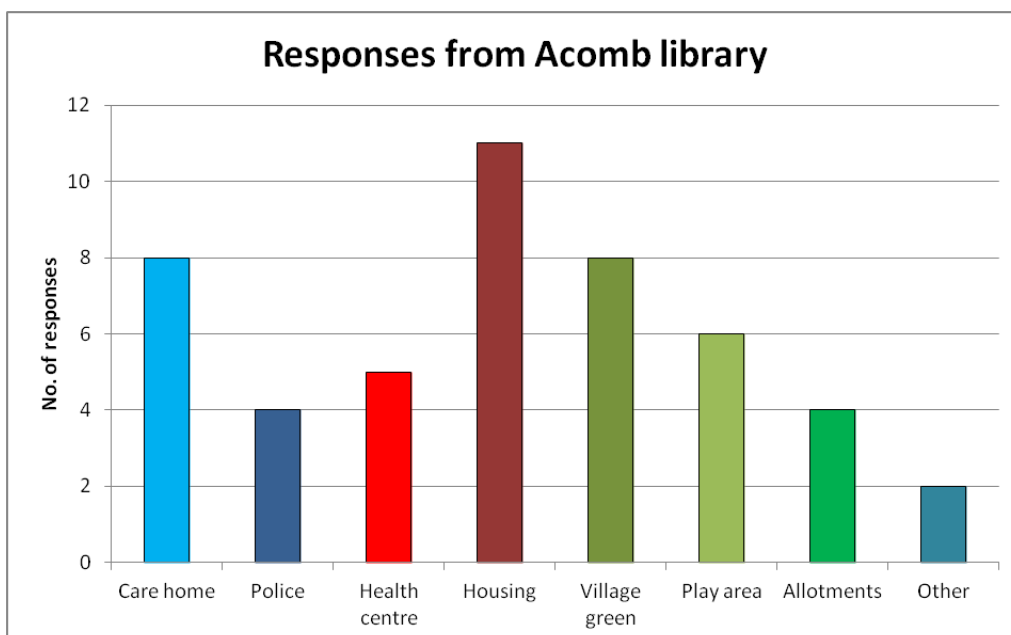
The spatial plans for Lowfield Green accompanied with information regarding the development and instructions on how to provide feedback were displayed at the Acomb Explore Library between 10<sup>th</sup> October and 31<sup>st</sup> October. The display is shown below. A total of 15 comment cards were filled in and analysed by the council.



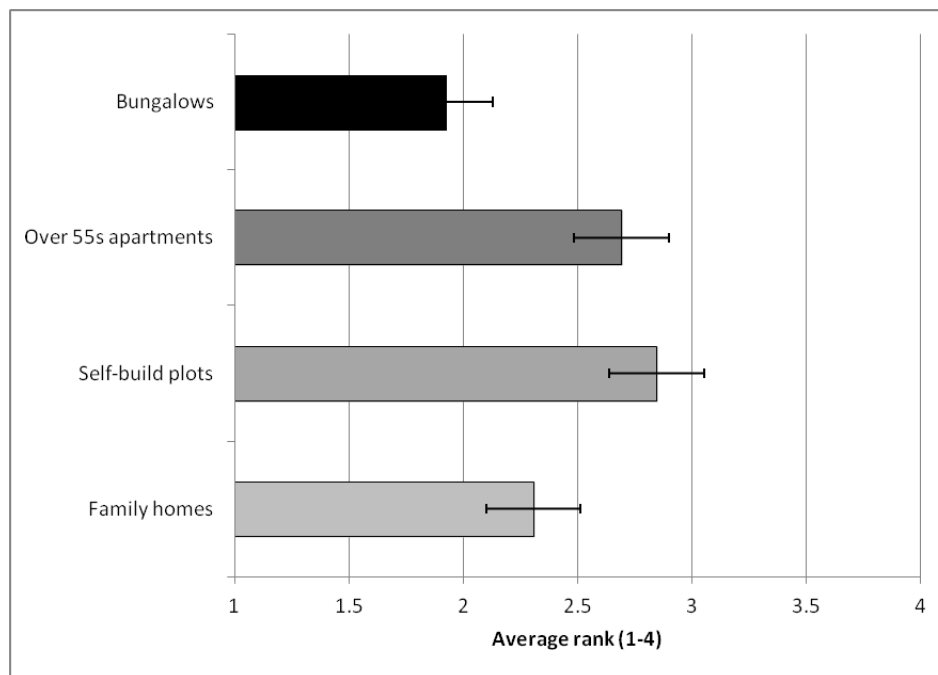


Visitors to the library were first asked to indicate which facilities they would be interested in having at the Lowfield Green development. The graph below shows the total responses. The most popular provision for the site was housing with comments stating that “housing is the most pressing need in York” and that “York does not provide enough bungalows for older singles or couples to allow people to downsize at a reasonable price.”

The construction of a care home at the site was also popular, along with the village green and play area. Those who responded “other” suggested the site be developed as a nature reserve or a dog walking area. A number of comments expressed concern over whether adequate parking was being provided on site for the residents.



People were also asked to rank in order what type of housing provision they would like to see at the Lowfield Green development, with 1 being most preferred and 4 being the least preferred. This scoring system means the lower the score the more popular the type of housing. The results are shown below are the average rank position for each housing type. As was the case for the responses from the drop in sessions, bungalows were the most sought after housing provision for the site. This was followed by the family 2/3 bedroom homes, over 55s apartments and finally the self-build plots.



### Online and email

At the time of writing the [lowfield.development@york.gov.uk](mailto:lowfield.development@york.gov.uk) had 25 emails, some of which were from residents who had attended one of the drop-in sessions. Caution was taken not to count responses from those who emailed and attended the drop-in sessions twice. Each email received was replied to in a timely manner.

Approximately a quarter of emails received expressed no feeling of support or opposition to the proposals, instead they asked questions or made suggestions for alterations to the proposed plans. The same number of residents emailing objected to the use of the site for housing as they did not wish their house to be overlooked. The majority of emails expressed support for the Councils' proposed plans for the Lowfield Green development.

Emails that expressed support for the development plans also stated that there was a strong desire for social housing and included an email stating they would like to apply for the 2/3 bedroom houses immediately. Others raised concerns about being overlooked by the 2/3 bedroom houses and the

traffic that would be generated by the redevelopment of the site. A number of emails (8) expressed strong support for the provision of self-build plots on the site. Positive feedback from community housing group YorSpace was also received by email and an article by that organisation was published in the York Press.

The spatial plans were also publicised on social media. The Twitter post had two likes and one retweet from the Westfield Ward Twitter account. At the time of writing one resident had commented, wishing to clarify the nature of the age related housing. The spatial plans and a link to the York Press article were also posted on Facebook. The plans received a single “like” and the image was also shared once.

The low number of comments to the social media posts is likely to be because the posts directed viewers to the consultation page. However the engagement rates for the posts regarding Lowfield on Facebook and Twitter were higher than the Councils’ average for the same period as shown below.

### Twitter

Date	Engagements (individual actions)	Engagement rate (%)
20/10/16	9	0.8
19/10/16	15	1.0
18/10/16	24	1.6
17/10/16	46	2.5
12/10/16	14	1.0
11/10/16	25	2.1
10/10/16	44	2.7
Average	<b>25</b>	<b>2</b>
CYC average for same period		<b>0.6</b>

### Facebook

Date	Engagements (individual actions)	Engagement rate (%)
20/10/16	6	0.26
18/10/16	9	0.27
17/10/16	61	0.82
12/10/16	35	0.63
11/10/16	13	0.62
Average	<b>24.8</b>	<b>0.52</b>
CYC average for same period	<b>12</b>	-

### Other

The spatial proposals for the Lowfield Green development were also

reviewed at a meeting of the York Older People's Assembly. A letter was received from the charity in which they stated that:

*"The proposals received strong support. We particularly liked the mix of family housing, bungalows, flats for older people and the residential home. A sense of "space" is also achieved with the inclusion of a "village green". We also felt that the site was enhanced by the proposed Health and Police provision."*

## 6. Issues raised during consultation

During the consultation period a number of concerns were raised, which will be considered in our future planning. It should be noted that these concerns were not raised by every individual and in many cases other residents were also happy with the aspects discussed below. For example one of the key talking points was the level of public open space, a number of residents would prefer to see more open space at the site however equal numbers of residents stated felt that the site wasn't overdeveloped and in some cases they would like to see more housing.

Concern	Feedback	Potential action
<b>Traffic through site</b>	The issue of traffic was raised a number of times, in the form of volume of traffic and parking spill over from the site.	Change proposals to not include a loop road within the development. Prevent connection between Tudor Road and Dijon Avenue could reduce use of site as a "shortcut" and traffic volume.
<b>Public open space</b>	<p>There was not a consensus on the need for levels of public open space above those proposed.</p> <p>The majority that did express concern stated that their homes would be overlooked by other houses and as such would prefer green space.</p>	<p>The layout of new homes on the north west boundary of the Site will be reviewed in order to facilitate integration with existing homes.</p> <p>The option to increase the level of public open space at the expense of land for housing, other activities and to the detriment of the capital receipt was considered and rejected.</p> <p>The approximately two acres proposed is in excess of planning guidelines and is located so as to benefit the greatest number of residents.</p>

Concern	Feedback	Potential action
<b>Integration of housing</b>	A number of residents would have liked to have seen more integration of the mix of housing.	Develop spatial plan showing integration of housing. Difficult to coordinate if a number of developers/contractors involved.
<b>Self-build plots</b>	Residents were unsure about the demand or need for self-build plots. There were concerns that “grand design” style homes could be built on the plots. There were also concerns about timeframes.	The Council will provide more information for their vision of self-build homes.

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## Annex 3 – Equality Impact Assessment for Lowfield Green

## City of York Council

## EQUALITY IMPACT ASSESSMENT

1	Name and Job Title of person completing assessment	Programme Director, Older Persons' Accommodation
2	Name of service, policy, function or criteria being assessed	Progressing the Lowfield Green development
3	What are the main objectives or aims of the service/policy/function/criteria?	To redevelop the former Lowfield school site to deliver an older persons' care home, a health centre, public open space including allotments, age-related housing and family homes to buy and rent. Having a range health services in one location in close proximity to an older persons' care home and age-related housing will enable easy access to these services. The project is at an early stage of development. The inclusion of public open space including allotments allows the potential for intergenerational cooperation. The Council will now seek a development partner/s, with whom to work to develop a scheme, which is both commercially viable and which delivers the maximum community benefit.
4	Date	24 <sup>th</sup> November 2016.

<b>Stage 1: Initial Screening</b>	
5	What evidence is available to suggest that the proposed service/policy/function/criteria could have an adverse impact <b>on quality of life outcomes</b> (as listed at the end of this document) for people (both staff and customers) with protected characteristics? Document the source of evidence, (e.g. past experience, anecdotal, research including national or sectoral, results of engagement/consultation, monitoring data etc) and assess relevance of impact as: <b>Not relevant / Low / Medium / High.</b>

Protected Characteristic		Not relevant		Low / Medium / High		Source of evidence that there is or is likely to be adverse impact	
		Cust	Staff	Cust	Staff	Customers	Staff
a	Race	X	X	n/a	n/a	n/a	n/a
b	Religion / spirituality / belief	X	X	n/a	n/a	n/a	n/a
c	Gender	X	X	n/a	n/a	n/a	n/a
d	Disability	X	X	n/a	n/a		
e	Sexual Orientation	X	X	n/a	n/a	n/a	n/a
f	Age			✓		Some young people will have to travel further to play; others will travel less far.	n/a
g	Pregnancy / maternity	X	X	n/a	n/a	n/a	n/a
h	Gender reassignment	X	X	n/a	n/a	n/a	n/a
i	Marriage and civil partnership	X	X	n/a	n/a	n/a	n/a
j	Carers of older and disabled people	X	X	n/a	n/a	n/a	n/a

If you assess the service/policy/function as **not relevant across ALL the characteristics**, please proceed to section 11. If you assess the service/policy/function as **relevant for ANY of the characteristics**, continue to Stage 2, Full Equality Impact Assessment.



## Stage 2: Full Equality Impact Assessment

6	Are there any concerns that the proposed or reviewed service/policy/function/ criteria may be discriminatory, or have an adverse impact on members of the public, customers or staff with protected characteristics? <b>If so record them here</b>	
a	Public/ customers	No. The only permitted users of the site are young football players and while some will have to travel further to play on the proposed new ground, other will travel less far.
b	Staff	n/a
<p>If there are <b>no concerns</b>, go to section 11.</p> <p>If <b>there are concerns</b>, go to section 7 and 8 amend service/policy/function/criteria to mitigate adverse impact, consider actions to eliminate adverse impact, or justify adverse impact.</p>		
7	Can the adverse impact be justified? E.g. in terms of community cohesion, other legislation, enforcement etc. <b>NB. Lack of financial resources alone is NOT justification!</b>	
n/a		
8	What changes will you make to the service/policy/function/criteria as result of information in parts 5&6 above?	
n/a		
9	What arrangements will you put in place to monitor impact of the proposed service/policy/function/criteria on individuals from the protected characteristics?	
n/a		
10	<b>List below actions you will take to address</b> any unjustified impact and promote equality of outcome (as listed at the end of this document) <b>for staff and other people with protected characteristics. Consider action for any procedures, services, training and projects related to the service/policy/function/criteria which have the potential to promote equality in outcomes.</b>	
	Action	Lead
	n/a	n/a
		When by?
		n/a

11	Date EIA completed	24 <sup>th</sup> November 2016
<p>Author: Roy Wallington Position: Programme Director, Older Persons' Accommodation Date: 24<sup>th</sup> November 2016</p>		
12	Signed off by	Martin Farran
<p><b>I am satisfied that this service/policy/function has been successfully equality impact assessed.</b></p> <p>Name: Martin Farran Position: Director – Adult Social Care Date: 24/11/2016</p>		



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**Executive****7 December 2016**

Report of the Corporate Director of Economy and Place  
Portfolio of the Executive Member for Transport and Planning

## **Park & Ride Service Operator Specification**

### **Summary**

1. York has a successful, established, network of Park & Ride services. The Park & Ride provides a seven day, high frequency and high quality bus link from six car parks around York to the city centre and is an essential component of the City's transport strategy, enabling York's vibrant economy.
2. The Park & Ride network is currently let as a single contract operated by 'First York'. A competitive tendering process was undertaken earlier in 2016. Although there was strong interest in the contract, no responses meeting the council's financial expectations against the specification tendered were received.
3. Following approval by the Council's Executive on 13 October, an extension to the current contract has been agreed with First York to operate until 31st January 2018. Further, dialogue with a number of bus companies has been undertaken to better understand issues which prevented their submitting viable bids for the Park & Ride contract.
4. This report presents a number of options for altering the Park & Ride specification to address the concerns of potential suppliers and to increase the likelihood of securing viable bids for the Park & Ride contract.

## **Recommendations**

5. Members are asked to:
  - a) Approve Option 2, noting the increased flexibility that this gives to the Park & Ride operators; and
  - b) Authorise Council officers to commence a new tendering exercise at the earliest possible opportunity to secure an operator for the York Park & Ride service from February 2018.

Reason: To ensure continued operation of the York Park & Ride service and to ensure delivery of the most economically advantageous Park & Ride contract moving forwards.

## **Background**

6. York's Park & Ride network currently operates a 7-day high frequency service from six sites around the City's ring road and has operated for over twenty years.
7. The Park & Ride service is operated on behalf of the Council by First York under a contract which ends 31<sup>st</sup> January 2017. The Council has negotiated a further twelve month extension to the contract with the current operator.
8. Through the recent procurement process potential bidders demonstrated that, whilst strongly interested in the Park & Ride opportunity, they felt unable to meet the Council's financial and quality expectations at the same time as operating the Park & Ride service profitably and therefore either did not bid or submitted non-compliant bids.

## **Consultation**

9. In preparation for the issuance of a further procurement process, the Procurement, Legal, Financial, Property, Transport and Air Quality teams within the Council will all work closely together to ensure that the proposals are aligned to corporate policy and priorities.
10. All of the operators registering interest in the previous (2016) tender were invited to meet with the Council to discuss alterations which could be made to the contract specification to improve its attractiveness to the market. Eight operators took up this opportunity.

11. The key issue identified by the operators was a desire for Council to increase the level of commercial flexibility available for bidders to submit an attractive, unique and viable tender response.
12. Table A below provides a summary of the main issues identified by the operators which, if addressed, would increase their ability to submit a competitive bid. It should be noted that the issues varied from operator to operator and indeed, operators had diametrically opposed views on certain issues (e.g. the Council procuring buses which could then be leased back to the operator).

**Table A**

	<b>Identified issue</b>	<b>Detail</b>
A	Vehicle standards	<ul style="list-style-type: none"> <li>- Investment in Ultra Low Emission buses</li> <li>- Restriction on use of double deck buses</li> </ul>
B	Service capacity	<ul style="list-style-type: none"> <li>- Allowing the bidder to match the bus capacity provided to their anticipated passenger demand and to vary this over the term of the contract</li> </ul>
C	Frequency	<ul style="list-style-type: none"> <li>- Varying frequency of service throughout the day</li> </ul>
D	Fares	<ul style="list-style-type: none"> <li>- Allowing the bidder greater freedom to set the P&amp;R return fare</li> </ul>
E	Routes	<ul style="list-style-type: none"> <li>- Enabling the bidder to link Park &amp; Ride routes together</li> </ul>
F	Park & Ride site supervision	<ul style="list-style-type: none"> <li>- Relaxing the requirement for the presence of a site supervisor at all times</li> </ul>
G	Council policy	<ul style="list-style-type: none"> <li>- Implementing measures to ensure that city centre parking pricing does not undermine the viability of the Park &amp; Ride network</li> </ul>
H	Availability of a bus depot	<ul style="list-style-type: none"> <li>- The council assisting in the identification of sites in the York area which would be suitable for the parking, washing, fuelling and</li> </ul>

		maintenance of buses
I	Park & Ride site maintenance	- De-risking the non-bus operation elements of the contract with which certain of the operators are not so familiar
J	Assistance with bus purchase costs	- ULEVs are more expensive than regular diesel buses. The suggestion was made that the council could assist with the bus purchase costs.
K	Tender the Park & Ride contract as a series of 'Lots'	- This would enable smaller operators, without the capacity to deliver the whole contract, to submit bids for one or more of the routes.

## Options

13. Each of the following options provides a number of items which could be removed or altered from the previous specification. It should be noted that should members decide to remove a number of items (e.g. afternoon site supervision) these could be re-introduced through the optional extras section of the pricing schedule.

### Option 1

<b>Service frequency</b> – Reduce to require services at least every 15 minutes (every 10 minutes currently)
<b>Service capacity</b> – complete market freedom
<b>Vehicle emissions level</b> – do not specify, other than that the operator must provide new buses at contract commencement
<b>Vehicle standards</b> – complete market freedom to determine the bus type (i.e. double / single / bendy bus) used
<b>Fares</b> – complete market freedom
<b>Routes / stops</b> – complete market freedom to determine Park & Ride routes and intermediate stopping points

<b>Supervision</b> – Park & Ride sites to be supervised AM only
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## Option 2

<b>Service frequency</b> – Current, 10 minute, daytime frequency retained
<b>Service capacity</b> – complete market freedom
<b>Vehicle emissions level</b> – ULEV to be specified on 2 routes (or an equivalent number of buses) in the city centre. Priority to be given to Park & Ride routes which best deliver on the Council's air quality objectives
<b>Vehicle standards</b> – complete market freedom to determine the bus type (i.e. double / single / bendy bus) used
<p><b>Fares</b></p> <ul style="list-style-type: none"> <li>- Bidders able to specify an adult return fare of between £2.80 (the current adult return fare) and £3.50 during the life of the contract;</li> <li>- The £3.50 fare would be index linked, such that should a defined basket of industry costs trigger a further increase, this could be implemented;</li> <li>- The fare at contract commencement should not be more than 30p higher than the current adult return fare.</li> </ul>
<p><b>Routes / stops</b></p> <ul style="list-style-type: none"> <li>- All stopping points to be as per the current contract</li> <li>- Park &amp; Ride routes must be separate at contract commencement, but the council will commit to work with the successful bidder to implement cross-city linking of Park &amp; Ride services during the lifetime of the contract.</li> </ul>
<b>Supervision</b> – Park & Ride sites to be supervised AM only but the operator must provide a central supervisor to attend to any issues arising across the network in the afternoon / evening.
<b>Council policy</b> – City centre, council controlled car parking

charges will not be **reduced** during the lifetime of the Park & Ride contract. Should a future administration determine that car parking charges are to be reduced, the Park & Ride operator, upon submission of evidence to demonstrate the impact on their business

**Park & Ride site maintenance** - The Council will provide bidders with a price to take maintenance responsibility for a range of Park & Ride site equipment / infrastructure to include for instance:

- Car park lighting
- Car park surfaces
- Grounds / landscaping
- Smart ticket machines
- Vehicle and bus electric charging points
- Drainage
- Repairs to terminal buildings exteriors
- Car park winter maintenance

The Council will include an estimated cost for provision of these services in the Invitation to Tender which the successful operator will make a payment to the Council for. The Council will ensure sufficient staffing levels to ensure that these duties are carried out in line with its contractual obligations.

### Option 3

**Service frequency** – Current, 10 minute, daytime frequency retained

**Service capacity** – Current, contractual capacity levels specified

**Vehicle emissions level** – ULEV to be specified on all routes (or an equivalent number of buses) in the city centre and to best address the Council’s air quality objectives

**Vehicle standards** – complete market freedom to determine the bus type (i.e. double / single / bendy bus)



used
<p><b>Fares</b></p> <ul style="list-style-type: none"> <li>- Bidders able to specify an adult return fare of between £2.80 (the current adult return fare) and £3.50 during the life of the contract;</li> <li>- The £3.20 fare would be index linked, such that should a defined basket of industry costs trigger a further increase, this could be implemented;</li> </ul>
<p><b>Routes / stops</b></p> <ul style="list-style-type: none"> <li>- All stopping points to be as per the current contract</li> <li>- Park &amp; Ride routes may not be linked together</li> </ul>
<p><b>Supervision</b> – Park &amp; Ride sites to be supervised at all times.</p>

## Analysis

14. Each of the options is considered in the section below. A further analysis with an indication given to the likely costs or savings of employing each of the contract modifications is provided at Annex A to this report.

### Option 1

15. This option provides maximum flexibility for the bidder to tailor the Park & Ride network as they deem to be appropriate. This approach would allow the bidders to use their commercial flare and experience to ensure that an efficient, attractive network is delivered. Conversely, however, it will remove the Council's ability to influence factors such as the emissions standards of the buses used on the Park & Ride network, leaving any such developments for the commercial market place to determine.
16. The key risk of this option is that the successful bidder could propose to operate a service designed to maximise revenues whilst not focussing so heavily on the Council's desire to maximise Park & Ride usage. It could also, potentially, result in areas currently served by Park & Ride services not being served in the future.
17. Bidders have asked for flexibility to enable them to design a Park & Ride service which they would be prepared to operate. While

ceding a significant level of Council control, this option provides bidders with the greatest opportunity to do this.

## **Option 2**

18. This option provides a level of flexibility for bidders whilst retaining Council control and influence in a number of key areas. Within certain bounds, the Council would continue to control the fare charged and the frequency of service operated. Alongside reliability of service, these are the two factors which officers believe are most likely drive demand for Park & Ride use.
19. Bidders would also be required to submit a tender which ensured that the emissions standards of Park & Ride buses operating in the city centre were an improvement on current levels, with two routes (or an equivalent number of vehicles) being specified for ULEV operation and the remainder of the Park & Ride network requiring brand new Euro 6 diesel buses as a minimum.
20. This option also seeks to address some of the concerns raised by potential bidders in the recent consultation. One of the concerns expressed was a desire for the Council to take more of an active role in the management and maintenance of the Park & Ride sites. This option proposes that the Council takes responsibility for much of the maintenance of the sites and includes the cost of doing so in the tender. While there would still be a cost for the bidders, it would be a known cost thus ensuring that bidders do not cost an unknown risk element in to their bids.
21. Under this option, the Council would be the bearer of this risk element, however, and would be required to ensure that the Park & Ride sites are sufficiently well maintained.
22. Another of the concerns raised by potential bidders was the lack of control over the Council's actions with regards to city centre car parking charges within its direct control. The impact of price reductions at city centre car parks could result in reduced Park & Ride usage. It is not within the gift of the current Council administration to mandate what future Council administrations might do in respect of city centre parking charges. This option would, however, commit the Council to compensate the Park & Ride operator should it decide to lower city centre parking charges and a reduction in Park & Ride patronage be evidenced to have occurred as a result of such a move.

### **Option 3**

23. This option is the closest to the requirements of the unsuccessful tender earlier in 2016 and retains maximum Council control of the Park & Ride service in all areas except fares. This option would be a means by which a fully ULEV Park & Ride bus fleet might be achieved.
24. This option contains significant risk in that in the absence of grant funding, the delivery of a fully ULEV bus fleet would require a significant increase in Park & Ride fares, potentially causing patronage to decline and negating any air quality and journey time benefits.
25. Members need to consider that this option is the least likely to secure a compliant bid from the market due to the lack of flexibility given to the bidders and the financial expectations placed upon them. However, under options 1 or 2, the scoring of tenders would include an assessment of the proportion of ULEV operation proposed within the bid. A higher proportion of ULEV operation would result in a better score for the bidder.

### **Procurement**

26. Whichever option is selected, for the new Park & Ride contract a fully compliant procurement route will be followed. It is proposed to evaluate the tenders using a Most Economically Advantageous Tender model which would allow cost and quality to be assessed. The details of evaluation model will be agreed with the Commercial Procurement Team and will not exceed a quality to cost ratio of 60/40 in accordance with the financial regulations.

### **Council Plan**

27. The Park & Ride service is a key element of the Council's transport strategy set down in the Local Transport Plan. In addition it supports the Council's strategy to increase the use of public and environmentally friendly modes of transport. Park & Ride also provides the capacity for the City to grow in transport terms to accommodate the emerging Local Plan.

### **Implications**

28. The provision of a successful and efficient Park & Ride service is essential for the continued prosperity of the city and the desire to reduce congestion and improve air quality in the city centre. There

are implications across a wide range of areas both within the Council and externally.

### **Financial Implications**

29. The current Park & Ride contract provides a significant income of £811k per year to the Council. This is prior to additional payments that the council is currently making in relation to Poppleton Park & Ride where usage levels have meant compensation payments of £100k are currently being made.
30. In the previous tendering process, no bids were received that provided an income to the Council. The income anticipated to be received by the Council from the Park and Ride contract is dependent on the level of fares set, quality of specification (principally vehicles and frequency) and competition from city centre car parking (charges and capacity). The impact on the operation of the Park & Ride service (and income to the Council) will need to be considered if any changes are proposed to the operation of the Council's car parks within the city.
31. An extension to the existing Park and Ride contract to January 2018 has been agreed and the financial implications from this extension were considered by Executive in October including a release from contingency of £100k for 2016/17 and recognition that additional resources would need to be identified for 2017/18 as part of the 2017/18 budget process.
32. The recommended option 2 should enable potential bidders to submit compliant bids to operate the service.
33. **Human Resources (HR)** There are no Human Resource Implications for staff employed by the council. It is however likely that if a new operator won the contract staff employed by First would be eligible for transfer to the new supplier under the TUPE Regulations.
34. **Equalities** There are considered to be no equalities implications if the concessionary fares provision is maintained as the existing arrangement. The Park & Ride operations will be compliant with all current Equalities legislation.
35. **Legal** Legal advice has been provided identifying the procurement, contractual and competition issues which need to be addressed. Ongoing legal support will be taken throughout the procurement process.

36. **Crime and Disorder** There are no crime and disorder implications.
37. **Information Technology (IT)** There are no IT implications. The supply of additional equipment to enable the provision of real time information will be included as part of the extension of the existing Real Time Passenger Information contract. Improvements to the interface with smart ticketing such as online payments will be developed during the contract period.
38. **Property** Draft leases have been prepared for each of the sites.
39. **Other** None.

### **Risk Management**

40. In compliance with the Councils risk management strategy the main risks that have been identified in this report are those which could lead to financial loss, non-compliance with legislation, damage to the Council's image and reputation and failure to meet stakeholders' expectations.
41. The Council will be able to mitigate against these risks, however a decision on the part of the Executive not to agree to extension of the current Park & Ride contract would result in significant risk to the Council and City, both in operational and reputational terms.
42. In addition, the Council faces potential budgetary pressures, should it fail to deliver any revenue from the tender process.

### **Contact Details**

**Author:**

Andrew Bradley  
Sustainable Transport

**Chief Officer Responsible for the report:**

**Neil Ferris**  
**Director of Place**

**Report  
Approved**

**Date**

24<sup>th</sup> November  
2016

**Specialist Implications Officer(s)**

Patrick Looker

Finance Manager

Tel no. 01904 551633

**Wards Affected:** *List wards or tick box to indicate all*

**All**

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

**Background Papers:** None

**Annexes:** Annex A – Options analysis

**Annex A – Table 1: Specification variation items**

	<b>Theme</b>	<b>Detail</b>	<b>Estimated financial implications</b>
1.	Vehicle capacity	Remove minimum capacity required throughout the operating day; provide current hourly capacities as a guide for what might be required; cap the maximum period any passenger should have to wait at sites / stops for their bus – Add in to the performance bond payment.	<p>£130k - £150k per vehicle annual operating cost. On this basis, an operator could potentially save £300k if two buses could be removed from the overall operation.</p> <p>Reduction in cost resulting from use of single deck instead of double deck / bendy (or indeed, through use of EV)</p>
2.	Frequency	Buses to operate at a minimum of every 15 minutes (potential reduction from every 10 minutes currently)	Reduction of 1-2 peak vehicles per route = up to £1.3m – but with a major deterioration of service.
2.a	Frequency	Retain frequency requirements as per current specification	Neutral impact
3.	Vehicle standards	<p>Withdraw the requirement for Ultra low Emission Vehicles – specify Euro VI minimum</p> <p><i>The key issue here is <b>risk</b>. Operators are not greatly familiar with</i></p>	Vehicle costs (excluding labour)

**Annex A – Table 1: Specification variation items**

		<i>the operation of ultra low emission vehicles – it is a developing market. With electric vehicles particularly, operators are concerned that the battery life might not last for 8 years and factor in significant risk for battery replacement.</i>	8 yr capital / maintenance cost: ULEV: £300-500k Diesel: £500–800k Capital cost alone: ULEV: £230–350k Diesel: £150-250k
3.a	Vehicle standards	Ultra Low Emission standard to be delivered in the city centre (Clean Air Zone) on two P&R routes	We estimate this would cost the operator c.£120k
3.b	Vehicle standards	Ultra Low Emission standard to be delivered in the city centre (Clean Air Zone) on all routes	We estimate that this would cost c. £340k p.a.
4.	Vehicle standards	Relax the specification to allow use of double deck vehicles on all routes except for Rawcliffe Bar (low bridge)	Labour makes up c.60% of the cost of bus operation. Efficient use of vehicles is therefore key to the overall viability of operation.  Diesel bendy buses = 3 - 4 mpg  Diesel double decker = 5 - 6 mpg



**Annex A – Table 1: Specification variation items**

			Diesel single decker = 7 - 8 mpg
5.	Fares	Give the market complete freedom to determine P&R fares	10p increase in fare = £200k additional income p.a.
5.a	Fares	Allow bidders to specify the fare within a bracket of £2.80 - £3.50	10p increase in fare = £200k additional income p.a.
6.	Routes / stops	Give the market complete freedom to determine the route (and any intermediate stopping points served) by the P&R service in to the city centre	Difficult to quantify financially. Additional patronage from intermediate stops could be offset by negative impact on total P&R passengers put off by slower journey times.
6.a	Routes / stops	Specify the route and permissible intermediate stopping points, but commit the council to a negotiation with the preferred operator to link routes across the city to achieve operational efficiency and increased trip opportunities if: <ul style="list-style-type: none"> <li>i) The operator can demonstrate that they can ensure a punctual service from both P &amp; R sites; and</li> <li>ii) The operator can demonstrate that the P &amp; R route as a whole will have sufficient capacity to cater for overlapping</li> </ul>	Linking services could generate a 2 PVR reduction across the network = £280k

**Annex A – Table 1: Specification variation items**

		boarding and alighting passengers in York city centre	
6.b	Routes / stops	Specify the route and permissible intermediate stopping points	Neutral
7.	Supervision	Sites only to be staffed from site opening until 1.30pm. Sites must all be checked and locked at the end of each operating day	Operational saving of £120k p.a.
7.a	Supervision	Sites only to be staffed from site opening until 1.30pm. Sites must all be checked and locked at the end of each operating day. When there is no supervisor present on the site, the operator must provide a P&R network monitoring officer who can contact the drivers, monitor the CCTV and service and who will coordinate a site response as required	Operational saving of £100k
7.b	Supervision	Sites to be supervised during all Park & Ride operating hours	Neutral
8.	Policy	<p>Adopt Council policy committing to:</p> <ul style="list-style-type: none"> <li>a) commit not to reduce Council controlled city centre parking charges without a recompense to the P&amp;R operator if there is a reduction in P&amp;R passenger numbers directly as a result of a Council decision to provide reductions / free price offers on council owned / managed city centre parking</li> <li>b) actively promote the P&amp;R service through improved</li> </ul>	A reduction in city centre car parking charges, coupled with a potential recompense to the Park & Ride operator, would require an additional Council budgetary allocation to be made in the event that such a decision was taken.

**Annex A – Table 1: Specification variation items**

		directional road signage and wider marketing and promotional campaigns	
9	Site maintenance	<p>The Council takes maintenance responsibility for various P&amp;R site equipment / infrastructure to include:</p> <ul style="list-style-type: none"> <li>- Car park lighting</li> <li>- Car park surfaces</li> <li>- Grounds / landscaping</li> <li>- Smart ticket machines</li> <li>- Vehicle and bus electric charging points</li> <li>- Drainage</li> <li>- Repairs to terminal buildings exteriors</li> <li>- Car park winter maintenance</li> </ul> <p>The Council will include an estimated cost for provision of these services in the Invitation to Tender which the successful operator will make a payment to the Council for. The Council will employ a member of staff to ensure that these duties are carried out.</p>	<p>This item would, in theory, be cost neutral. The risk for any unknown events on the sites would, however, be borne by the Council.</p>

**Annex A: Table 2 – Specification variation components employed for each option**

Option	Option components	Key outputs
1	1, 2, 3, 4, 5, 6, 7	<ul style="list-style-type: none"> <li>• Significant flexibility for bidders;</li> <li>• Council relaxes control of a number of service elements including stopping points, fares and service frequencies;</li> <li>• Delivery of ULEV at the will of the market;</li> <li>• Site supervision AM only.</li> </ul>
2	1, 2a, 3a, 4, 5a, 6a, 7a, 8, 9	<ul style="list-style-type: none"> <li>• Service frequencies retained at current levels (i.e. every 10mins);</li> <li>• Operator has greater but not complete control over fares levels;</li> <li>• Delivery of ULEV in the City Centre on two Park &amp; Ride routes (or the equivalent number of vehicles);</li> <li>• Stopping points fixed; routes may be varied during the contract period subject to dialogue and agreement by the Council;</li> <li>• Site supervision AM only, but with a central controller to address service / customer issues;</li> <li>• Council to adopt its parking policy to best ensure that the Park &amp; Ride operator is protected from any decision to reduce city centre parking charges;</li> <li>• Council to take the risk and responsibility for maintenance of the Park &amp; Ride sites.</li> </ul>
3	1, 2a, 3b, 4, 5a, 6b, 7b	<ul style="list-style-type: none"> <li>• Service frequencies retained at current levels (i.e. every 10mins);</li> <li>• Operator has significant control over fares levels;</li> <li>• All routes and stopping points are specified by the Council;</li> <li>• Delivery of ULEV in the city centre on all Park &amp; Ride routes;</li> <li>• Supervision of Park &amp; Ride sites throughout the operating day.</li> </ul>



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**Executive**

7 December 2016

Report of the Deputy Chief Executive/Director of Customer and Corporate Services

Portfolio of the Executive Member for Culture, Leisure and Tourism

**Community Stadium & Leisure Facilities Report****Report Summary**

1. The purpose of this report is to update the Executive on the progress of the Community Stadium and Leisure Facilities Project (“Project”) since the last report brought to Executive in March 2016.
2. In doing so this progress report sets out an up to date position on the following:
  - The latest position with regards the Judicial Review Claim (“JR Claim”) into the Project’s planning permission.
  - Updates on the latest position with all Community Partners and Sport Clubs. Including a recommendation to provide further financial support to York City Knights RLFC (“YCK”) first team arrangements for the coming Rugby League seasons.
  - A progress update on the position with our preferred bidder from the Procurement exercise, Greenwich Leisure Ltd (“GLL”). This prior to entering into the Design, Build, Operate and Maintain Contract (“DBOM Contract”).
  - An update on the key Project risks where changes have occurred to those highlighted in the March 2016 Executive Report.
  - The latest anticipated Project timetable.

**Project Background**

3. The March 2016 Executive and subsequent Council approval represented a significant milestone for the Project with approval given to proceed in entering into the DBOM Contract with GLL for the delivery of the New Stadium Leisure Complex (“NSLC”) scheme and long term operation of both the NSLC and the City’s existing leisure facilities.

4. As the last key Council decision point on the Project, the March 2016 Executive Report should be referred to where applicable alongside this update progress report presented at December 2016.

## **Report Recommendations**

Executive is asked to:

- I. Approve the proposed YCK financial support towards first team playing arrangements at Bootham Crescent, as set out at table one of this report. This being Council financial support payable per YCK game played at Bootham Crescent up to a net cost of £45,000 per Rugby League season, paid from the existing Project budget.
- II. Note the financial position of the Project and the associated financial risks present until Financial Close can be met, as set out at paragraphs 57 to 60 of this report.
- III. Note the latest position of the Project's Community Partners and Sport Clubs, as set out in this report.
- IV. Note the current anticipated Project timetable for delivery of the NSLC, as set out at table two of this report.
- V. Note the position of the ongoing Yearsley Swimming Pool Review and that a further recommendation report on this matter will be brought to Executive early in 2017.
- VI. Note the highlighted Project risks that have changed since the March 2016 Executive Report, as summarised at table three of this report.

### Reason for recommendations:

To ensure continued progress of the Project.

## **Planning - Judicial Review Claim**

### Background

5. Detailed planning permission for the NSLC was granted in March 2015 and the Judicial Review ("JR") period for this permission expired without challenge in July 2015.
6. Through finalising the NSLC scheme to reach Financial Close it became necessary to seek changes to the original March 2015 planning permission. The Council as the Local Planning Authority ("LPA") dealt with this through s73 planning amendment. This was approved on 8<sup>th</sup> June 2016.
7. The Secretary of State ("SoS") confirmed on the 21<sup>st</sup> June 2016 that the decision would not be called in and the permission was therefore issued.

8. The s73 planning amendment approval then entered a statutory JR period of six weeks, which was due to expire on the 2nd August. This six week JR period allows for parties to challenge the lawfulness of the Council's decision in the High Court.
9. On the 1st August 2016 the LPA received notification that a claimant was planning to lodge a JR Claim to the High Court.
10. This claimant is Vue Cinemas and their claim is that the LPA did not have the power to grant the s73 permission for the NSLC scheme because the amended scheme is fundamentally different to the scheme authorised by the March 2015 planning permission, meaning that it is out with the scope of a s73 planning amendment.
11. A first 'permission review stage' by the High Court has now taken place with the Judge confirming that the claimants (VUE Cinemas) JR Claim can go forward to a Court Hearing.

#### JR Claim timescales and remaining process

12. A Court Hearing date is now set for 18<sup>th</sup> January 2016 in London.
13. A decision may be given on the day or may be handed down later.
14. The LPA has submitted all required defendant information to the High Court ahead of the Court Hearing. The claimant now has a short period of time to submit their final information to the High Court.

#### Implications if the JR Claim goes against the Council

15. Should the decision be in favour of the claimant, VUE Cinemas, this would leave the Project unable to implement the 2016 planning permission which includes the s73 planning amendments.
16. The options for the Project at that point, in terms of planning, would be to;
  - Revert back to the original March 2015 planning permission. i.e without the 2016 s73 planning amendments.
  - Look at resubmitting a new full planning application, this in effect would be exactly the same 2015 planning application along with the 2016 s73 planning amendment combined, both of which separately have already been approved by the LPA.
17. Project timetable implications should the decision be against the Council are summarised under the Project timetable section of this report, paragraphs 61 to 67.

## **Dbom Contract With Gll**

18. Before the JR Claim arose Project work was progressing towards concluding all legal agreements in connection with the DBOM Contract.
19. However, in the current circumstances no parties are able to conclude and enter into any of the legal agreements until the JR Claim is resolved.
20. The JR Claim has also resulted in not being able to provide a definite construction start date to the Building Contractor and its design team.
21. Assuming the JR Claim outcome falls in favour of the Council, it is still anticipated that the DBOM Contract and all associated legal agreements will be entered in to Spring 2017, for NSLC construction to commence thereafter.
22. A further Project report will be brought back to Executive in the New Year once an outcome to the JR Claim has been received and a definitive position for the Project moving forward can be set out for entering into the DBOM Contract and all associated legal agreements.

## **Nslc Commercial Development**

23. The commitment of the Investment Fund purchasing the NSLC Commercial Development remains strong. The freehold land transfer from the Council to the Investment Fund of the Southern Block is now all agreed in principle, along with the terms of Agreement for Lease of the East Stand Retail Units. These final legal agreements are due to be executed at the same time as the Council enters into the DBOM Contract with GLL.
24. The Commercial Development proposed at the NSLC site remains in principle the same as the detailed descriptions set out in the March 2016 Executive Report, with good progress having been made by the Developer to secure legal agreements with end tenant users.
25. Until legal agreements can be concluded, a risk remains that the Investment Fund could look to alter the terms of the proposed deal. This could include a re-appraisal and increase or reduction in the Capital Land Receipt to the Council. Should the Capital Land Receipt reduce from that set out in the March 2016 this would have significant effects to the overall financial position of the Project.

## **Yearsley Swimming Pool Review**

26. In February 2015 Members approved the use of up to £0.3m New Homes Bonus per annum funding to maintain the operation of Yearsley Swimming Pool for up to five years at its 2015/16 budget. This will allow Yearsley Swimming Pool to remain funded through to 2022/23, subject to the outcome of the Yearsley Swimming Pool Review explained below.



27. The Yearlsey Swimming Pool Review has been ongoing by Officers over the last year and is now reaching its conclusion. The Review has looked at examining different potential operating models for the future management of the pool. This comprehensive assessment has sought to ensure a cost effective solution is identified with minimal disruption to service delivery.
28. The ongoing Review has included a number of key stakeholders:
  - GLL (the preferred bidder from the Project Procurement exercise)
  - Nestle – who own all the surrounding property interests including the car parks.
  - Yearsley Action Group – who represent the interests of many of the user groups at Yearsley Swimming Pool and are committed to campaigning for the pool to remain open.
  - Other user groups and interested parties.
29. Concluding meetings between Officers, Nestle and separately with Yearsley Action Group are scheduled for early December 2016.
30. Following these meetings it is anticipated that the Review will be complete and a recommendation for the future operation of Yearsley Swimming Pool will be brought to Executive early in 2017.

## **Sport Clubs**

### **York City Knights RLFC (“YCK”)**

31. Officers have recently met with the proposed new owner of YCK to provide support and to answer a number of questions regarding the Project and interim first team playing arrangements for YCK.
32. Officers have been informed that this proposed owner will complete the purchase of YCK and take ownership of the club on the 1<sup>st</sup> December 2016. At this point the current owner of YCK would have no involvement with YCK going forward.
33. A 1<sup>st</sup> December 2016 sale transfer deadline has been set to ensure the Rugby Football League (“RFL”) can confirm their 2017 season fixtures with YCK included.
34. As this report has been published prior to the Council receiving legal confirmation of this sale transfer , this report assumes the sale transfer has been completed to the proposed new YCK owner as proposed. It should be noted, the YCK recommendation in this report is only applicable should the sale transfer takes place and first team games are played at Bootham Crescent for the coming Rugby League seasons.

### YCK First-Team Interim Playing and Training Arrangements

35. A varied license has been signed between the Council and YCFC to enable the continued use of Bootham Crescent for hosting YCK first team games. This is subject to approval by the Council and YCFC to the YCK ownership position before the start of the 2017 season.
36. The user agreement with York St John's University remains in place to be used by YCK for training and reserve team games moving forward, as does the Match Day Agreement for the Stadium.

### Financial Support

37. The original Project business case, approved in March 2012, set out a budget allocation to ensure adequate interim playing arrangements were in place for YCK whilst Huntington Stadium was redeveloped as part of the NSLC scheme. This budget allocation was to include training, reserve and first team playing arrangements as well as providing financial support to YCK to mitigate losses that would be incurred from not having a permanent playing venue in this interim period.
38. Based on the original 2012 Project business case principles, a two year financial support package was agreed at the point YCK vacated Huntington Stadium in October 2014 for the 2015 and 2016 Rugby League seasons. This financial support was capped at £100,000 per season based on demonstrated losses from YCK that would be incurred from not having a permanent playing venue. Through this period YCK continued to pay the Council £15,000 annual rent.
39. This previous financial support agreement has now ended following the conclusion of the 2016 Rugby League season. In recent discussions the issue of further financial support through until the opening of the new Stadium has been a significant matter for the proposed new YCK owner to understand.
40. In considering any potential further financial support agreement with YCK a number of options have been considered. The outcome of this review being a Officer recommendation that any future financial support be based solely on the Council meeting a percentage of the direct costs associated with YCK first team games that are played at Bootham Crescent, the home of YCFC. These costs being ones that YCK would not incur, or would be able to offset with advertising and match day hospitality income, if they were still playing first team games at Huntington Stadium.
41. This proposal would therefore mean no financial support is paid directly to YCK, but simply that YCK will not incur or be liable for operating costs associated with the use of Bootham Crescent. This will provide YCK with financial stability until the new Stadium is operational, whilst being a significant reduction in cost to the Council on the previous financial support package.

42. Table one below outlines the principles of this recommended proposal.

Table 1 – YCK further financial support recommendation

<b>YCK financial support proposal</b>		
Costs met by the Council, directly with YCFC, for the hosting of YCK first team games at Bootham Crescent. Items covered by the Council to include: - Match fee (direct costs incurred for setting up the venue as a Rugby facility). - Match day stewarding and ground safety costs. - Electronic scoreboard maintenance. - Any floodlights or additional ground charges, such as music licenses.	+	Council cost = C.£3,000 per first team game played at Bootham Crescent. (Capped at £60,000 per Rugby League season)
YCK pays 25% of this cost through their continued annual rent payments to the Council	-	Council income = £15,000 per Rugby League season
Net Council Budget allocated	=	£45,000 per annum
<b>Notes and assumptions</b>		
<ul style="list-style-type: none"> <li>➤ Before any financial support is valid, the Council would need to receive clear sight and confirmation of YCK ownership following the sale transfer to the new YCK owner. Any proposed financial support would be dependent on completing satisfactory due diligence in this area.</li> <li>➤ This financial support arrangement is only valid for YCK first team games played at Bootham Crescent.</li> <li>➤ Financial support arrangement to last for two Rugby League seasons.</li> <li>➤ YCK will continue to pay their annual rent of up to £15,000, in monthly instalments, to ensure they meet 25% of the associated playing costs at Bootham Crescent. Should YCK not pay their monthly rent instalments the Council reserves its right to cease all ongoing financial support. At this point all Bootham Crescent match-day costs would become the direct responsibility of YCK.</li> <li>➤ YCK must uphold a positive behaviour in relation to all matters of the use of Bootham Crescent and the Project in general. Council financial support would cease should this be breached.</li> <li>➤ YCK must offer incentives / free entrance for children at promotional periods within each Rugby League season that Council financial support is provided.</li> <li>➤ The Council financial support would only be valid whilst the YCK foundation is in operation and continues to work in partnership with the Council to improve local health and wellbeing in the City.</li> <li>➤ The Council capped cost (£60,000) is based on the assumption of 20 YCK home games played at Bootham Crescent in each Rugby League season. Allowing for league games, cup run, friendlies and super eights play-offs.</li> <li>➤ The Council financial support does not include YCK match day catering which would be for YCK to arrange and pay for directly with third parties.</li> <li>➤ Should the Project not proceed to Financial Close then the Council reserves its right to cancel any ongoing YCK financial support.</li> </ul>		

43. It has become clear in discussions with the proposed new YCK owner that if there was no Council financial support moving forward until the new Stadium is operational, then this would make the financial sustainability of YCK very

difficult through this interim period. Whilst in a normal situation this is not something for the Council to consider, given the previous commitments made to support YCK over the period from the demolition of Huntington Stadium until the new Stadium is built, there is clearly a need for the Council to consider this position.

44. In considering making this financial support available, as with the original support, the Council has had to satisfy itself that it does not amount to unlawful State aid. Appropriate internal and external legal advice has therefore been sought on this matter that provides Officers with assurance that the financial support proposed at table one above would be lawful. The full details and considerations of this legal advice are set out at confidential Annex A to this report.

### **York City Football Club (“YCFC”)**

45. There are no further updates on YCFC at this time.

### **Community Partner**

#### **York Teaching Hospital NHS Foundation Trust (“NHS”)**

46. As outlined in detail within the March 2016 Executive Report, York Teaching Hospital NHS Foundation Trust (“NHS”) will have a presence within the Community Hub where it will deliver a range of specialist outpatient services in high quality modern accessible premises. The NHS will also have use of the Stadium hospitality areas for staff training and development activities.
47. Since March 2016 the finalisation of lease and hire agreements for these areas have progressed well. On the design, floor layouts for these areas are now complete, with the detailed room layouts currently being finalised to enable the Building Contractor to produce a final Construction Cost for these NHS outpatient service areas.
48. The NHS will through the lease agreement for their outpatient services areas make a capital contribution to the construction fit out of this space. However, as the overall NSLC Construction Cost has yet to be finalised this capital contribution figure from the NHS is still awaiting confirmation.
49. It is anticipated all lease and hire agreements with the NHS will be formally executed following the outcome of the JR Claim and ahead of the Council’s Financial Close for the DBOM Contract.

#### **York Against Cancer**

50. The lease agreement for York Against Cancer’s presence within the Community Hub through a retail unit, office and meeting space has now been agreed in principle.

51. It is anticipated these lease agreements will be formally executed following the outcome of the JR Claim and ahead of the Council's Financial Close for the DBOM Contract.

### **York Gateway Explore Libraries**

52. A formal lease agreement for York Gateway Explore Libraries ("Explore Libraries") to take up their presence within the Community Hub, as outlined in the March 2016 Executive Report, is progressing well.
53. Final detailed design requirements of the Explore Libraries are currently with GLL for confirmation these can all be met. Once this matter is confirmed the lease agreement will be progressed to a conclusion, noting Explore Libraries will require their board's trustee approval before the lease agreement is signed.

### **Stadium Naming Rights Sponsorship**

54. The March 2016 Executive Report outlined draft terms had been agreed with a potential Stadium Naming Rights Sponsor, with approval received at this point to proceed with these negotiations through to a final agreement.
55. This work is largely complete with the finalisation of the agreement pending the outcome of the JR Claim and confirmation of a Project timetable for the delivery of the Stadium.
56. An agreement will only be entered once the Council's Financial Close has been reached on the Project.

### **Project Financials Update**

57. The detailed financial position of the Project currently remains as outlined in the March 2016 Executive Report.
58. However, a consequence of the ongoing JR Claim is that it is not currently possible to provide a definite construction start date to GLL and their Building Contractor.
59. Without this definitive position of a construction start date there is a risk that it could become increasingly difficult for the Building Contractor to maintain costs and arrangements with their sub-contractors, from those agreed in the summer.
60. A further report will be brought to Executive detailing the final financial position of the Project prior to Financial Close in the New Year.

### **Project Timetable For Nslc Delivery**

61. Until the JR Claim on the Project s73 planning permission is resolved the next phase of the Project is unable to commence or be confirmed. This next Project phase being the execution of the DBOM Contract and construction of the NSLC starting.

62. At this time, the Project is still working towards having the Stadium and new leisure facilities complete and operational in 2018.
63. However, until the DBOM Contract and associated legal agreements relating to the Commercial Development are completed, an exact start on site date for construction works to commence cannot be finalised. Until this point there is therefore a risk further delays could be incurred on the dates outlined in table two below.
64. Table two below sets out an indicative Project timetable that is based on the following key assumptions, each of which currently remain risks to the Project:
- The JR Claim outcome is in favour of the Council. This decision also being received by the end of January 2017.
  - The BDOM Contract and associated legal agreements are all agreed and the Construction Cost remains within the March 2016 approved Council budget.
  - The Investment Fund Commercial Development deal is concluded on the same financial terms as set out in the March 2016 Executive Report.

Table 2 - Current anticipated Project timetable

Date	Milestone
18 <sup>th</sup> Jan 2017	Planning ~ JR Claim Court Hearing
By the end of Jan 2017	Planning ~ JR Claim decision received
By the end of Feb 2017	Final Construction Cost agreed - Building Contractor final fixed price set and agreed by all parties reflective of a Spring 2017 construction start
16 <sup>th</sup> March 2017	March Executive - Project report presented ahead of Financial Close
By the end of March 2017	Financial Close - DBOM Contract + Commercial Development Agreements signed
April 2017	DBOM Contract live - GLL operation of Energise and Yearsley
April 2017	Construction site mobilisation - 4 weeks required, falls over Easter period
From May 2017	NSLC construction starts
Summer 2018	NSLC construction complete - practical completion of NSLC facilities. At this point they will not be operational and will require further GLL and Stadium Operator fit out before use by public and the Sport Clubs
Late Summer 2018	NSLC facilities operational - Stadium, Community Hub & new leisure faculties open to public

### Should the JR Claim go against the Council

65. If the ongoing JR Claim decision is not in favour of the Council this will have significant consequences on the Project timetable above.
66. Should the JR Claim decision go against the Council, the planning applicant (GLL/Developer) would be faced with having to re-submit a new full planning application that contained all the information of the March 2015 planning application and the 2016 s73 planning amendments application together. This being in order to seek a combined approved permission that can be implemented and that meets all the requirements of the proposed end tenants and users.
67. Any new planning application would require certain aspects updating, including an updated Environmental Impact Assessment ("EIA"). Therefore such a process to prepare the application, allowing for statutory consultation and determination periods followed by Judicial Review Periods would add a minimum of six further months to the Project timetable set out at table two.

### **Human Resources (Hr)**

68. There is no new information or changes to the Human Resources relating to the Project from that set out in the March 2016 Executive Report.
69. Council staff employed at Energise and Yearsley will transfer to GLL who will manage the Existing Leisure Facilities once the DBOM Contract is signed and operational. The TUPE transfer will be implemented in accordance with current legislation and in line with the Council's Supporting Transformation (Managing Change) policies and guidelines.
70. Individual and collective consultation with staff and trade union representatives will remain on going throughout the process up to the actual transfer date.

### **Equalities**

71. There are no equalities issues relating directly to this report.
72. A full Equality Impact Assessment has been completed for the Project and reported previously in the March 2016 Executive Report.

### **Council Plan Priorities**

73. This report is linked to the Focus on Frontline Services, A Council That Listens to Residents and a Prosperous City For All elements of the Council Plan 2015-19.
74. In particular the proposed NSLC scheme delivers significantly enhanced leisure facilities for residents, including securing the continued operation of Yearsley Swimming Pool (subject to the ongoing Review). The major investment in

facilities also creates jobs, significant community use, creates wider economic benefits for the city, and sees a significant uplift in business rates income.

## Risk Assessment

75. A detailed risk assessment for the Project was set out in the March 2016 Executive Report. This update report at December 2016 has provided updates on these risks throughout the report as appropriate and outlined a new key Project risk in the ongoing JR Claim.
76. For completeness the risks identified throughout this report are summarised collectively in table three below.

Table 3 – Project risks contained in this report summary

Summary of risks highlighted in this report	Details shown at paragraphs
JR Claim decision - delayed or not in favour of the Council	paragraphs 15 – 17 & 65 - 67
Commercial Development – risk of change whilst legal agreements can not be signed.	Paragraph 25
YCK financial support proposal – risks if approved and if not approved.	paragraphs 43 - 44
Construction Cost – risk of increase before Financial Close	paragraphs 58 - 59
Project timetable risks	paragraphs 63 - 67

## Financial Implications Of This Report

77. The financial implications of this report relate to recommendation I, the YCK further financial support for first team games played at Bootham Crescent. If approved this recommendation will bring a net cost of up to £45,000 per Rugby League season to the Council. This cost will be met from the existing Project budget.

## Legal Implications Of This Report

78. The legal implications of this report relate to the State aid considerations contained within recommendation I, the YCK further financial support for first team games played at Bootham Crescent. The internal and external legal advice relating to this matter is set out in detail at confidential Annex A to this report.



## Report Annexes & Information

**Annexes -Annex A – **CONFIDENTIAL** - YCK state aid legal advice**

### Defined Glossary of Terms

Definition	Meaning
Building Contractor	ISG, the building contractor for GLL
Capital Land Receipt	£11.25m in respect of the land transactions for the Commercial Development. As set out in paragraph 37 (I) and (II) of the March 2016 Executive Report
Commercial Development	the commercial development comprising a state of the art Multiplex Cinema and a number of restaurants and retail units. Set out in full detail within the March 2016 Executive Report at paragraph 11 of the report summary and paragraph 14 of the main report
Community Hub	the community hub to be present within the NSLC, as set out in the March 2016 Executive Report at detail at paragraphs 8-10 of the summary and paragraph 13(III) of the main report
Community Partners	NHS, York Against Cancer and York Gateway Explore Library
Construction Cost	the construction costs for the NSLC under the DBOM Contract
Court Hearing	Court hearing for the JR Claim to be held in London on 18 <sup>th</sup> January 2017
DBOM	Design, Build, Operate and Maintain
DBOM Contract	the Design, Build, Operate and Maintain contract
Developer	Wrenbridge Sport
East Stand Restaurant Units	3 Restaurant Units in the Stadium East Stand, of which will form part of the Commercial Development
EIA	Environmental Impact Assessment
Existing Leisure Facilities	Both Energise and Yearsley Swimming Pool
Financial Close	the date of signature of the DBOM Contract
GLL	Greenwich Leisure Limited
High Court	The court in London that is reviewing the JR Claim
HR	Human Resources
Investment Fund	Entity purchasing the rights of the Commercial Development
ISG	GLL's building contractor
JR Claim	The JR claim made by VUE Cinemas on the Project s73 planning amendment permission
Judge	The judge reviewing the JR Claim
LPA	Local Planning Authority
March 2016 Executive Report	The Project report presented at the Executive meeting on the 17 <sup>th</sup> March 2016

Members	City of York Council elected members
New Year	The year of 2017
NHS	York Teaching hospital NHS Foundation Trust
NSLC	New Stadium Leisure Complex
Officers	City of York Council employed staff
Procurement	OJEU Competitive Dialogue Procurement undertaken from September 2012
Project	The Community Stadium & Leisure Facilities Project
Review	the review of different potential operating models for the future management of Yearsley Swimming Pool
SoS	Secretary of State
Southern Block	the land adjacent to the proposed South Stand of the NSLC forming part of the Commercial Development and identified on Plan B of Annex A
Sport Clubs	York City Football Club and York City Knights RLFC
Stadium	an 8,000 all seat community sports stadium to host professional football and rugby league games
Stadium Naming Rights Sponsorship	the sale of the naming rights for the Stadium, as set out in paragraphs 78 to 90 of the March 2016 Executive Report
TUPE	Transfer of Undertakings (Protection of Employment)
YCFC	York City Football Club
YCK	York City Knights RLFC
York Gateway Explore Libraries	Explore Libraries

## Report contact details

Authors:	Chief Officer Responsible for the report:			
<p>Ian Floyd Deputy Chief Executive / Director of Customer and Corporate Services Tel No. 01904 552909</p> <p>Andy Docherty Assistant Director Legal and Governance Tel No. 01904 551004</p> <p>Mark Wilson Community Stadium Programme Officer Tel No. 01904 552691</p>	<p><b>Ian Floyd</b> Deputy Chief Executive &amp; Director of Customer Business Support Services</p>			
	<p><b>Report Approved</b></p>	<p>√</p>	<p><b>Date</b></p>	<p>29.11.16</p>
<p><b>Specialist Implications Officer(s)</b> <i>List information for all</i></p>				
<p><b>Wards Affected:</b></p>			<p><b>All</b></p>	<p>✓</p>
<p>For further information please contact the author(s) of the report</p>				

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Executive****7 December 2016**

Report of the Assistant Director of Planning and Public Protection (The Local Plan is the portfolio of the Leader and Deputy Leader)

**City of York Local Plan – Update on Preferred Sites Consultation and Next Steps****Summary**

1. This report provides an update on the Local Plan following the Preferred Sites consultation July – September 2016. It highlights other factors that have arisen since the consultation and sets out next steps for consideration by Members. The contents of this report will be considered at the Local Plan Working Group on 5<sup>th</sup> December. The minutes of that meeting will be made available to Members of the Executive.

**Recommendations**

2. *Members are asked to:*
  - (i) Note progress on the production of a sound Local Plan following the Preferred Sites Consultation, and the additional issues arising post consultation that require further consideration.

Reason: To produce an NPPF compliant Local Plan.

- (ii) Instruct Officers to produce a further report on housing need following the DCLG release of the Sub National Household Projections (SNHP) and the consideration of the alternative objective assessment of housing needs submitted through the Preferred Sites Consultation.

Reason: To produce an NPPF compliant Local Plan.

- (iii) Instruct Officers to produce a report highlighting the implications of the disposal of MOD land for the supply of housing land within the Local Plan.

Reason: To produce an NPPF compliant Local Plan.

- (iv) Request from Officers a further detailed report highlighting implications to the Local Development Scheme.

Reason: To produce an NPPF compliant Local Plan.

- (v) Note the impact of the additional costs that will arise and to the requirement to consider as part of the future years budget process,

Reason: To ensure the costs of developing the Local Plan are clearly budgeted.

## **Background**

3. Following approval at Executive on 30<sup>th</sup> June 2016 the Preferred Sites Consultation 2016 took place for a period of eight weeks from Monday 18<sup>th</sup> July 2016 to Monday 12<sup>th</sup> September 2016. The headline issues arising from this consultation are detailed below. Responses received will be made available to coincide with the publication of this report. In addition two further factors have arisen that require consideration.
4. First, on the 12<sup>th</sup> July 2016 the Department of Communities and Local Government (CLG) released the Sub National Household Projections (SNHP) which updates the May 2016 release of the Sub National Population Projections (SNPP). This release indicates a higher demographic starting point for York.
5. Secondly, the Ministry of Defence (MOD) announced on the 7<sup>th</sup> November that they would be disposing of a number of military sites across the country as part of their Strategy – A better Defence Estate (MOD, 7<sup>th</sup> November 2016).

## **Local Plan Preferred Sites Consultation**

6. The Local Plan Preferred Sites consultation was undertaken in accordance with the Council's adopted Statement of Community Involvement (2007). The consultation strategy was produced working alongside colleagues in the Council's Communications Team and Neighbourhood Management Team. The consultation included:
  - a press release to advertise consultation and how to respond issued 15<sup>th</sup> July along with key media interviews including Radio York, Minster FM and York Press;

- all documents and response forms made available online at [www.york.gov.uk/localplan](http://www.york.gov.uk/localplan) and on the main City of York website consultation finder;
- hard copies of all the consultation documents, exhibition boards and response forms were placed in West Offices Reception;
- hard copies of all the consultation documents and response forms were placed in Council libraries for the duration of the consultation;
- city wide distribution via Our Local Link of an 'Our City Special' with area based maps and free post response form delivered to every household;
- email or letter to all contacts registered on Local Plan database (circa 11,500) including members of the public, statutory consultees, specific bodies including parish councils and planning agents, developers and landowners;
- staffed drop-in sessions/public exhibitions at venues across the City;
- exhibition Boards and consultation documents including response forums available at ward committee meetings;
- meetings with all statutory consultees<sup>1</sup> and neighbouring authorities;
- presentation and question and answer session with York branch of the Yorkshire Local Council Association (attended by Parish Councils), York Property Forum/Chamber of Commerce and the Environment Forum; and
- targeted social media campaign via Facebook and Twitter running for the duration of the consultation.

7. The Council received 2,309 responses from members of the public, interest groups and organisations and developers and landowners. In conjunction with this report all representation received will be published both on line via the Council's website, will be accessible online in local libraries and will be available both electronically and in hard copy at West Offices reception. Those received from members of the public will have personal information redacted to comply with the Data Protection Act 1998. The representations raised a range of issues some of which are complex in nature. These are provided in summary below:

- support for the reduction in the amount of Greenfield land allocated since previous Publication Draft Local Plan;

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<sup>1</sup> Statutory consultees are Historic England (HE), Environment Agency (EA), Natural England (NE) and Highways England (HEng).

- support for both the increase in brownfield land and the phasing of brownfield land before Greenfield land;
- support for the balance between meeting future housing need and protecting the historic character and setting of York;
- concern, particularly from the public, about the impact on the character or infrastructure of a particular area or specific site;
- criticisms of the level of growth for both housing and employment with developers and landowners in particular stating that the figures should be higher linked to their view of market signals in York;
- developers and landowners expressed a view that any adopted Green Belt should last longer than twenty years;
- developers and landowners in some cases criticised phasing and delivery rates suggesting they are overly ambitious; the overall levels of development flexibility within the plan and the reliance on windfalls;
- some respondents highlighted lack of certainty and evidence to support the allocation of York Central;
- potential issues regarding the 5 year housing supply were highlighted particularly regarding the lack of smaller Greenfield sites included in the Plan;
- it was also suggested by developers and landowners that there is an over reliance on a few large sites including ST15 (Land West of Elvington Lane), ST5 (York Central) and ST14 (Land West of Wigginton Road);
- developers of Strategic Sites suggesting boundary revisions to the sites (although not seeking return to the 2014 position); and
- Significant technical evidence submitted in support of the 'removed sites' & new sites submitted.

8. Officers are undertaking work to consider and evaluate the points raised. To date all responses have been read, logged and all personal information has been redacted. All the representations received will be uploaded to the Council's website in order that they can be viewed electronically by members of the public and other interested parties. The representations will be split between representations received from members of the public (which will be redacted to remove personal information) and those received from statutory bodies and organisations, including developers and landowners, which will be made available in full.
9. Further work is currently underway to analyse and summarise all the responses received and make clear recommendations for Members. This includes large volumes of technical evidence submitted by developers/landowners relating to ecological appraisal, visual and landscape



appraisal, archaeological assessment, transport assessments and flooding and drainage assessments. This information relates not only those sites included in the Preferred Sites Consultation but also to those sites not included in the Preferred Sites Consultation but that have been previously considered as part of the emerging Local Plan process to date and also entirely new sites submitted for the first time through the Preferred Sites Consultation.

10. All of this technical information needs to be analysed in full and discussed with relevant technical officers across the Council as part of the technical officer group set up to support the local plan site selection process to date. This group comprises Council officers across various specialisms including ecology, archaeology, landscape and transport. The Group has already met several times to start to assess and discuss the submissions received including suggested boundary changes to sites.
11. In addition all the revised boundary submissions and new sites submitted need to be mapped on GIS and run through the site selection methodology in order to assess whether the sites represent 'reasonable alternatives' that need to be considered in further detail including as part of the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA). Any new sites which meet the Site Selection Criteria will then need to be assessed by the technical officer group to determine whether they should be included as potential allocations within the emerging Local Plan.
12. Following discussions as part of the technical officer group officers will then need to feed back to developers and landowners and request any additional technical evidence required.
13. The work described above will lead to recommendations by Officers on the next stage of the development of the Local Plan. However, before this stage can be reached it is important to consider the two further substantive issues raised in this report. These are highlighted below.

### **DCLG Sub National Household Projections**

14. As part of the Preferred Sites Consultation 2016 the Strategic Housing Market Assessment (SHMA) and the SHMA Addendum produced for the Council by consultants GL Hearn were released as supporting documents. This work updated the Objective Assessment of Housing Need (OAN) previously undertaken to support the emerging Local Plan. The OAN in the SHMA of 841 dwellings per annum uses the 2014 based Sub National

Population Projections (SNPP) as the demographic starting point which was released by the Office for National Statistics on 25<sup>th</sup> May 2016.

15. On the 12<sup>th</sup> July 2016 the Department of Communities and Local Government (CLG) released the Sub National Household Projections (SNHP) which update the previous May release. In addition over ten alternative OAN reports produced by consultants on behalf of landowners/developers have been submitted as part of the Preferred Sites Consultation.
16. It is important that both the CLG update and the alternative OAN are considered in full. This requires further technical analysis and GL Hearn have been commissioned to update the SHMA and to analyse the specific relevant representations that have been received through the Preferred Sites Consultation. This work is underway and will be reported back to Members.

### **Ministry of Defence (MOD)**

17. The Ministry of Defence (MOD) announced on the 7<sup>th</sup> November that they would be disposing of a number of military sites across the country as part of their Strategy – A Better Defence Estate (MOD, 7<sup>th</sup> November 2016). Previous dialogue with the MOD in relation to their land interests in York has been inconclusive about potential asset disposal; effectively raising the potential of sites for redevelopment or the intensification for military use. This was reflected in the Defence Infrastructure Organisations (DIO) response to the Preferred Sites Consultation.
18. The announcement made on 7<sup>th</sup> November by the MOD effectively confirms the disposal of the three York sites:
  - Imphal Barracks (estimated date of disposal 2031);
  - Queen Elizabeth Barracks (estimated date of disposal 2021); and
  - Towthorpe Lines (estimated date of disposal 2021).
19. Subsequent to the announcement Officers have met with the MOD to further understand the position. Based on this meeting and on the response received through the Preferred Sites Consultation officers believe that the MOD preference would be for re-development of the sites for residential uses with the MOD indicating that the potential residential capacity across all three sites could be around 1695 dwellings. Further dialogue with the MOD

and other key stakeholders will be required along with technical work to assess the suitability and deliverability of the sites.

20. In addition to the issue of the loss of employment land there are a number of other constraints that would need careful consideration as part of the Local Plan process. Both Queen Elizabeth Barracks and Towthorpe Lines are washed over draft Green Belt and are also adjacent to Strensall Common a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). In addition Imphal Barracks includes draft Green Belt, Grade II listed buildings, is partly within a conservation area and is also adjacent to Walmgate Stray. There are also likely to be important issues of detail such as transport/access, archaeology etc. The technical work necessary will include:

- detailed site assessments using internal expertise relating to landscape, ecology, archaeology, heritage, design, flood risk and transport;
- SEA / SA (including Habitat Regs and Appropriate Assessment); and
- Viability & Deliverability Work.

21. In addition if the sites represent reasonable alternatives they will need to be considered as part of the Local Plan process. Any new site that represents a 'reasonable alternative' should be subject to public consultation if being considered for allocation in the Publication Draft Local Plan. Not doing so would constitute a significant level of risk both in terms of the Local Plan Examination and legal challenge.

### **Next Steps**

22. If the recommendations set out under paragraph 2 above are approved Officers will undertake the necessary work to evaluate whether the MOD sites and other new sites represent reasonable alternatives. This work will be considered in conjunction with the analysis of all consultation responses and the update to the SHMA. This will allow the development of a draft portfolio of sites. If this includes new sites that haven't been previously publicised for comments additional consultation will be required before progressing to the Publication Stage.

23. As per the recommendations of the report the potential changes to the LDS will be the subject of a future report to Members once the initial work has been carried out. It is anticipated that the additional work described including any potential consultation could extend the Local Plan Timetable by around

six months and would require a reconsideration of some of the key milestones.

24. In addition following the development of a draft portfolio of sites and prior to the Publication Stage the work highlighted below will need to be completed and reported to Members:
- completion of the city wide transport model;
  - viability and deliverability assessment of the Local Plan;
  - the Infrastructure Delivery Plan;
  - the Sustainability Appraisal/Strategic Environmental Assessment, Heritage Impact Assessment and Habitat Regulation Assessment; and
  - update the policies in the halted Publication Draft Local Plan to take account of national policy changes and local evidence base updates.

### **Consultation**

25. If Members approve the recommendations at paragraph 34 to this report further consultation is likely to be necessary. Consultation will be carried out in conformity with the Councils adopted Statement of Community Involvement. Comments received as part of the consultation will then be considered by officers and reported to Members.

### **Options**

26. Officers request that Members consider the following options:

**Option 1:** *That the Executive, subject to any recommended changes, approve the recommendations set out above.*

**Option 2:** That the Executive request officers to undertake further work not highlighted in this report

### **Analysis**

27. National guidance currently indicates that for a plan to be 'sound' it must be 'justified'. This means a plan must be founded on a robust and credible evidence base. It also highlights the importance of undertaking and reflecting public consultation and indicates that a plan must be 'effective', that is to say, 'deliverable' and 'flexible'. It is therefore important that all sites that are reasonable alternatives are fully considered and subject to consultation. That the OAN is up to date and robust and all consultation responses properly analysed.

28. Failure to undertake the steps outlined in paragraph 28 would create a significant level of risk to the 'soundness' of the plan at Examination and increase the risk of legal challenge. On this basis option 1 is recommended.

### **Council Plan**

29. The option outlined above accords with the following priorities from the Council Plan:

- **A prosperous city for all**
- **A Council That Listens To Residents.**

### **Implications**

30. The following implications have been assessed.
- **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur. Further cost will have to be factored into future year's budget allocations.
  - **Financial (2)** – The report includes a recommendation to Officers to produce a further detailed report highlighting implications to the Local Development Scheme following the initial assessments of the work highlighted. It also indicates that there could be a six month delay to the programme. This extension would require maintaining existing staffing levels for 17/18 and 18/19 and approximately £85k of additional funding to cover consultation and technical work. The costs in 2016/17 can be contained within the current Local Plan budget however the impact of the additional costs of finalising the plan will need to be considered as part of the 2017/18 budget process
  - **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations. In addition it may lead to the reduction of funding from government such as New Homes Bonus.
  - **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.

- **Community Impact Assessment** - A Community Impact Assessment (CIA) has been carried out as the plan has developed; including at this stage and is attached. This will be undertaken again at the next stage of production.
- **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.

31. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:

- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

32. In order for the draft Local Plan to pass the tests of soundness, in particular the 'justified' and 'effective' tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base.

33. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).

34. The Council also has a legal "Duty to Co-operate" in preparing the Plan. (S33A 2004 Act). In due course Council will be asked to approve the publication draft Local Plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.

- **Crime and Disorder** – The Plan addresses where applicable.
- **Information Technology (IT)** – The Plan promotes where applicable.

- **Property** – The Plan includes land within Council ownership.
- **Other** – None

## **Risk Management**

35. In compliance with the Council's risk management strategy, the main risks in producing a Local Plan for the City of York are as follows:

- The need to steer, promote or restrict development across its administrative area;
- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe;
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments, increased potential to lose appeals on sites which may not be the Council's preferred development options;
- Financial risk associated with the Council's ability to utilize planning gain and deliver strategic infrastructure;
- Failure to progress a plan could lead to direct interventions by Government into the City's Local Plan making; and
- The Government has stated its intention to remove the New Homes Bonus in the case of an authority that has not submitted its Local Plan by early 2017.

Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

## **Contact Details**

### **Author:**

Martin Grainger  
Head of Strategic Planning  
Tel: 551317

Rachel Macefield  
Forward Planning Team  
Manager  
Tel 551356

### **Chief Officer Responsible for the report:**

Mike Slater  
Assistant Director of CES  
Tel: 551300

### **Executive Members Responsible for the Report:**

Cllrs D Carr & K Aspden

**Report  
Approved**



**Date** 24.11.16

**Specialist Implications Officer(s):**

Patrick Looker, Finance Manager  
Alison Hartley, Senior Solicitor, Planning

**Wards Affected:** *List wards or tick box to indicate all*

*All*

For further information please contact the author of the report

**Background Papers:** None

**Annexes :** None

**Glossary of Abbreviations**

LPWG – Local Plan Working Group;  
NPPF – National Planning Policy Framework;  
NPPG – National Planning Practice Guidance;  
OAHN – Objective Assessment of Housing Need;  
MOD – Ministry of Defence  
SHLAA – Strategic Housing Land Availability Assessment;  
SHMA – Strategic Housing Market Assessment;  
SNHP - Sub National Household Projections;  
SNPP – Sub National Population Projections;  
SHMA – Strategic Housing Market Assessment.





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**Executive**

7 December 2016

Report of the Assistant Director (Communities &amp; Equalities)

Portfolio of the Executive Member for Education, Children &amp; Young People

**York Music Hub and York Arts Education****Summary**

1. This report proposes new delivery arrangements for the York Music Hub and York Arts Education, which together will plan for and provide music opportunities for children and young people in York.

**Recommendations**

2. The Executive is asked to agree that:
  - The council ask Arts Council England to novate the council's existing contract for delivery of music opportunities for children and young people to the new York Music Hub.
  - The council transfer its delivery staff to a new community interest company (York Arts Education), spun out from the council, to act as the York Music Hub's delivery partner, subject to negotiation of an appropriate contract as set out in paragraph 19.
  - The council provide a guarantee to York Arts Education with respect to future redundancy liabilities as set out in paragraph 36.
  - Delegated authority be given to the Head of Legal Services to draw up appropriate legal agreements to enact these decisions.

*Reason: To support the continued development of excellent music opportunities for children and young people in York*

**Background**

3. **York Music Hub** is a strong and developing partnership of providers of music education within the city. Established in August 2012, it works with Arts Council England (ACE) to support the

delivery of The National Plan for Music Education. It is currently funded to March 2017 and, in due course, will be required to submit a bid for the next round of ACE funding. ACE's grant is £223,506 in 2016/17. The Hub receives no financial support from the council.

4. York Music Hub is committed to providing the highest quality of opportunities for children and young people and seeks to foster a life-long love of music, both within and beyond the classroom. Its objectives, in line with the National Plan for Music Education, are to:
  - ensure that every child has the opportunity to learn a musical instrument through whole-class ensemble teaching programmes
  - provide opportunities to play in ensembles and to perform from an early stage
  - develop a singing strategy to ensure that every pupil has opportunities to sing regularly
  - offer Continuing Professional Development (CPD) to school staff
  - provide an instrument loan service, with discounts or free provision for those on low incomes
  - provide access for pupils to high quality music experiences working with professional musicians and venues
  
5. **York Arts Education (YAE)** is the Hub's lead delivery partner. It is currently a council service which has a long track record of high quality delivery and partnership working. It employs two full-time managers and approximately 25 part-time tutors many of whom are qualified teachers. It delivers:
  - whole class instrumental tuition in schools providing first access opportunities for children to learn a musical instrument and sing
  - an Approved Tutor scheme through which teachers are Disclosure and Barring Service (DBS) checked and monitored annually to ensure the highest quality teaching and learning
  - CPD throughout the year for YAE staff, Approved Tutors and all York class teachers
  - York Music Centre, which operates out of Millthorpe School mid-week evenings and Saturdays providing music making opportunities for approximately 250 children of all ages and abilities. Free places are available for families in need
  - low cost, instrumental hire services to individuals and to schools with subsidies and free hire to families in need

6. In June this year a report was brought to the Executive Member for Education, Children and Young People which highlighted the following drivers for change.

**York Music Hub:**

7. The success of the Hub has led the partners involved to conclude that the time is now right to constitute the Hub as a legal entity in its own right (as a charitable incorporated organisation) in order to:
  - deepen the representative nature of the Hub and increase its ability to lead the sector
  - increase its capacity to fundraise on behalf of the sector
  - by separating it from YAE, increase its freedom to commission effectively and focus it exclusively on meeting the city's needs
8. The Executive Member agreed that the council will continue to participate in the new Hub by nominating the Assistant Director (Communities and Equalities) to be a trustee. Other trustees are in the process of being recruited and Patrick Scott, former Director of Education and Culture, has agreed to chair the board of trustees.

**York Arts Education:**

9. The council is no longer best placed to provide this service. The council does not fund the activity and no longer has a management infrastructure capable of supporting it. It is not, therefore, appropriate for the council to continue to be involved in this area of activity; however, it is a valued service in the city and it is right that the council should ensure that robust, alternative arrangements are made for the future. A proposal has been put forward by the management of the service to set up a Community Interest Company (CIC) to operate the service. This would be able to:
  - operate as a business increasing its proportion of earned income
  - be more responsive to the needs of the Hub through a commissioned arrangement
  - increase user-involvement in the service
10. CICs are limited companies which operate to provide a benefit to the community they serve. Key features of a CIC are:
  - it has the “company” legal form familiar to the business community

- an asset lock ensures that the assets of the CIC are used for the benefit of the community
- the level of profit a CIC is allowed to make is not limited as this profit will be used to benefit the community it was set up to serve
- stakeholder involvement and transparency of operation is integrated into its governance through its annual community interest report
- it is regulated by the CIC Regulator via an annual report

11. The Executive Member asked that officers investigate the potential for YAE to spin out as a CIC with a viable business plan.

### **Consultation**

12. Initial consultation has been undertaken with staff and unions. Should the proposals progress, formal consultation will be undertaken in accordance with the council's management of change procedures.
13. With regard to stakeholders, consultation and communication is being led by the council through the Music Hub Strategy Group. Information has been provided to schools, approved tutors, pupils and parents to keep them updated on the proposals.
14. ACE's Hub Relationship Manager has been consulted throughout on the development of these proposals. ACE has provided a grant of £6k to help procure relevant expertise to inform the proposals. ACE's agreement to novate the current contract will be subject to a formal application to them following the Executive's decision.

### **Proposals**

15. The new arrangements for York Music Hub and York Arts Education will be delivered through the following legal agreements:
- the council will transfer its accountable body status for the Arts Council funding to the York Music Hub through a **Novation Agreement**
  - the council will transfer its delivery function in respect of the activities funded by the Arts Council grant to YAE through a **Transfer Agreement**

- York Music Hub and YAE will enter into a **Contract for the Provision of Services**

**The Novation Agreement:**

16. Under this agreement the Arts Council grant will transfer to the York Music Hub together with responsibility as the accountable body for the funding. It will be a three way agreement between the council, ACE and York Music Hub.

**The Transfer Agreement:**

17. Under this agreement the assets which YAE requires to carry out its business (primarily the current stock of musical instruments) will transfer to YAE. (An asset lock, as described above, will ensure that, if at some point in the future YAE no longer provides services that require use of the instruments, they will transfer to another appropriate organisation to be used for their intended purpose).
18. The music library, being a city-wide resource, will transfer to the York Music Hub.

**The Contract for the Provision of Services:**

19. The contract will be between the York Music Hub and YAE. The council has an interest in the contract, however, to ensure that it represents a viable proposition for the new CIC into which its staff will be transferring.
20. **Term:** Whilst the current ACE funding agreement lasts until March 2017 it now appears likely that it will, in fact, be rolled forward for a further period as the Arts Council is not planning a new bidding round at this stage. It is not clear when the new bidding round will be held nor how long the next funding period will be for. In the face of this uncertainty the Hub is proposing to enter into a three year contract with YAE, with provision for annual extensions. This will provide for a smooth transition to the new arrangements and give YAE sufficient certainty to spin out. At the same time it will allow the Hub flexibility with regard to shaping future provision and potentially testing the market. The Hub will review the contract at the end of the second year and will, at that point, either give YAE one year's notice to terminate the contract or extend it by a further, fourth year.

21. It is recognised that:
  - there will need to be a break clause in the event that no further ACE funding is secured
  - that the specification may need to change depending on ACE's requirements in respect of a new funding period
  - that the contract sum is likely to change depending on any new funding award
22. **Scope:** The service specification will broadly follow the National Plan for Music Education as reflected in the current Hub business plan. It will include provision of all core activities, known as "First Access" and "Progression" activities. The Hub will agree not to commission activities from any other provider during the term of the contract that compete with those commissioned from YAE.
23. With regard to activities that fall outside the above definition of "Core", i.e. "Extension" activities, there will be a negotiation as to which if any should be included in the contract. Some may be included for a limited period only. There will be two specification schedules:
  1. For the Core and Extension services to be delivered.
  2. For professional support services which will be bought by the Hub from YAE.
24. The contract will include a requirement for YAE to increase its income generation over the life of the contract in order to fund more of the core activities and to increase the overall quantity and quality of activity delivered. (The Hub will also have a role in raising additional funding in order to increase overall provision in the city.)
25. Should the ACE's grant reduce at any point during the term of the contract the priority will be protection of the Core activities.
26. YAE will have responsibility for all matters concerning delivery of the Core activities, including pricing, subject to delivery of the service in accordance with the terms of the ACE grant.
27. As an independent organisation YAE will be free to bid for and undertake other work/contracts.

## York Arts Education's Viability

28. To ensure that the council's staff are transferring to a viable organisation a detailed business plan for YAE has been drawn up with officers for the next three years. Income and expenditure forecasts have taken into account future increase in fees and pay and prices inflation.
29. The service has an earmarked reserve consisting mainly of ring-fenced Arts Council funding which is used to provide bursaries, grant and put on events. This will be transferred into the Hub and YAE bank accounts and will aid cashflow.
30. A business plan has also been drawn up for York Music Hub to ensure that the overall financial system proposed is viable. The main headings of both business plans are shown below.

### York Music Hub

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
	£'000	£'000	£'000
<b><u>INCOME</u></b>			
Arts Council grant	223.5	223.5	223.5
Music4U	12	12	12
Fundraising	2.8	12	20
Other income	1	1	1
	<u>239.3</u>	<u>248.5</u>	<u>256.5</u>
<b><u>EXPENDITURE</u></b>			
Lead Partner Commission	163	163	163
Commissioning Fund	7.5	15	15
Music4U	18	18	18
Bursaries	10	10	10
Manager	20.5	20.7	20.9
Other Expenditure	20.2	20.2	20.2
	<u>239.2</u>	<u>246.9</u>	<u>247.1</u>
Surplus	<u>0.1</u>	<u>1.6</u>	<u>9.4</u>

**York Arts Education**

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	£'000	£'000	£'000
<u>INCOME</u>			
Hub Grant	163	163	163
Tuition Fees	47.6	49.9	52.2
School Fees	31.2	31.5	31.5
Hub Management	20.5	20.7	20.9
Other income	3.9	3.9	3.9
	<u>266.2</u>	<u>269.0</u>	<u>271.6</u>
<u>EXPENDITURE</u>			
Music Tutors	132.6	133.9	135.2
Directors	95.1	96.0	97.0
Additional Support	8.1	8.1	8.2
Premises	13.3	13.3	13.3
Other Expenditure	17.0	17.2	17.0
	<u>266.1</u>	<u>268.5</u>	<u>270.7</u>
Surplus	<u>0.1</u>	<u>0.5</u>	<u>0.9</u>

31. YAE is forecast to break-even or achieve a small surplus. There are three critical issues:
- Arts Council funding continues at the current level and is paid on time. This funding flows through the Hub and is the main source of funding for YAE
  - YAE will have sufficient funds to cover salaries and tuition fees for one month if Arts Council funding is paid late
  - the Hub must find other sources of funding to enable it to continue to provide a commissioning fund, grants and bursaries
32. The council will no longer be providing support services to York Music Hub or YAE and so these additional costs for the new entities have been reflected in the respective business plans. Set up costs, eg to buy new office equipment, are estimated at £5k. Additionally there will be an anticipated cost of £4.5k in respect of preparing the necessary pension admission agreements and this will be paid out of 2016/17 budget.



## **Other issues**

### **TUPE:**

33. All staff will transfer on their existing terms and conditions to YAE under TUPE.

### **Pension Liabilities:**

34. The council will fulfil its obligation to ensure that staff transferring continue to have access to broadly comparable pension schemes by making applications to the North Yorkshire Pension Fund (NYPF) and Teachers Pension Scheme (TPS) for Admitted Body Status for YAE as a new CIC.
35. If approved by the Pension Committee, an actuarial assessment will be carried out to ascertain the future pension contribution rates for the new organisation. It is proposed that the council will act as guarantor and continue to fund the pension deficit in relation to the employees transferring to YAE that have arisen up to the point of transfer, consistent with other similar staff transfers. Admission agreements will then be drawn up setting out the details of the pension obligations of YAE. These will be signed by YAE, the council and NYPF/TPS prior to staff transferring.

### **Redundancy Liabilities:**

36. Clearly, there is a risk that further ACE funding will not be forthcoming in the next bidding round. In that event the service would be expected to cease and the staff would be redundant. This risk is neither increased nor decreased by the decision to spin-out. YAE, as a CIC, will not have significant cash reserves on its formation and would not therefore have the ability to cover these redundancy costs. It is therefore proposed that the council provides a guarantee to the CIC in respect of redundancy costs in the event that it fails to obtain further ACE funding via the Hub or the amount of funding being reduced. This will apply to the next funding round only. This liability will apply only to staff transferring under TUPE and will not apply to any new staff employed. The maximum liability, based on the position as at 31 August 2016, would be £38,426. This figure will change over time and can be expected to reduce, for example through staff turnover.
37. This obligation would of course exist if the service remained in-house so there is no increased risk to the council inherent in this proposal. The council would not be liable to cover redundancy

costs arising from any reason other than loss of or reduction in the Arts Council funding.

**VAT:**

38. An exercise has been undertaken to assess the impact on the council's partial exemption status as a result of removing this activity area from the council's financial reporting remit. The calculation shows that the impact in terms of partial exemption is not significant enough to affect the council's status adversely. This is due to the fact that very little input tax is claimed in the area.

**Options**

39. The principal options open to the Executive are:
- to retain YAE in-house and seek to offer the service to York Music Hub
  - to agree to the spin-out of YAE as a CIC to act as York Music Hub's lead provider

**Analysis**

40. This is an area of activity which the council does not fund and where it is not best placed to act as service provider; however, these are important activities for young people in the city and are valued by partners. The most sensible way forward, therefore, is for the council to continue to work with the new York Music Hub and to help guide and contribute to it in its new legal form, in collaboration with the other partners, and to spin-out YAE in order to create orderly hand-over arrangements for future delivery of services.

**Next Steps**

41. The project plan envisages an implementation date for these proposals of 1 April, 2017. Key work streams/milestones are:
- |  |                    |
|--|--------------------|
| • Negotiation of service contract between Hub and YAE                        | December - January |
| • Negotiation of transfer agreement to YAE and support services arrangements | December - March   |
| • Determination of TUPE & pension arrangements                               | December - March   |
| • Approach to ACE re novation  | February           |
| • Go live  | April              |

## Council Plan

42. The proposals in this report contribute to the Council Plan objectives that “Every child has the opportunity to get the best possible start in life” and “All York’s residents live and thrive in a city which allows them to contribute”.

## Implications

43. **Financial:** There will be no financial impact to the local authority arising directly from the transfer of service as these services are funded by a combination of ACE grant and customer income with no contribution from the LA base budget
44. There will be some set-up costs incurred, for example with respect to setting up new payroll arrangements, actuarial valuation fees in respect of pensions and furniture and equipment. These costs are estimated to be approximately £10k in total. A budget of £10k will be identified from minor underspends elsewhere in the Community and Equalities, or wider Children, Education and Communities budgets in 2016/17 to fund these costs on behalf of the Hub.
45. The funding received from the Arts Council has always been ring-fenced by the local authority and any surplus or deficit at the end of each financial year carried forward to the following year. At present there is a small reserve surplus, which has been used to balance year on year grant reductions. At the end of 2016/17 this surplus is currently predicted to be approximately £30k. This will transfer to the Hub/YAE on 1 April and will act as start up funding for the initial year of operation.
46. **Equalities:** The Equalities Impact Assessment screening shows no equalities impact from the proposed governance arrangements.
47. **Human Resources:** There are ongoing discussions and consultation with council staff who are affected by the outlined proposals, and with their trade union representatives. If the proposals are approved, transfer of staff to the new entities will be implemented in accordance with current TUPE legislation and in line with the council’s Supporting Transformation (Managing Change) policies and guidelines. All staff will transfer to YAE.
48. **Legal:** These are contained within the Report. Legal Services will advise the Project Group and prepare all necessary legal documentation.

49. There are no **Information Technology, Property, Crime and Disorder** or **Other** implications associated with this report.

### Risk Management

50. In compliance with the council's risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to the inability to meet business objectives and to deliver services, leading to damage to the council's reputation and failure to meet stakeholders' expectations. The level of risk is assessed as "Medium". This is acceptable but means that regular monitoring is required of the project plan.

### Contact Details

<b>Author:</b>	<b>Chief Officer responsible:</b>		
Charlie Croft Assistant Director (Communities and Equalities) 01904 553371	Jon Stonehouse Corporate Director of Children, Education and Communities		
	<b>Report Approved</b>	✓	<b>Date</b> 22/11/16
<b>Specialist Implications Officers:</b>			
David Gladders Accountant Ext. 1101	Sue Foley HR Business Partner Ext. 1690		
Glen McCusker Deputy Head of Legal Services Ext. 1048	Emma Audrain Technical Accountant Ext. 1170		
Mike Barugh Principal Accountant Ext. 4573			
<b>Wards Affected:</b>	<b>All</b>	✓	
<b>For further information please contact the author of the report</b>			

Annexes – None

List of abbreviations used in the report:

ACE - Arts Council England

CIC - Community Interest Company

CPD - Continuing Professional Development

DBS - Disclosure and Barring Service

NYPF - North Yorkshire Pension Fund

TPS - Teachers Pension Scheme

TUPE - Transfer of Undertakings (Protection of Employment)  
Regulations 1981

YAE - York Arts Education

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**Executive**

7 December 2016

Report of the Deputy Chief Executive & Director of Customer & Corporate Services

Portfolio of the Executive Member for Finance & Performance

**Review of Fees and Charges****Purpose of report**

1. The purpose of this report is to seek approval to increase a range of the council's fees and charges with effect from the 1<sup>st</sup> January 2017.

**Recommendations**

2. Members are asked to approve option 1 and increase the relevant fees and charges as set out in the attached annexes.

Reason: To enable the council to effectively manage its budget.

**Background**

3. Across the council a wide range of services operate fees and charges for services provided, some of which attract VAT at the current rate of 20%.

**Options and Analysis**

4. Option 1 (recommended option) – Agree the fees and charges as set out in the annexes to the report.
5. This report focuses on those fees that were last reviewed 12 months ago in January 2016. Service areas have reviewed their charging policies and various increases are proposed which aim to minimise the impact either on service users or the volume of activity in these areas.

6. The table below summarises each service areas total fees and charges considered for increase from 1<sup>st</sup> January 2017.

<b>Service Area</b>	<b>£000</b>
Registrars	587
Community Centres	40
Bereavement Services	1,891
Waste Services	280
Parks & Open Spaces	97
Housing Services	45
Planning	318
<b>Total fee income considered for increase from 1<sup>st</sup> Jan 2017</b>	<b>3,258</b>

7. Additional income of £70k will be generated in 2017/18 from the increase in fees and charges proposed within this report. This is mainly from Bereavement Services (£40k) and Allotments (£17k) if the proposed transfer to a community organisation is not completed.
8. The table below summarises the areas which will be examined further as part of the 2017/18 budget strategy and any proposals will be included in the overall financial strategy if appropriate. Some fees below are set by statutory or regulatory bodies and are therefore only permitted to increase from the 1<sup>st</sup> April. The remaining service areas are currently reviewing their charging policy, to ensure that any increase will minimise any adverse impact either on service users or the volume of activity in these areas.

<b>Service Area</b>	<b>£000</b>
Environmental Health & Trading Standards	48
Regulatory Services	693
Waste Services (includes Commercial Waste)	1,803
Housing	414
Parking	6,793
Planning	1,454
Public Health	27
Adult Social Care	2,608
<b>Total fee income under consideration for increase from 1<sup>st</sup> April 2017</b>	<b>13,840</b>



9. In addition to the income above, certain fees, such as planning fees, are set nationally and are increased at the appropriate time in line with national policy and specific details of these will not be included in the budget strategy report.
10. Option 2 – Agree a different increase to that proposed.

### **Consultation**

11. No specific consultation has been carried out for this report. However, the level of all fees and charges is informed by the extensive consultation carried out as part of the development of the budget.

### **Council Plan**

12. Outcomes achieved by the activities covered in this report help to deliver priorities in the Council Plan 2015-19.

### **Implications**

13. The implications are:
  - Financial - the fees and charges increases outlined in the annex to this report will generate additional income of £16k in the remainder of the current financial year with a full year effect of £70k in 2017/18. This assumes there will be the same level of activity across all services.
  - Human Resources - there are no specific human resource implications to this report.
  - Equalities – all council services complete Equalities Impact Assessments to ensure that the charges levied on users are fair and take into account any equalities issues.
  - Legal - the Council has a general power to charge fees to cover the costs of providing discretionary services which are not provided for a commercial purpose. This power cannot be used to make a profit from the provision of a service. Various specific charging powers also exist in relation to individual statutory functions. In relation to allotments these are contained in the Allotments Act 1950 which provides that land let as an allotment shall be let at such rent as a tenant might be reasonably be expected to pay. There is a power to let at a lower rent in

special circumstances. The Cremation Act 1902 provides a power to charge fees for cremations. The Local Authorities Cemeteries Order 1977 provides a power to charge such fees as the Authority considers proper in connection with burials, the erection of memorials and adding inscriptions to memorials.

- Crime and Disorder - there are no specific crime and disorder implications to this report.
- Information Technology - there are no information technology implications to this report.
- Property - there are no property implications to this report.
- Other - there are no other implications to this report.

## Risk Management

14. There is a risk that the increase in charge could result in users deciding not to use a service. Individual service areas will continue to monitor activity to ensure any loss of income is identified and mitigated by other savings.

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Jayne Close Principal Accountant Tel (01904) 554175	Ian Floyd, Deputy Chief Executive & Director of Customer & Corporate Services		
	<b>Report Approved</b>	√	<b>Date</b> 28.11.16
<b>Wards Affected:</b> All			
<b>For further information please contact the author of the report</b>			

Background Papers – None

Annexes

- Annex 1 – Registrar proposed charges
- Annex 2 – Community Centres proposed charges
- Annex 3 – Bereavement Services proposed charges
- Annex 4 – Waste Services proposed charges
- Annex 5 – Parks and Open Spaces proposed charges
- Annex 6 – Housing Services proposed charges
- Annex 7 – Planning proposed charges

REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES	1st Jan 2016	1st Jan 2017	
	Charge (inc VAT if applicable)	Proposed Charge (inc VAT if applicable)	Increase
	£	£	£
Standard certificate within 1 hour at the Registry Office	21.00	21.00	-
Standard certificate - same day, or posted 1st class on same day	18.00	18.00	-
Standard certificate requiring same / next day postal delivery	31.00	31.00	-
Certification of a venue for marriage ceremonies (valid for three years)	3,250.00	3,250.00	-
<u>Non-refundable booking fee for all weddings</u>	50.00	50.00	-
<u>Marriage and Civil Partnership Ceremonies</u>			
<u>Attendance of Registration Staff at Approved premises</u>			
Large marriage room at Register Office Mon-Thurs	245.00	245.00	-
Large marriage room at Register Office Fri-Sat	330.00	330.00	-
Small room at Register Office Mon - Thurs	140.00	140.00	-
Small room at Register Office Fri - Sat	195.00	195.00	-
Approved Premises (venues) Mon-Thurs	510.00	510.00	-
Approved Premises (venues) Fri - Sat	590.00	590.00	-
Approved Premises (venues) Sun / Bank Holidays	640.00	640.00	-
<u>Nationality Checking Service</u>			
- Adult	82.00	82.00	-
- Child	41.00	41.00	-
<u>Citizenship Ceremonies</u>	140.00	140.00	-
<u>Funerals</u>	175.00	175.00	-
<u>Baby Naming Ceremonies</u>			
At Register Office	225.00	225.00	-
Approved Premises (venues)	250.00	250.00	-
<u>Renewal of Vows</u>			
At Register Office	230.00	230.00	-
Approved Premises (venues)	255.00	255.00	-
<u>Sale of Goods and Miscellaneous Charges :-</u>			
- Scrolls	5.00	5.00	-
- Baby Folders	2.00	2.00	-
- Books of Verse	5.00	5.00	-
- Business Card Advertising	125.00	125.00	-

No increases proposed to allow for a fundamental review of the fee structure.

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<b>BURTON STONE COMMUNITY CENTRE</b>	1st Jan 2016	1st Jan 2017	
	Charge (inc VAT if applicable)	Proposed Charge (inc VAT if applicable)	Increase
	£	£	£
<u>Room Hire</u>			
Main Hall Local	11.00	11.30	0.30
Main Hall Voluntary & Non Profit	16.00	16.40	0.40
Main Hall Profit	25.30	25.95	0.65
Birthday Party	14.85	15.25	0.40
<u>Meeting Rooms</u>			
Local	6.60	6.80	0.20
Voluntary & Non Profit	8.50	8.70	0.20
Profit	11.00	11.30	0.30
<u>Gym Hire</u>			
Local	11.00	11.30	0.30
Voluntary & Non Profit	16.00	16.40	0.40
Profit	25.30	25.95	0.65
<u>Badminton (per person per hour)</u>			
York Card Standard	4.00	4.10	0.10
York Card Concession	3.15	3.25	0.10
Non York Standard	4.60	4.75	0.15
Non York Concession	4.00	4.10	0.10

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BEREAVEMENT SERVICES	1st Jan 2016	1st Jan 2017	
	Charge (Inc VAT if applicable)	Proposed Charge (Inc VAT if applicable)	Increase
	£	£	£
<b>CREMATORIUM</b>			
<b>CREMATIONS (VAT EXEMPT)</b>			
Adult (including medical referee fee)	835.00	855.00	20.00
Still Born	0.00	0.00	0.00
Up to Six Months	0.00	0.00	0.00
Six Months to Sixteen Years	0.00	0.00	0.00
<b>INTERMENT (VAT EXEMPT)</b>			
Interment of Ashes	46.00	47.00	1.00
<b>SCATTERING OF ASHES (VAT EXEMPT)</b>			
Ashes received from external sources	77.00	78.00	1.00
Ashes forward to other places	0.00	0.00	0.00
Additional Service Time	97.00	98.00	1.00
<b>EXHUMATIONS</b>			
Exhumation fee	182.00	185.00	3.00
<b>BEARING SERVICE</b>	21.00	22.00	1.00
<b>RECORDINGS</b>			
CD recording	43.00	44.00	1.00
DVD recording	55.00	56.00	1.00
Webcast	55.00	56.00	1.00
<b>MEMORIALS AND PLAQUES</b>			
<b>PLAQUES</b>			
60 letter inscription 10 years	379.00	380.00	1.00
60 letter inscription 20 years	522.00	523.00	1.00
Display for a further 5 years	121.00	122.00	1.00
<b>MEMORIALS</b>			
Memorial Plaque with rose tree 10 yrs	435.00	436.00	1.00
Memorial Plaque with rose tree 20 yr	574.00	575.00	1.00
Memorial seat with plaque (10 yrs)	1,230.00	1,231.00	1.00
Memorial seat plaque renewal (5yrs)	210.00	211.00	1.00
Granite Seat (10 yrs) - new fee	1,310.00	1,311.00	1.00
Granite vase Block 10years	625.00	628.00	3.00
Granite vase Block 20years	1,020.00	1,022.00	2.00
Vase Block Plaque	170.00	171.00	1.00
Bronze rose memorial plaque on stake (10 yr)	530.00	531.00	1.00
Bronze rose memorial plaque on stake (20 yr)	670.00	671.00	1.00
Circular bench memorial plaque (10 yrs)	450.00	451.00	1.00
Circular bench memorial plaque (20 yrs)	625.00	626.00	1.00
Babies garden memorial plaque (10yrs)	348.00	350.00	2.00
Granite mushroom memorial plaque (10 yrs)	380.00	381.00	1.00
Granite mushroom memorial plaque (20 yrs)	538.00	539.00	1.00
Memorial Disc	433.00	435.00	2.00
Granite Shaped Planter	510.00	515.00	5.00
Summer House Memorial Plaque	405.00	410.00	5.00
<b>URNS</b>			
Cardboard Box	14.00	14.50	0.50
Polytainer	16.50	17.00	0.50
Baby Urn	34.50	35.00	0.50
Urn	47.00	48.00	1.00
Casket	67.00	68.00	1.00

BEREAVEMENT SERVICES	1st Jan 2016	1st Jan 2017	
	Charge (Inc VAT if applicable)	Proposed Charge (Inc VAT if applicable)	Increase
	£	£	£
<b>NICHES</b>			
Niche 10 years	770.00	780.00	10.00
Niche 20 years	1,290.00	1,300.00	10.00
Sanctum 2000 (Average Charge)	1,050.00	1,055.00	5.00
Second Plaque on Sanctum 2000	398.00	399.00	1.00
Inscription (second Plaque/Renewals)	340.00	340.00	0.00
Additional inscription p/letter over 80 letters	4.25	4.50	0.25
<b>BOOK OF REMEMBRANCE</b>			
2 line entry	82.00	83.00	1.00
5 line entry	128.00	129.00	1.00
5 line entry with floral emblem	178.00	179.00	1.00
5 line entry with badge, bird, crest & shield	205.00	206.00	1.00
8 line entry	158.00	159.00	1.00
8 line entry with floral emblem	215.00	216.00	1.00
8 line entry with badge, bird, crest & shield	245.00	246.00	1.00
8 line entry with coat of arms	285.00	286.00	1.00
<b>FOLDED BOOK OF REMEMBRANCE CARDS</b>			
5 line entry with floral emblem	138.00	139.00	1.00
5 line entry with badge, bird, crest & shield	174.00	175.00	1.00
8 line entry with floral emblem	192.00	193.00	1.00
8 line entry with badge, bird, crest & shield	210.00	211.00	1.00
8 line entry with coat of arms	255.00	256.00	1.00
Regimental Badge Etc	included above	included above	
<b>MEMORIAL CARDS</b>			
2 line card	56.00	57.00	1.00
5 line card	73.00	74.00	1.00
8 line card	86.00	87.00	1.00
Regimental Badge	included above	included above	
<b><u>DRINGHOUSES CEMETERY</u></b>			
<b>INTERMENT (VAT EXEMPT)</b>			
Adult ( 4ft 6" grave)	790.00	799.00	9.00
Child up to 12 years	0.00	0.00	0.00
Interment of Ashes	215.00	225.00	10.00
Exhumation (negotiated at cost)	at cost	at cost	
Exhumation of Cremated Remains	182.00	185.00	3.00
<b>MEMORIALS</b>			
Headstones	154.00	156.00	2.00
Add Inscription	82.00	84.00	2.00
Marking out grave	21.00	21.00	0.00
Removal of grave memorial by stonemason prior to interment	92.00	92.00	0.00
Cremation plot with exclusive Right of Burial for period of 50 yrs.	420.00	430.00	10.00



WASTE SERVICES	2016/17	1st Jan 2017	
	Charge (inc VAT if applicable)	Proposed Charge (inc VAT if applicable)	Increase
	£	£	£
<b>Bulky Household Collections</b>			
10 items	42.00	43.00	1.00
White Goods - Fridges/Freezers only (domestic collections)	26.00	26.00	-
Bonded Asbestos Collections for quantities up to 200 kg, including assessment visit (incs VAT)	95.00	100.00	5.00
Bonded Asbestos Collections greater than 200 kg, price quoted on application (excluding VAT)	n/a	n/a	n/a
<b>Trade Waste Charges</b>			
Waste to be charged per tonne or part thereof :-			
Residual Waste to Landfill per tonne	150.00	154.00	4.00
Minimum Charge	77.00	79.00	2.00
Recycling or Waste for Composting per tonne	77.00	79.00	2.00
Minimum Charge	39.00	40.00	1.00
Minimum percentage of waste be recyclable to qualify for charge for recycling or waste for composting rate = 85%			

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PARKS AND OPEN SPACES	1st Jan 2016	1st Jan 2017	
	Charge (inc VAT if applicable)	Proposed Charge (inc VAT if applicable)	Increase
	£	£	£
<b>PITCHES &amp; ALLOTMENTS</b>			
<b><u>Pitches</u></b>			
Per season per pitch per team	120.00	125.00	5.00
<b><u>Allotments (from Jan 2018)*</u></b>			
<b>Plot Size A (0-75 Sq Yards)</b>			
Full Rent	24.00	30.50	6.50
Concession	14.25	18.00	3.75
<b>Plot Size B (75-150 Sq Yards)</b>			
Full Rent	48.00	61.00	13.00
Concession	29.00	33.50	4.50
<b>Plot Size C (150-300 Sq Yards)</b>			
Full Rent	96.00	112.00	16.00
Concession	58.00	67.00	9.00
<b>Plot Size D (300-450 Sq Yards)</b>			
Full Rent	130.00	166.00	36.00
Concession	76.00	100.00	24.00

\*12 months notice required. It is proposed to transfer the allotments to a new community organisation during 2017 in which case the fees shown above will not apply as the new organisation will set and regulate their own fees. If the allotments remain within council control then the fee increases shown will enable full cost recovery for the operation of the allotments.

HOUSING SERVICES	2016/17	1st Jan 2017	
	Charge	Proposed Charge	Increase
	£	£	£
<b>Houses in Multiple Occupation Licences</b>			
<b>New Licence Applications</b>			
Band A	915	945	30
Band B	1,065	1,105	40
Band C	1,210	1,260	50
Band D	1,280	1,340	60
<b>Licence Renewals</b>			
Band A	625	655	30
Band B	650	690	40
Band C	675	725	50
Band D	720	780	60
<b>Penalty fee*</b>	150	180	30
Letters of Advice	50	75	25
Immigration Inspection	100	130	30
<b>Mobile Homes Licensing (Mobile Homes Act 2013)</b>			
New Licence Application	690	720	30
Transfer of Licence (no variations)	190	220	30
Variation to Licence	475	500	25
Annual Inspection - 50 units or more	475	500	25
Annual Inspection - 49 units or fewer	355	380	25
<b>Landlord Accreditation Scheme</b>			
Membership Fee**	50	50	-
Plus Administration Fee based on No of Properties			
1-5 properties	35	35	-
6-10 properties	75	75	-
11-30 properties	105	105	-
31-100 properties	210	210	-
100+	310	310	-
Additional Fee Per 50 Properties over 100	100	300	200
1 x 3 hour Landlord Training course per person	75	75	-
2 x 3 hour Landlord Training course per person	100	100	-
New online training course	0	75	75

**Notes**

\*Penalty fee where the Council identifies that a HMO should be licensed

\*\*For an individual landlord whose portfolio includes a current House in Multiple Occupation, the £50 membership fee will be waived for the first year of membership

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PLANNING	1st Jan 2016	1st Jan 2017	
	Charge	Proposed Charge	Increase
	(exc VAT) £	(exc VAT) £	£
<b>Land Charges</b>			
Basic search - over the counter	103.00	106.00	3.00
Basic search - electronic	103.00	106.00	3.00
Business search	185.00	190.00	5.00
Optional enquiries	48.00	50.00	2.00
Additional enquiries	24.00	25.00	1.00
<b>Naming &amp; Numbering</b>			
Renaming of property	34.00	35.00	1.00
Naming of new property	75.00	77.00	2.00
New developments up to 10 units	200.00	206.00	6.00
New developments over 10 units (per additional unit)	34.00	35.00	1.00
Confirmation of address	34.00	35.00	1.00
<b>Development Management</b>			
Set nationally:			
Discharge of planning conditions (non-householder)	97.00	97.00	-
Discharge of planning conditions (householder)	27.00	27.00	-
Discretionary:			
Copies of S106 Agreements	52.00	53.00	1.00
Other			
Tree Preservation Orders	43.00	44.00	1.00
<b>Sites &amp; Monuments Record (HER) search (per hour)</b>			
HER commercial - basic search	110.00	110.00	-
HER commercial - enhanced search	220.00	220.00	-
HER commercial - rapid response within 2 working days (this charge is in addition to the basic or enhanced charge above)	110.00	110.00	-

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Executive

7 December 2016

Report of the Assistant Director - Customer Services & Digital  
Portfolio of the Executive Member for Finance & Performance.

## **Discretionary Rate Relief Awards 2017 - 2019**

### **Summary**

1. The purpose of this paper is to provide Executive with details of new applications in respect of Discretionary Rate Relief (DRR) for the period 1 April 2017 to 31 March 2019. This paper asks Executive to approve any new awards based on the cost and the budget available.

### **Recommendations**

2. Executive are asked to consider and approve any or all of the new applications for discretionary rate relief set out at Annex B;

Reason: To provide a transparent process for awarding discretionary rate relief.

### **Background**

3. Executive are requested annually to approve awards of discretionary rate relief for a period of two years. Each application has been considered on its own merits before recommendation for approval.
4. The Council has wide powers to award discretionary rate relief to any business rates payer. This report deals specifically with applications from those bodies who are already eligible for mandatory rate relief i.e.
  - Charities
  - Community Amateur Sports Clubs (CASCs)

- Those eligible for Rural discretionary relief
- Those eligible for Rural top up.

It also considers applications from other non profit making bodies which may not be eligible for mandatory relief.

5. The council's aim is ensuring that services are designed around the needs of the people and place first. Some of these services may not be delivered directly by the council in future but by a combination of the council with partner organisations, other authorities, volunteers and community groups or directly by social enterprises or the commercial sector. The 'top up' discretionary rate relief provides additional financial support to those charities, community sports clubs and non-for profit organisations that form a key part of supporting this aim.
6. All applications for DRR are currently written submissions through a formal application process managed by the relevant council department. The applications are considered on an individual basis against council priorities and on their merits. The application is for a top up to the 80% mandatory award in respect of charities, CASCs and non-for profit organisations. This paper provides details of all applications for the 1st April 2017 – 31<sup>st</sup> March 2019 awards against the council's DRR budget.

### **Discretionary Rate Relief costs**

7. In December 2015 Executive approved awards for the two year cycle 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2018 and these are set out at Annex A. Annex B of this paper sets out details of the organisations recommended for awards for the period 1 April 2017 – 31 March 2019 (after consideration of the individual applications). Table 1 below shows the cost to the council of existing awards (Annex A) including rural relief from 1<sup>st</sup> April 2017. These are based upon the draft 2017 revaluation figures provided by the Valuation Office Agency (VOA).

**Table 1.**

<b>Category</b>	<b>Total Cost of DRR</b>	<b>CYC Share</b>
Not-for Profit		
Charities	£1,784	£892
CASCs	£2,834	£1,417
Rural Discretionary	£20,822	£10,411
Rural Top Up	£2,904	£1,452
<b>Total Cost</b>	<b>£28,344</b>	<b>£14,172</b>

8. Table 2 below shows the estimated cost of the proposed new awards (Annex B) for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2019. These are again based upon the draft 2017 revaluation figures provided by the VOA.

**Table 2.**

<b>Category</b>	<b>Total Cost of DRR</b>	<b>CYC Share</b>
Not-for Profit	£6,638	£3,319
Charities	£54,628	£27,314
CASCs	£6,546	£3,273
Rural Discretionary		
Rural Top Up		
<b>Total Cost</b>	<b>£67,812</b>	<b>£33,906</b>

9. The council budget for DRR in 2017/18 is £83K. The cost of existing awards set out at Table 1 is £14,172. The new awards set out at Table 2 above and Annex B will increase the total value of awards to £48.1K in 2017/18. This leaves a residual budget of £34.9K for any new future year awards.

### **New Applications**

10. Table 2 above sets out the number and value of new applications for DRR in each of the categories. Applications that have not met the qualifying criteria through the application process are not included in Table 2 but are set out at Annex C.

11. There are 52 proposed new applications recommended for discretionary top up relief for the April 2017 – March 2019 period. The high volume and cost in comparison to last year arises as all existing long term recipients (Pre April 2014) fall due for renewal in this 2 year cycle.
12. The applicant organisations have been through a thorough application process with each organisation looked at on an individual basis against the set qualifying criteria:
  - 1) And/or the organisation is non-for profit;
  - 2) The organisation is a charity or CASC;
  - 3) Whether the organisation has membership fees;
  - 4) Membership is open to everyone;
  - 5) The percentage of users and or members who are York residents;
  - 6) Equalities e.g. that the organisation have a formally adopted equality and diversity policy;
  - 7) Whether discounts are provided for York residents;
  - 8) Whether the organisation is affiliated to any local or national organisation;
  - 9) How the organisation contributes to the community;
  - 10) The organisation's financial position.
13. In terms of equalities the organisations applying need to provide their Community Impact Assessments (CIAs) and equality and diversity policies. The information provided is reviewed by the council's Head of Communities and Equalities to ensure their aims are aligned to the council's own policies before they can qualify for top up rate relief as part of the overall application process.
14. Organisations are supported through the application process by the service areas and advice provided to those who have been declined in advance of the report deadline.

## **Options**

15. There are two options associated with this report:  
**Option 1** – Approve any or all of the new applications for discretionary rate relief set out at Annex B;

**Option 2** – Decline any or all of the new applications for discretionary rate relief set out at Annex B.

### **Analysis**

16. There is an ongoing demand on the DRR budget from current recipients of rural rate relief. The annual applications for 2 year awards from charities, sports clubs and a small number of not for profit organisations has been impacted this time by the business rates revaluation. This was undertaken by the VOA and saw some rateable values rise and some fall. The business rates multiplier was reduced as part of this exercise but will still continue to rise by RPI. As a result of the multiplier link to RPI there will continue to be inflationary pressure on the DRR budget.
17. There is sufficient budget to meet the current demand for the April 16 to March 18 (Annex A) recipients along with the new applications for the April 17 – March 19 period. The residual budget is higher than in previous years arising from VOA revaluations, reductions in rural rate relief qualifying properties and from major recipients of DRR no longer qualifying due to their higher capital reserves. This leaves residual budget for future year awards. To ensure all qualifying organisations receive discretionary top up support and residual budget is retained for future awards and to meet inflationary pressures the level awarded is less than the 20% maximum allowance as set out as both Annex A & B.

### **Council Plan 2015 - 19**

18. The power to provide discretionary rate relief contained within the Local Government Finance Act 1988 & 2012 aligns with the council plan 2015 - 19 in providing residents with community assets that support the focus on frontline services providing health and wellbeing for their customers and making York a great place to live.

### **Implications**

19. (a) **Financial** – The changes in the Local Government Finance Act 2012 ensures that any new discretionary awards are met on a 50/50 basis with Central Government.  
(b) **Human Resources (HR)** - There are no implications

- (c) **Equalities** – There are no direct implications
- (d) **Legal** – The council’s power to award Discretionary Rate Relief is set out at Section 47 of the 1988 Local Government Finance Act. The qualifying conditions are set out in Para 3 of section 47 which allows for the award to be made for Rural, Sports, and Charitable organisations meeting the qualifying criteria.
- (e) **Crime and Disorder** - There are no implications
- (f) **Information Technology (IT)** - There are no implications
- (g) **Property** - There are no implications

### Risk Management

20. The key risk associated with discretionary reliefs is a financial one. The risk is Low and is in the control of the authority through the implementation of proper policies and procedures.

### Contact details:

<b>Author:</b>	<b>Executive Member and Chief Officer responsible for the report:</b>		
David Walker Head of Customer & Exchequer Services Phone No. 01904 552261	Cllr Chris Steward, Executive Member for Finance & Performance  Pauline Stuchfield Assistant Director - Customer Services & Digital Telephone: 01904 551100		
	<b>Report Approved</b>	√	<b>Date</b> 28.11.16
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> All			√
<b>For further information please contact the authors of the report</b>			

### Background Papers

Discretionary Rate Relief Awards 2015 – 2017

## Annexes

Annex A – Existing discretionary rate reliefs 2016 – 2018

Annex B – New discretionary Rate Reliefs for approval 2017 - 2019

Annex C – Applications that have been declined for discretionary rate relief 2017 - 2019

## Glossary

DRR	Discretionary Rate Relief
CASC	Community Amateur Sports Club
Multiplier	The multiplier is the percentage or pence on the pound of the Rateable Value that the customer must in business rates
CIA	Community Impact Assessment
RPI	Retail Price Index (A measure of inflation)
VOA	Valuation Office Agency
Multiplier	The pence in the pound rate used to multiply the rateable value of a property to derive its annual business rate bill

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Primary Liabile party name	Full Property Address	Current Relief Type	Decision to Award DRR 2015-16	17-18 Award %	17-18 DRR Award Value	17-18 CYC Contribution
<b><u>Community Sports Clubs</u></b>						
Dringhouses Sports Club	St Helens Road, York, YO24 1HP	Mandatory	Y	13.45	£823.14	£411.57
Fulford Sports Club	Fulford Sports Club Pavilion, School Lane, Fulford, York, YO10 4LS	Mandatory	Y	13.45	£196.91	£98.46
Strensall Bowling Club	Bowling Green, Northfields, Strensall, York, YO32 5UP	Mandatory	Y	13.45	£167.86	£83.93
York Sports Club	Sports Pavilion, Shipton Road, Clifton, York, YO30 5RE	Mandatory	Y	13.45	£1,646.28	£823.14
<b>Sub Total</b>					<b>£2,834.19</b>	<b>£1,417.10</b>
<b><u>Charities</u></b>						
1st Copmanthorpe Scout Group	Scout Headquarters, Barons Crescent, Copmanthorpe, YO23 3TZ	Mandatory	Y	13.45	£306.66	£153.33
York Bridge Club	152/154 Holgate Road, York, YO24 4DQ	Mandatory	Y	13.45	£1,476.60	£738.3
<b>Sub Total</b>					<b>£1,783.26</b>	<b>£891.6</b>
<b>Total Cost</b>					<b>£4,617.45</b>	<b>£2,308.7</b>

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2017-18 DRR Decision CostingsCommunity Sports Clubs (CASC)

Primary Liable party name	Full Property Address	Current Relief Type	Decision to Award DRR 2017-19	17-19 Award %	17-18 DRR Award Value	17-18 CYC Contribution
Acomb Sports Club	Acomb Sports Club, The Green, Acomb, York, YO26 5LL	MAN	Y	13.45	568.13	284.07
Bishopthorpe Bowling Club	Bowling Green, Acaster Lane, Bishopthorpe, York, YO23 2SA	MAN	Y	13.45	38.09	19.05
Dringhouses Bowling & Rec. Club	Bowling Club, Off Tadcaster Road, Knavesmire, York, YO23 1EJ	MAN	Y	13.45	71.02	35.51
Hamilton Panthers A.F.C.	Hamilton Panthers Changing Rooms, Knavesmire Road, York, YO23	MAN	Y	13.45	219.50	109.75
Heworth Tennis Club	Heworth Tennis Club, East Parade, York, YO31 7TA	MAN	Y	13.45	112.98	56.49
Hopgrove Playing Fields Association	Malton Road, York, YO32 9TG	MAN	Y	13.45	968.40	484.20
New Earswick & District Bowls Club	New Earswick & Dist Bowls Club, Huntington Road, Huntington, York,	MAN	Y	13.45	2,828.03	1,414.02
Osbalwick Sports Club	Osbalwick Playing Field, The Leyes, Osbalwick, York, YO10 3PR	MAN	Y	13.45	839.28	419.64
York City Rowing Club	York City Rowing Club, West Esplanade, York, YO1 6FZ	MAN	Y	13.45	373.38	186.69
York Squash Rackets Club	Squash Courts, Shipton Road, Clifton, York, YO30 5RE	MAN	Y	13.45	526.81	263.41
					£6,545.62	£3,272.81

Charity Top Ups

Primary Liable party name	Full Property Address	Current Relief Type	Decision to Award DRR 2017-18	17-18 Award %	17-18 DRR Award Value	17-18 CYC Contribution
1st Heworth Scout Group	Scout Headquarters, Bad Bargain Lane, York, YO31 0LW	MAN	Y	13.45	161.40	80.70
1st Huntington Scout Group	Huntington Scout Grp, R/O St Andrews, Huntington Road, Huntington,	MAN	Y	13.45	535.85	267.93
2nd Haxby & Wigg.Scout Group	Ethel Ward Playing Field, York Road, Haxby, York, YO32 3HG	MAN	Y	13.45	331.89	165.95
2nd St Thomas Scout Group HQ	Scout Hut, Haxby Road, York, YO31 8JN	MAN	Y	13.45	119.27	59.64
Age Concern	19, Bishopthorpe Road, York, YO23 1NA	MAN	Y	8.50	568.06	284.03
Age Concern	7A Acomb Court, Front Street, York YO24 3BJ	MAN	Y	8.50	907.23	453.62

Age Concern	215, Burton Stone Lane, York, YO30 6EB	MAN	Y	8.50	479.40	239.70
Age Concern	70, Walmgate, York, YO1 9TL	MAN	Y	8.50	589.91	294.96
Age Concern	77, Fourth Avenue, York, YO31 0UA	MAN	Y	8.50	410.75	205.38
Bell Farm Social Hall Management Co	Social Hall, Roche Avenue, York, YO31 9BB	MAN	Y	13.45	248.56	124.28
Wheldrake Recreation Association	Broad Highway, Wheldrake, YO19 6BG	MAN	Y	13.45	£656.86	£328.43
Community Furniture Store (York) Ltd	Unit 29, The Raylor Centre, James Street, York, YO10 3DW	MAN	Y	8.50	1,710.84	855.42
Copmanthorpe & Dist. Recr'Tn Centre	Copmanthorpe Recreation Centre, Barons Crescent, Copmanthorpe, Y	MAN	Y	13.45	1,339.62	669.81
Dunnington & Grimston Play F'Ld Ass	Dunnington Sports & Soc Centre, Common Lane, Dunnington, York, Y	MAN	Y	13.45	2,942.46	1,471.23
Elvington Scout Group	Wheldrake Lane, Elvington, York YO41 4DW	MAN	Y	13.45	119.27	59.64
Lord Mayors Own Scouts	Scout Hall R/O, Bootham Terrace, York, YO30 7DH	MAN	Y	13.45	96.80	48.40
North Yorkshire South Girl Guides	79, Main Street, Wheldrake, York, YO19 6AA	MAN	Y	13.45	271.15	135.58
Poppleton Road Community Centre Memorial Hall	Community Centre, Oak Street, York, YO26 4SG	MAN	Y	13.45	342.26	171.13
St Leonards Hospice	St Leonards Hospice, Tadcaster Road, York, YO24 1GL	MAN	Y	4.65	3,006.63	1,503.32
Strensall & Towthorpe Sport Assoc	Sports Ground & Premises, Durlston Drive, Strensall, York, YO32 5AT	MAN	Y	13.45	580.81	290.41
Strensall & Towthorpe Village Hall	Village Hall, Northfields, Strensall, York, YO32 5UP	MAN	Y	13.45	568.13	284.07
The City Of York Hockey Club	York Hockey Club & Heworth, Elmpark Way, Heworth Without, York, Y	MAN	Y	13.45	1,081.38	540.69
The Wilf Ward Family Trust	69, Green Lane, York, YO24 3DJ	MAN	Y	8.50	281.52	140.76
United Response	3/5, Tanner Row, York, YO1 6JB	MAN	Y	8.50	624.24	312.12
United Response	35-41, North Street, York, YO1 6JD	MAN	Y	8.50	724.20	362.10
Upstage Centre	Upstage Centre Youth Theatre, 41, Monkgate, York, YO31 7PB	MAN	Y	13.45	2,663.10	1,331.55
Wigginton Bowling Club	Bowling Club, Mill Lane, Wigginton, York, YO32 2PY	MAN	Y	13.45	171.21	85.61
Wigginton Recreation Hall Committee	Village Hall, The Village, Wigginton, York, YO32 2PU	MAN	Y	13.45	453.06	226.53
York & Dist. Citizens Advice Bureau	Citizens Advice Bureau, West Offices , Station Rise, York, YO1	MAN	Y	20.00	2,187.70	1,093.85
York Blind & Partially Sighted Society	Gnd Flr & Pt 1st Flr, Rougier House, Rougier Street, York, YO1 6HZ	MAN	Y	8.50	1,456.64	728.32
York Early Music Foundation	Music Foundation, St Margaret's Church, Walmgate, York, YO1 9TL	MAN	Y	13.45	2,876.49	1,438.25
York Muslim Association	Muslim School, 76, Fourth Avenue, York, YO31 0UB	MAN	Y	13.45	546.24	273.12
York Sea Cadet Corps	Cadet Headquarters, 21/22, Skeldergate, York, YO1 6DH	MAN	Y	13.45	542.30	271.15
York Railway Institute	York Railway Inst. Gymnasium, Queen Street, York, YO24 1AD	MAN	Y	13.45	3,163.44	1,581.72
York Railway Institute	Railway Institute Sports Club, Hamilton Drive, York, YO24 4NX	MAN	Y	13.45	1,839.96	919.98
York Railway Institute	York Railway Institute Bowling Club, Ashton Lane, York, YO24 4HX	MAN	Y	13.45	477.74	238.87
York Railway Inst. Club	York Railway Institute Club, 22, Queen Street, York, YO24 1AD	MAN	Y	13.45	1,145.94	572.97
York Railway Institute	Pikehills Golf Club, Tadcaster Road, Copmanthorpe, York, YO23 3UW	MAN	Y	13.45	2,991.50	1,495.75
York Council For Voluntary Service	15/17 Priory Street, York, YO1 6ET	MAN	Y	20.00	15,414.27	7,707.14
					£54,628.08	£27,314.04

**Not for Profit**

Primary Liabile party name	Full Property Address	Current Relief Type	Decision to Award DRR 2017-18	17-18 Award %	17-18 DRR Award Value	17-18 CYC Contribution
My Community Social Enterprise Ltd	The Melbourne Centre, Tx020/13100, Escrick Street, York, YO10 4AW	DIS	Y	67.23	2,888.47	1,444.24
Chapelfields Community Association	Sanderson Court Community House, Nd528/13100, Bramham F	DIS	Y	67.23	2,592.12	1,296.06
Get Cycling CIC	Unit 11a Acaster Industrial Estate, Acaster Malbis YO23 2XB	DIS	Y	67.23	1,157.81	578.91
					£6,638.40	£3,319.20
<b>ALL AREAS</b>						
<b>TOTAL DRR for 2016-17 Based On</b>					<b>£67,812.10</b>	<b>£33,906.05</b>

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Organisation	Reason for refusal
Foxwood Community Centre	No supporting information to meet criteria 3 and 4. Criterion 6 not met as no CIA
Poppleton Community Trust Community Centre & Sports Ground	Reserves too high
Poppleton Community Trust - Poppleton Junior Football Club	Reserves too high
Stockton on the Forest Village Hall	Lack of information to support criteria 3 & 4 and limited information for criterion 6 and reserves too high
Tang Hall Community Centre	Criterion 6 not met as no CIA
Wheldrake Recreation Association	Reserves too high
York & District Indoor Bowls Club	Limited information to support criteria 3, 4 & 6 and reserves too high
York Citizen's Theatre Trust	Reserves too high
York Citizen's Theatre Trust De Grey Rooms	Reserves too high
York Citizen's Theatre Trust De Grey House	Reserves too high
York Railway Institute Sailing Club	No formally adopted equality and diversity policy. No CIA
York Gliding Centre	No information to support 3 & 4. Criterion 6 not met as no CIA
Haxby Christian Cafe Ltd, 30 The Village, Haxby, York, YO32 3HT	Reserves too high
York Older Peoples Assembly	No business rates liability

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**Executive****7 December 2016**

Report of the Director Health, Housing and Adult Social Care  
(Portfolio of the Executive Member for Adult Social Care & Health)

**City of York Safeguarding Adults Annual Report 2015/16****Summary**

1. The publication of the Annual Report of the City of York Safeguarding Adults Board (CYSAB) is a statutory requirement of the Care Act 2014. The report is published at [www.safeguardingadultsork.gov.uk](http://www.safeguardingadultsork.gov.uk) following ratification by the CYSAB board and its progress through the Health and Wellbeing Board and Health and Social Care Policy and Scrutiny Committee. However there is also a requirement that it is formally reported and endorsed by all partner agencies, hence reporting to the Executive.
2. The annual report illustrates the work being undertaken across the city to prevent and reduce the impact of neglect and abuse on adults with care and support needs.

**Recommendations**

The Executive is asked to:

- (i) Accept and endorse the Safeguarding Board Annual report and its contents.
- (ii) Agree that the Health Overview and Scrutiny Committee and the Health and Wellbeing Board will be regularly updated as to progress made by SAB.
- (iii) Receive a further update following the peer review of CYC safeguarding adults services in January 2017.

Reason: To update the Executive on the work being undertaken across the city to prevent and reduce the impact of neglect and abuse on adults with care and support needs.

## **Background**

3. The annual report describes the achievement of the strategic plan 2014-2017 and the details of the new vision and strategic plan for 2016 onwards based around the principles of Care Act.
4. The report shows how the SAB has acted to ensure implementation and compliance with safeguarding policy and procedures and the Care Act.
5. Through case studies it shows the making safeguarding personal approach now being adopted by services.
6. Contributions from all partner agencies are included in the report detailing their contribution to the partnerships work in preventing abuse and neglect.
7. The SAB has a duty to undertake a Safeguarding Adults Review (SAR) under the circumstances detailed in the report. No SARs have been required during the period. Two lessons learned exercises have been undertaken in the period. The report provides a summary of the cases and the lessons learned.
8. Performance information including the safeguarding adults collection (SAC) is contained within the report in addition to the results of Association of Directors of Adult Social Services (ADASS) mystery shopping exercise of service response to adults with care and support needs. The results of these reflect positively on the work of the board.
9. The work undertaken by the partnership to develop both the skills of the SAB and the skills of the workforce in York is contained in the report NB as is good practice we have requested a Y&H ADASS Peer Challenge focusing on Safeguarding, which is scheduled for January 2017.

## **Consultation**

10. Undertaken with partner agencies when preparing the report.

## **Options**

11. Not applicable

### **Analysis**

12. Not applicable.

### **Council Plan**

13. This report will contribute to achieving some of the ambitions of the Council Plan 2015- 19, focussing on ensuring that vulnerable people are safe and feel safe and in using our services to protect children and adults from abuse and exploitation.

### **Implications**

14.
  - **Financial** - There are no financial implications
  - **Human Resources (HR)** - None
  - **Equalities** - None
  - **Legal** - There are no legal implications
  - **Crime and Disorder** - None
  - **Information Technology (IT)** - None
  - **Property** - None
  - **Other** - None

### **Risk Management**

15. No additional risk to report.

**Contact Details**

**Author:**  
**Michael Melvin**  
**Assistant Director,**  
**Adult Social Care**

**Tel No. 554155**

**Chief Officer Responsible for the report:**  
**Martin Farran**  
**Director Health, Housing and Adult**  
**Social Care**

**Report**  
**Approved**



**Date**

22 November 2016

**Specialist Implications Officer(s)** None

**Wards Affected:** List wards or tick box to indicate all

**All**

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

**Background Papers:**

**Annexes**

**Annex A** – Executive Summary - Safeguarding Adults Board (SAB)  
Annual Report 2015/16

**Annex B** – Annual Report SAB 2015/16 **online only** (copy available on  
request)

# Safeguarding Adults Board

# Annual Report 2015/16 Executive Summary



# Foreword

## by Kevin McAleese CBE, Independent Chair

This is my third annual report as Independent Chair of the City of York Safeguarding Adults Board (CoYSAB) and covers the year ending 31 March 2016.

The work of the Board is driven by its vision: “We aim to ensure that agencies supporting adults who are at risk or in vulnerable situations, and the wider community, can by successfully working together:

- Establish that Safeguarding is Everybody’s Business
- Develop a culture that does not tolerate abuse
- Raise awareness about abuse
- Prevent abuse from happening wherever possible
- Where abuse does unfortunately happen, support and safeguard the rights of people who are harmed to:
  - stop the abuse happening
  - access services they need, including advocacy and post-abuse support
  - have improved access to justice
  - have the outcome which is right for them and their circumstances.”



Kevin McAleese CBE  
Independent Chair, City of York Safeguarding Adults Board

York is a great place to live and work and our job as the Safeguarding Adults Board is to help protect every adult’s right to live there in safety, free from abuse and neglect. It is above all is about people and organisations working together to prevent and to stop both the risks and experience of abuse and neglect, whilst at the same time making sure that the adult’s wellbeing is promoted, including having regard to their views, wishes, feelings and beliefs in deciding on any action. Whilst in a city of over 200,000 people we can never eliminate risk entirely, the Board is satisfied that in 2015/16 the arrangements in place for safeguarding adults across a range of organisations were broadly effective and appropriate.

# Introduction

The Report's pages contain a wealth of information about adult safeguarding activity across the City of York and the contributions made by partner agencies.

The work of the Board includes the safety of individuals in local health services, local care and support services and prisons and approved premises. The Care Act 2014 has made Safeguarding Adults Boards statutory bodies like Children's Boards, with legal obligations to produce both an Annual Report and an on-going Strategic Plan which must both be published. The Act also clarifies that the local authority, the clinical commissioning group covering York and the local police force must be represented on SABs. In fact, there are twelve local organisations who have full membership.

This Executive Summary sets out brief details about our work and actions during the year. There is a great deal of further detail in our full Annual Report, which will be available on our website at [www.safeguardingadultsyork.org.uk](http://www.safeguardingadultsyork.org.uk).



## Some facts and figures

During 2015/16, the Council's safeguarding team received a total of 1,108 safeguarding concerns (formerly known as alerts) concerning 863 different individuals. This was an increase of nearly 5% from 1,058 the previous year. Where the Council was unable to resolve the concerns at the initial stage, a safeguarding referral was made for further investigation. There were a total of 468 cases which progressed to formal enquiries. Some 75% of adults at risk were already known to the Council's Social Services, the majority having physical support needs. In line with the national picture, 61% of safeguarding concerns raised related to women with care and support needs and 98% of the concerns raised related to people of white ethnic origin, which reflected York's overall demographic pattern.

Neglect accounted for 31% of the concerns investigated, followed by psychological abuse (22%) and physical abuse (19%). Financial or material abuse accounted for 17% of the concerns raised. This trend in York has been consistent in all quarterly reports to the SAB, and reflects the national picture.

The 18-64 age group, which is some 64% of the total York population, was represented in just 38% of safeguarding adult referrals made during 2015/16. By contrast, the over 65 age group, which is just under 18% of York's total population, was represented in 62% of safeguarding adult referrals made. This is unsurprising and in line with national trends, which confirm that people 65 and over will have increasingly higher care and support needs and are more likely to need both hospital, home support and residential care services. People aged 85-94 were the most over-represented group in safeguarding concerns.

The data sets also indicate that the source of safeguarding risk has most frequently been people known to the adult with care and support needs (as per last year) and this has most frequently been located within their own home. In 2015/16, vulnerable adults were most at risk in their own homes, followed by care homes and then by being in hospital.

Finally, action was successfully taken to reduce or remove the safeguarding risk in the majority of cases. In 59% of all completed enquiries, the risk was noted to have reduced, and in 29% to have been removed. In only 4% of cases did the risk remain. This was a significant improvement in the outcomes for adults with care and support needs on previous years, as in 2014-15, 22% of cases resulted in no action being taken and in 67% of cases the risk remained.



# How are we doing?

Between October 2015 and January 2016 the Association of Directors of Adult Social Services (ADASS) in Yorkshire & Humberside conducted a regional “mystery shopping” focussing on access to services. The method adopted was based on the Care Quality Commission ‘access to service’ toolkit and a range of scenarios which have been developed through the regional Standards and Performance network. The assessment was conducted by real customers testing how easy it is to access services over the telephone, face to face, and on the internet. The feedback that was then taken from their captured observations and experience.

Face to face, telephone and internet scenarios were used, with City of York staff by calling at West Offices, including the following questions:

- Can you tell me who I need to contact to report suspected abuse, as I have concerns about a neighbour and don't know who to contact?
- I am not sure if this is an emergency or not but my Mum/Dad is in residential care and recently their money has been going missing.
- I am not sure what to do as my Mum says that staff sometimes shout at her and so doesn't want me to say anything.
- How do I report a safeguarding concern?
- How do I report suspected abuse?

Each of the outcomes were rated **Excellent** (Lots of useful information, helpful staff, very satisfied with the service received, enquiry dealt with promptly), **Good** (some information given, knowledgeable staff, satisfied with the service given, enquiry dealt with in a timely manner), **Fair** (limited information given, fairly satisfied with the service, enquiry dealt with in a reasonably timely manner and Unsatisfactory (no information given, poor customer experience, didn't feel valued, unhelpful staff, very dissatisfied with the service).

These are the results for City of York Council, with comparisons back to 2012:

Scenario	2015/16 Rating	2014 Rating	2013 Rating	2012 Rating
Telephone	EXCELLENT	GOOD	GOOD	FAIR
Website	EXCELLENT	GOOD	FAIR	GOOD
Face to Face	GOOD	GOOD	GOOD	FAIR
Reception	GOOD	GOOD	EXCELLENT	UNSATISFACTORY
Out of Hours	EXCELLENT	GOOD	UNSATISFACTORY	GOOD
Safeguarding Access	EXCELLENT	GOOD	GOOD	

The SAB was delighted to see such progress demonstrated over the past four years.

## Formal audits and reviews

We are pleased to report that there have been no cases during 2015/16 which merited a Safeguarding Adults Review under the Care Act 2014, just as there were not in 2014/15. However, there were two suicide cases during 2014/15 which required investigation for Lessons Learned, and details of both are in the full Annual Report.

The Board invited each partner organisation to complete an up to date assessment of their state of readiness for safeguarding, using a standard self-assessment tool. The results were that all organisations were at least Good across virtually all measures. The next stage is for each organisation to invite another one to peer review its results, which will then be discussed at Board level.

## Training and development

The full Annual Report shows the extensive training programme which is established for staff from partner organisations and the very high levels of positive evaluations received. A total of 417 staff attended Safeguarding Levels and Mental Capacity Act Levels 1 to 4 training during 2015/16, of whom 65% were from organisations other than City of York Council. Such training at Level 1 only was provided free, with a fee for non-attendance at any course.

The Board is pleased to report that an Impact Assessment tool for use by managers with staff attending training has been developed by the Workforce Development Unit. This has been designed to support managers in checking on the transfer of learning from the classroom to their day to day roles. This is due to be piloted on a small number of courses during May/June 2016 and if successful, it will be rolled out to all safeguarding courses during 2016/17. The safeguarding training offer is currently being reviewed for 2016/17. The current levels 1-4 will no longer form part of the offer and a new range of courses is being developed based on Making Safeguarding Personal.

A skills analysis of Board members was conducted in the Summer of 2015. The responses to the needs analysis were varied and demonstrated the breadth of experience of members on the Board. In response two full-day development sessions were held in January and April 2016 which were very well attended by Board members on behalf of their organisations.

## Achievements during 2015/16 and Priorities and challenges for 2016/17

The full Annual Report confirms that planned changes set out in the Strategic Plan for 2015/16 were delivered, including:

- Safeguarding as a priority to be addressed featured in the published plans of all SAB partners
- A Safeguarding Systems Leadership Group covering North Yorkshire Police and both North Yorkshire and York Councils was successfully established
- Development Days for the full Board were successfully held during 2015/16
- All SAB partners presented a safeguarding report to their relevant governing bodies
- All SAB partners were signed up to the revised West and North Yorkshire and York multi-agency safeguarding policies and procedures, with appropriate training organised
- The Making Safeguarding Personal agenda was highlighted and is being implemented across SAB partners
- The City of York Safeguarding adults website was totally rewritten and is accessible at [www.safeguardingadultsyork.org.uk](http://www.safeguardingadultsyork.org.uk).
- The “user voice” was captured with Healthwatch York becoming a full SAB member and also conducting public involvement in the next Strategic Plan

For 2016/17, the new Strategic Plan will include plans to:

- Roll out a new Communications Strategy and launch it in the community
- Add more publicly accessible information on the website about abuse and neglect
- Agree a Quality Assurance framework across all partners
- Commission Healthwatch York to undertake a public consultation on adult safeguarding
- Publish a Preventative Strategy
- Include information on how to keep safe on the public part of the website
- Use public feedback on the website to review and update safeguarding arrangements
- Monitor and report on the use of advocates for people who lack mental capacity
- Develop local operational guidance on safeguarding for all SAB partners, underpinned by new training arrangements
- Plan and host an annual Safeguarding week, in conjunction with West and North Yorkshire Councils
- Publicise and present the SAB Annual Report to any community group requesting it
- Develop and maintain an annual risk register

# Contacts

City of York Council, West Offices, Station Rise, York YP1 6GA

To report a safeguarding concern:

- contact adult social care, tel: **01904 555111** (office hours) or fax **01904 554055**
- hearing impaired customers can use the text facility **07534 437804** and generic fax number **01904 554017**
- out of hours, tel: **01609 534527**

If you're not sure what to do, our adult social care team can give you advice.

To report a crime:

- in an emergency, contact the police: 999
- if the person is not in immediate danger, contact the police: 101

If you would like this information in an accessible format (for example in large print, in Braille, on CD or by email) please call **(01904) 551550**

**This information can be provided in your own language.**

Informacje te mogą być przekazywane w języku ojczystym.

Polish

Bu bilgi kendi dilinizde almanız mümkündür.

Turkish

此信息可以在您自己的语言。

Chinese (Simplified)

此資訊可以提供您自己的語言。

Chinese (Traditional)

 **01904 551550**

