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Meeting	Executive
Date	15 March 2018
Present	Councillors Gillies (Chair), Aspden, Ayre, Dew, K Myers, Runciman and Waller
Apologies	Councillor Douglas

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **Chair's Comments**

The Chair welcomed to the meeting those Members who had recently been appointed or re-appointed to the Executive.

#### **133. 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 might have in respect of business on the agenda.

Cllr Waller declared a personal and prejudicial interest in Agenda Item 11 (Education, Children & Young People's Capital Programme: Proposed School Maintenance Schemes and Basic Need Programme 2018/19), as governor of Westfield Primary School, which was included in the recommendations to receive capital investment. He left the room during consideration of this item and took no part in the debate or decisions thereon.

#### **134. Minutes**

Resolved: That the minutes of the Executive meetings held on 25 January 2018 and 8 February 2018 be approved and then signed by the Chair as a correct record.

#### **135. Public Participation**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, and one request to speak as a Ward Member.

Written representations were circulated from Catherine Dalby, who had registered to speak on Agenda Item 7 (Adopting the Ethical Care Charter) but was unable to attend. She recounted her personal experience of the adult social care sector in caring for her father and urged Members to adopt all three sections of the Charter.

Andrea Dudding spoke on Agenda Item 7 as a representative of UNISON, supporting the Ethical Care Charter and expressing her views on the negative impact of zero hours contracts and the equalities implications of not adopting the Charter.

James Pitt, of the York Central Action Group, spoke on Agenda Item 13 (York Central – York Central Access Conversion). He expressed concern about the proposal to sell council-owned land at this stage, on the basis that the value of the land could increase, and having a land interest might increase the Council's influence in the partnership.

Cllr Kallum Taylor spoke on Agenda Item 13, as the member for Holgate ward. He highlighted concerns raised at the York Central Community Forum about the sale of the land and sought assurance that it would not have an adverse effect on residents.

### **136. 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.

### **137. Modern Slavery and Human Trafficking Transparency Statement**

The Assistant Director, Housing & Community Safety, presented a report which invited Members to consider and approve the content of the council's Modern Slavery Act Transparency Statement.

Section 54 of the Modern Slavery Act 2015 required commercial organisations to produce a statement each financial year setting out what they had done to ensure that there was no modern slavery in their supply chains or any part of their business. A Bill currently before Parliament would confirm that this also applied to local authorities. A proposed statement for the council was attached as Annex A to the report.

Associated actions that the council would undertake during the forthcoming financial year, including reviewing procurement documentation, were listed in paragraph 7.

Resolved: That the statement in Annex A to the report, which demonstrates the council's commitment to ensuring that there are no victims of slavery or human trafficking employed directly by the council, or in its commissioned services or supply, be approved.

Reason: To comply with the requirement in the Modern Slavery Act 2015 to publish a statement to this effect.

### **138. Domestic Abuse - Approval for Funding Contribution**

The Corporate Director of Health, Housing & Adult Social Care presented a report which sought approval for funding to be paid to the Police & Crime Commissioner (PCC) as lead commissioner for the delivery of Domestic Abuse services.

A Domestic Abuse Joint Commissioning Group had been set up with the PCC, North Yorkshire County Council and City of York Council (CYC) to model and administer a new approach to commissioning these services, based on lots. The funding contribution agreed for CYC included £108,446 per year for community victims' support and £39,143 per year for domestic abuse perpetrator provision. The aim was to begin procurement and award the tender in time for the new services to begin on 1 November, to align with the expiry date of existing contracts. Executive approval was required in order to comply with Financial Regulations, as the maximum total financial implication over the lifetime of the 5-year contract amounted to £738,000.

Officers confirmed that there was a commitment from all parties that there would be no reduction in funding to any area and that the new approach would result in better value for money.

Resolved: (i) That a funding contribution of up to £12,300 per month be approved, to be paid in arrears to the Police & Crime Commissioner, representing a contribution to Domestic Abuse services across York and North Yorkshire.

Reason: To enable the services to go out to tender as planned.

(ii) That the decision to award the contracts be delegated to the Corporate Director of Health, Housing & Adult Social Care.

Reason: So that the matter can be dealt with at an appropriate level, without the need for a further report to Executive.

### **139. Adopting the "Ethical Care Charter"**

The Corporate Director of Health, Housing & Adult Social Care presented a report which responded to a motion approved at Full Council on 20 July 2017, by reviewing the implications of the council adopting the 'Ethical Care Charter' (the Charter) developed and published by UNISON. A copy of the Charter was attached as Annex A to the report.

The objective of the Charter was to establish a minimum baseline for safety, quality and dignity in the provision of care to people in their homes. To date, about 25% of UK councils had agreed to adopt it. A summary of City of York Council's current position in relation to the requirements of Stages 1, 2 and 3 of the Charter was set out in the table at paragraph 24 of the report.

In respect of Stage 3 (payment of the Living Wage and occupational sick pay to all homecare workers) a number of financial implications were highlighted and it was recommended that these be clarified further.

Having noted the comments made under Public Participation on this item, it was

Resolved: (i) That approval be given to adopt stages 1 and 2 of the Charter and that the implications of this, and the actions required, be noted.

(ii) That the implications of adopting stage 3 be noted and that further work be undertaken to clarify the impact and financial consequences of this

option, with a further report to be brought back to Executive at a later date.

Reason: To promote high quality care services and support the recruitment and retention of care staff.

#### **140. Renewal of the Council's Contract with Make it York**

The Director of Children, Education & Communities presented a report which proposed the main terms on which the council would let a new contract to Make it York (MIY) for the period 2018-21, following the end of the current 3 year contract on 31 March 2018.

Officers had reviewed the first three years of operation and a summary of their findings was attached as Annex 1. This showed that the model had proved successful, while indicating a number of learning points, as set out in paragraph 5. In the light of this, it was recommended that a service specification, or service level agreement (SLA) be drawn up to reflect the council's lead role in a new economic and cultural model. The role of MIY would be to deliver the council's commission primarily through working with others.

This new approach was detailed in paragraphs 6 to 27 of the report. An alternative option was to seek alternative delivery mechanisms; this was not recommended, in view of the success of the current model and the cost of dismantling the model.

Members broadly welcomed the report and the additional clarity that would be provided by the SLA.

Resolved: (i) That approval be given to enter into a further 3 year contact with Make it York.

(ii) That the priorities on which the new service specification will be based, as set out in paragraph 16 and following, be approved.

(iii) That further work be undertaken to develop the outcomes and service levels schedule of the contract (the SLA) and that this be brought back to the Executive Member for Economic Development and Community Engagement for approval.

Reason: To take forward the success of the first three years of operation, while addressing the learning points that have emerged from the review.

**141. Review of the Evidence Base supporting the case for the Extension of Licensing of Houses in Multiple Occupation (HMO) across the City**

The Assistant Director of Housing & Community Safety presented a report which responded to a motion approved at Full Council on 26 October 2017, by outlining the latest government thinking on this subject and presenting options for an approach to extending the licensing of Houses in Multiple Occupation (HMOs)

The following options were considered:

**Option 1** – extend the current mandatory licensing scheme for HMOs, in line with government proposals. This would do no more than fulfil statutory requirements.

**Option 2** – simultaneously implement the government proposals and look at introducing a local Additional Licensing Scheme for smaller HMOs occupied by four or fewer unrelated people. This would stretch resources thinly, and risk being unable effectively to support compliance by those in the sector.

**Option 3** – focus on extending the current mandatory scheme but look at whether there is sufficient evidence to come back to Members within three years to consider the need for a local scheme. This was the recommended option.

During their debate, Members highlighted the need to ensure enforcement of the scheme and to establish the location of HMOs in York.

Resolved: That the update be noted and that the approach outlined in Option 3, in paragraph 14 of the report, be approved.

Reason: To ensure that standards are raised in the worst performing sector in a programmed way, focusing on the larger HMOs first, and keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs.

## **142. Investment at Lincoln Court to create an Independent Living with Support facility**

*[See also under Part B Minutes]*

The Assistant Director of Housing & Community Safety presented a report which detailed the outcome of an investment review at Lincoln Court and recommended investment in the site to create an Independent Living with Support Facility.

The Executive's decision on 7 December 2017 to close Windsor House had triggered a property review for Lincoln Court, an independent living (sheltered housing) scheme situated next door. The review had concluded that the building, if improved, had a sustainable future as Independent Living with Support, in line with the new focus on providing accommodation with care. It was therefore proposed to invest £1.4m capital in Lincoln Court to create 8 new one-bed dementia friendly apartments, convert 4 existing bedsits into one-bed apartments, and improve communal and office facilities.

It was noted that the proposals should be viewed in the context of the overall Older Persons' Accommodation Programme, which aimed to deliver 861 new units of accommodation with care by 2020.

- Resolved:
- (i) That approval be given to invest at Lincoln Court to create an Independent Living with Support facility.
  - (ii) That a gross capital investment of £1.4m to approved, to deliver new apartments and enhanced communal facilities for Lincoln Court, in order to help meet the need for additional older persons' accommodation in York.
  - (iii) That it be noted that the HRA Business Plan includes provision of £521,500 for planned investment and maintenance works, including installation of a new communal boiler, the modernisation of individual flats, a new communal entry system, front doors and windows, roof works, external and internal decoration, and other external maintenance at Lincoln Court, and that consent will

be sought to draw this provision into the Capital Programme as delivery timing requires.

Reason: To secure the long term future of Lincoln Court and ensure that it can continue to provide good quality accommodation for older people, while also expanding the capacity to provide community support and care from this location.

**143. Education, Children & Young People's Capital Programme: Proposed School Maintenance Schemes and Basic Need Programme 2018/19**

The Corporate Director of Children, Education & Communities presented a report which provided information on funding available in the School Maintenance Programme for 2018/19 and sought approval for the proposed programme, as detailed in Annex A.

Capital Maintenance grant funding, plus £15k from Section 106 receipts, would enable a maintenance programme totalling £1.415m to be put together for 2018/19, covering only the highest priority schemes (nos. 1-11). To enable the remaining schemes (nos. 12-22) to go ahead, it was proposed to vire additional funds from the Basic Need capital grant, of which £25.61m was currently uncommitted. The potential risks of this approach, were detailed in paragraphs 21-23; these would be mitigated by regular monitoring reports to the Executive and the relevant Executive Member.

Executive approval was also required for the following schemes with estimated costs in excess of £500k each:

- New roof at Clifton Green Primary (no. 6 in Annex A) - £525k
- Additional teaching space at St Mary's CE Primary - £600k
- Work to improve management of school meals service at Westfield Primary - £650k.

Resolved: (i) That the resources available in the CEC Capital Programme for maintenance and Basic Need be noted.

(ii) That approval be given to vire £2.083m from Basic Need to School Maintenance in 2018/19, to



increase the number and range of schemes that can be carried out during the summer of 2018.

(iii) That the School Maintenance schemes to be developed from the estimated available resource within the 2018/19 Capital Programme be approved, subject to final affordability once overall funding and detailed cost estimates are available.

(iv) That the three individual schemes estimated to cost in excess of £500k, as detailed in paragraphs 24-27 in the report, be approved.

Reason: To maximise the programme of maintenance within the maintained schools estate in 2018/19 and deal with the most urgent maintenance issues within this estate, and to enhance school buildings and allow for the increase of pupil numbers.

#### **144. Future Asset Inspection Programme**

The Assistant Director of Transport, Highways & Environment presented a report which sought endorsement and approval for a proposed approach to improved highway inspection and maintenance, to ensure that guidance in the updated Well Managed Highways Infrastructure code of practice (the Code) was adopted before its October 2018 implementation date.

Details of this approach were set out in Annex 1 to the report. It was also proposed, by October 2019, to extend a similar approach across wider Economy & Place assets not wholly covered by the Code; these were listed in Annex 1 as category 2 assets.

In response to Members' questions, Officers confirmed that the annex set out the minimum standards that would apply and that the inspection frequency of cycleways and footways would depend on usage.

Resolved: (i) That the approach to improved highway inspection and maintenance detailed in Annex 1 to the report be endorsed and approved.

(ii) That the development of complementary risk-based inspection and maintenance practices across

wider asset groups, based on the ideals of the code, be supported, with the inclusion of these wider assets to be determined by the appropriate Executive Members.

(iii) That additional policy and process documentation for all assets be brought before the relevant Executive Member Decision Sessions once completed.

Reason: To deliver innovative and effective approaches to highway asset management and wider asset groups and to provide wide ranging improvements to the built and natural environment across the city.

#### **145. York Central - York Central Access Construction**

The Assistant Director of Regeneration & Asset Management presented a report which sought approval to begin the procurement process for construction of the York Central access route, and dispose of certain council-owned land to Homes England, to ensure delivery of the route within the timescale for available grant funding.

The report followed on from the Executive meeting on 15 November 2017, when approval was granted to develop the Western access route to the site. Considerable progress had since been made on the scheme and approval was now urgently required to proceed with the procurement stage, enabling construction to begin in 2019 to ensure that West Yorkshire Transport Fund grant was spent by 2021, in accordance with the grant terms.

In terms of land ownership by the York Central partners, Network Rail currently owned 57.5% of the site, while Homes England owned 37.5% and the council 5%. The proposal was to sell the Fermatol industrial estate and the private car park next to Carlisle Street to Homes England at market value, in order to simplify land ownership across the site and clarify the council's role within the partnership as a place shaper, enabling funder and investor, rather than a landowner.

Having noted to the comments made on this item under Public Participation, it was

Resolved: (i) That a contract be procured and awarded to a construction partner to deliver the key site infrastructure outlined in the report, including the access bridge, the spine road, and the NRM rail link, with the potential to novate the contract over to the York Central Partnership, a single partner or a successor body for development of the site.

(ii) That a report on the proposal to dispose of the freehold of the Fermatol site and the Carlisle St private car park to Homes England for the best consideration, and to use this capital receipt to fund the York Central project costs, be brought to a joint Decision Session of the Leader and the Deputy Leader for a decision to be made.

Reason: To ensure that the concerns around this proposal are properly considered.

(iii) That a further £907k from the £10m EIF be committed to take the project through to planning determination.

(iv) That a further report be received in June 2018 setting out:

- a) a preferred masterplan prior to submission of an outline planning application and a detailed bridge and spine road planning application;
- b) a partnership agreement with the York Central Partnership to formalise the relationship and the financial agreement between the partners;
- c) a detailed financial plan for the delivery of York Central, including analysis of potential council borrowing, and funding from the Enterprise Zone.

Reason: To ensure the early delivery of a new access route to York Central within the timescale of available grant funding.

#### 146. **Appointment to the Shareholder Committee**

The Assistant Director, Legal & Governance, presented a report which invited Members to nominate, and appoint, a member of the Executive to the Shareholder Committee.

The appointment was required as a consequence of recent changes to the membership of the Executive. The Shareholder Committee, as a committee of the Executive, must be comprised of Executive Members, appointed to it by the Executive.

Resolved: That Cllr Ayre be appointed as a member of the Shareholder Committee, and Cllr Waller as a substitute member.

Reason: In order to make appropriate appointments to the Committee and enable it to meet as required on 27 March 2018.

#### 147. **James House Temporary Homeless Accommodation - Approval for Budget Revisions and Authorisation to Appoint the Successful Contractor**

*[See also under Part B minutes]*

The Assistant Director for Housing & Community Safety presented a report which sought approval for a revised budget for the James House project, and for officers to award the works contract for the project and seek further grant funding from Homes England.

This item had been added to the agenda under urgency procedures because a decision was required to enable work to commence before 29 March, in order to secure the grant awarded by Homes England.

The following options were presented:

**Option 1** – approve the revised budget and allow officers to award the works contract, as recommended. This would enable £2.451m grant funding to be secured, thus reducing the cost to the council, despite an overall increase in the project costs.

**Option 2** – instruct officers to re-tender the scheme. This was considered unlikely to result in a reduced cost and would lead to poorer outcomes in key elements of the scheme.

Resolved: That Option 1 be agreed and (*subject to Council approval of the revised budget*) approval be given for officers to:

- a) Award the works contract and
- b) Seek further grant funding from Homes England.

Reason: To enable the construction contract for the new homeless accommodation at James House to be awarded, £2.451m Homes England grant funding to be claimed, and a start on site achieved by 29 March 2018.

#### 148. "One Yorkshire" Devolution - an update

The Head of Corporate Policy & City Partnerships presented a report which informed the Executive of proposals for a Yorkshire Devolution Agreement submitted to the Secretary of State on 5 March.

This item had been added to the agenda under urgency procedures in order to brief the Executive on the current status of the proposal, in view of its rapid and significant development.

The proposed devolution agreement would establish a Mayor of Yorkshire and a Yorkshire Combined Authority. The submission, made on behalf of the leaders or representatives of 18 Yorkshire councils, noted that the *'devolution agreement is central to Yorkshire's collective drive to unleash the full economic potential of a region with an established international brand, an economy twice the size of Wales and a population the same as Scotland'*.

Ultimately, City of York Council would have the option to agree to the devolution or not. It was recommended that all Members be involved and consulted, through Executive and Full Council, on the final decision.

Resolved: (i) That the proposals submitted to the Secretary of State for a Yorkshire Devolution Agreement be noted.

Reason: To ensure that the Executive is alerted to these significant proposals.

(ii) That Officers be requested to continue working with the Yorkshire Leaders Group and the Chief Executive sub-group on detailed development and to report back on the progress of proposals.

Reason: To ensure that York's strategic issues are maintained as the devolution agenda progresses.

(iii) That the involvement of all Members in the final agreement of a devolution deal which includes York, as set out in paragraph 16 of the report, be approved.

Reason: To ensure that Members, residents and businesses are fully aware of the future decisions required on Yorkshire devolution.

(iv) That consultation be initiated as soon as practicable with residents, businesses, Members, MPs and other stakeholders.

Reason: To ensure that the council is fully aware of the collective views within the city.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **149. Investment at Lincoln Court to create an Independent Living with Support facility**

*[See also under Part A Minutes]*

The Assistant Director of Housing & Community Safety presented a report which detailed the outcome of an investment review at Lincoln Court and recommended investment in the site to create an Independent Living with Support Facility.

The Executive's decision on 7 December 2017 to close Windsor House had triggered a property review for Lincoln Court, an independent living (sheltered housing) scheme situated next door. The review had concluded that the building, if improved, had a sustainable future as Independent Living with Support, in line with the new focus on providing accommodation with care. It was therefore proposed to invest £1.4m capital in Lincoln Court to create 8 new one-bed dementia friendly apartments,

convert 4 existing bedsits into one-bed apartments, and improve communal and office facilities.

It was noted that the proposals should be viewed in the context of the overall Older Persons' Accommodation Programme, which aimed to deliver 861 new units of accommodation with care by 2020.

**Recommended:** That the estimated £1.4m gross cost of the Lincoln Court capital investment be added to the Capital Programme, with the costs to be funded from the Housing Revenue Account investment reserve, recycled right to buy receipts, other Housing capital receipts and capital held by the Older Persons' Accommodation Programme.

**Reason:** To secure the long term future of Lincoln Court and ensure that it can continue to provide good quality accommodation for older people, while also expanding the capacity to provide community support and care from this location.

**150. James House Temporary Homeless Accommodation - Approval for Budget Revisions and Authorisation to Appoint the Successful Contractor**

*[See also under Part A minutes]*

The Assistant Director for Housing & Community Safety presented a report which sought approval for a revised budget for the James House project, and for officers to award the works contract for the project and seek further grant funding from Homes England.

This item had been added to the agenda under urgency procedures because a decision was required to enable work to commence before 29 March, in order to secure the grant awarded by Homes England.

The following options were presented:

**Option 1** – approve the revised budget and allow officers to award the works contract, as recommended. This would enable £2.451m grant funding to be secured, thus reducing the cost to the council, despite an overall increase in the project costs.

**Option 2** – instruct officers to re-tender the scheme. This was considered unlikely to result in a reduced cost and would lead to poorer outcomes in key elements of the scheme.

Recommended: That Council approve the revised budget of £12.4m for the James House project, financed from £2.451m Homes England grant and £9.949m from the Housing Revenue Account (investment reserve, capital receipts and commuted sums), thereby ensuring no increase in cost to the council).

Reason: To enable the construction contract for the new homeless accommodation at James House to be awarded, £2.451m Homes England grant funding to be claimed, and a start on site achieved by 29 March 2018.

Cllr I Gillies, Chair

[The meeting started at 5.30 pm and finished at 7.12 pm].