

Meeting	Executive
Date	27 September 2018
Present	Councillors Gillies (Chair), Aspden, Ayre, Dew, Douglas, K Myers, Runciman and Waller
In Attendance	Councillors D'Agorne and Looker

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

### **37. 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, that they might have in the business on the agenda. No additional interests were declared.

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

Resolved: That the press and public be excluded from the meeting should any discussion arise on Annexes 1 and 2 to Agenda Item 14 (Establishing an Investment Budget for a Strategic Commercial Property Acquisition), on the grounds they contain information relating to the financial or business affairs of particular persons. This information is 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).

### **39. Minutes**

Resolved: That the minutes of the Executive meeting held on 30 August 2018 be approved, and signed by the Chair as a correct record.

#### **40. 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 was published.

#### **41. Public Participation**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, and two requests to speak by ward members.

Matthew Laverack spoke on matters within the Executive's remit. He raised concerns about breaches of the terms of the lease of land at Piccadilly to Spark:York which he said had taken place and urged that the lease be terminated if these were not addressed.

Brian Watson spoke in relation to Agenda Item 8 (Community Stadium Update), expressing concern that York City Football Club (YCFC), as the Stadium Operator, would benefit more than York City Knights RFC from the Project. He also queried the arrangements for catering and receipt of revenue from advertising.

Cllr Mark Warters, Member for Osbaldwick & Derwent ward, also spoke on Agenda Item 8, asking why standing areas were now being proposed and expressing the view that YCFC and York City Knights should be equal partners in operating the Stadium.

Andrew Lawson spoke on Agenda Item 11 (City Centre Access Update and Priority 1 Proposals), on behalf of York BID. He highlighted concerns about some elements of the experimental TRO, but confirmed York BID's commitment to supporting the communication and consultation process.

Cllr Denise Craghill, Member for Guildhall ward, spoke on Agenda item 11. She expressed concern about delays in consultation and lack of clarity on mitigation measures for disabled people, and asked that the process be fully resourced so that it could proceed as soon as possible.

**42. Demonstrating Delivery of the Older Persons' Accommodation Programme and Preparing for Further Action**

The Programme Director, Older Persons' Accommodation presented a report which reviewed the outcome and achievements of the Programme to date and proposed a further phase to tackle the continued and growing need for new accommodation with care for older people.

Progress to date was detailed in paragraphs 9 to 18 of the report and in the table at Annex 1. The Programme was on track to deliver 964 new units of accommodation with care for older people by 2020, compared to the original target of 533 units. It had delivered changes generating revenue savings of over £500k per year and stimulating over £100m of capital investment. A key feature was the transformation of the Burnholme Community College site which would deliver key health and wellbeing facilities for neighbouring communities, as well as a new 80 bed care home.

The first phase of the Programme had focused primarily on residential care and the needs of those with higher care requirements. A further phase would allow the council, working with health and housing colleagues, to address the wider system, in line with the vision to support older people with all levels of care needs to live independently. It was therefore proposed to bring a business case for further investment to the Executive in November.

Members noted that this was the last report to be presented to Executive by Roy Wallington, as a new Programme Director would take over on Monday. They thanked Roy and his team for their work on the Programme and wished him well in his next role.

Resolved: (i) That the outcomes and achievements, which will deliver a substantial increase in the quantity and quality of accommodation with care for older people, be noted.

(ii) That a report be brought back to the November meeting of the Executive so that they may consider the business case for a further phase of the Older Persons' Accommodation Programme.

Reason: In order to respond to the continued and growing need for accommodation with care for older people in the city.

#### **43. Director of Public Health Annual Report 2017**

The Director of Public Health presented her Annual Report for 2017/18 in the form of a video screened at the meeting. A leaflet highlighting key points of the video was attached as an annex to the introductory report.

Members expressed their approval of the Report, noting that it had been made available online and could also be shown in doctors' surgeries, libraries and other public spaces.

Resolved: That the Annual Report be received and noted.

Reason: To confirm that the Executive has received an overview of the Annual Report of the Director of Public Health and has a shared understanding of the issues highlighted.

#### **44. Community Stadium Project Update**

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which provided an update on the progress of the Community Stadium and Leisure Facilities Project since the last full report to Executive in October 2017.

Since that date a number of major milestones had been achieved, including:

- Commencement of a 13 year Design, Build, Operate and Maintain contract with Greenwich Leisure Ltd. (GLL) from November 2017, when GLL also took over existing leisure facilities;
- Commencement of construction works to the York Stadium Leisure Complex (YSLC) in December 2017, with work scheduled for completion by May 2019 and opening of the New Facilities from July 2019.

Full details were set out in the report, with images of the construction in Annex A.

Following closure of the Huntington Stadium, York City Knights RLFC (YCK) had been playing all their first home team fixtures

at Bootham Crescent and the Executive had agreed in December 2016 that the council provide financial support for these fixtures until the end of the 2018 Rugby League season. It was recommended that this be continued for the 2019 season, until YCK played their first game from the new Stadium.

Members congratulated YCK on their recent success in the League Championship and, having noted the comments made under Public Participation on this item, it was

Resolved: (i) That the contents of the report and the significant progress made since the last report to Executive in October 2017, be noted.

(ii) That the proposed financial support towards YCK's first team playing arrangements at Bootham Crescent be approved, as set out in Table 1 at paragraph 44 of the report, amounting to council financial support payable up to a net cost of £30,000 for the 2019 Rugby League season, up until the new Stadium is operational.

Reason: To ensure the continued progress of the Project.

#### **45. Supplementary Planning Documents (SPDs) to Support the Emerging York Local Plan**

The Assistant Director for Planning & Public Protection presented a report which provided details of Supplementary Planning Documents (SPDs) referred to in the York Local Plan (YLP) and asked Executive to consider the SPDs to be produced and those to be delivered as a priority.

The matter had been considered by the Local Plan Working Group on 20 September 2018, and their recommendations were circulated to Members.

The following options were available, as detailed in paragraphs 19-21 of the report:

**Option 1** – progress interim SPDs to inform development management decisions in advance of adoption of the YLP, prioritising two draft SPDs in respect of Affordable Housing and Green Infrastructure. This was the recommended option, since Members had previously highlighted these SPDs as key priorities to support the Local Plan policy position and they were

based on evidence that provided a robust rationale for their implementation.

**Option 2** – identify alternative SPDs to be progressed as above.

**Option 3** – choose not to progress any SPDs in advance of adoption of the YLP.

Members noted the concerns raised by the Green Opposition Group Leader on the number of SPDs referenced in the YLP and the timescale for considering these after adoption of the YLP.

Resolved: That Option 1 be approved and that Officers' recommendations to progress interim SPDs to inform development management decisions in advance of the adoption of the York Local Plan, prioritising the two SPDs relating to Affordable Housing and Green Infrastructure, be accepted.

Reason: So that work on interim draft SPDs can be progressed prior to adoption of the York Local Plan.

#### **46. Rufforth and Knapton Neighbourhood Plan - Examiner's Report and Decision Statement**

The Assistant Director for Planning & Public Protection presented a report which sought approval for the recommendations of the Examiner regarding modifications to the Rufforth with Knapton Neighbourhood Plan (the Plan), to enable the Plan to proceed to a referendum.

The Examiner's Report was attached as Annex A to the report, along with the Decision Statement, including the Council's proposed response to the Examiner's recommended modifications to the Plan, at Annex B. These documents had been considered by the Local Plan Working Group on 20 September 2018, and their recommendations were circulated to Members.

It was recommended that the Examiner's modifications be accepted rather than altered, as they made the Plan more robust and enabled it to meet the Basic Conditions. A decision to reject the modifications could only be made on the specific grounds set out in paragraph 26 of the report.

The Chair extended his thanks to the Rufforth & Knapton Parish Council for all their work on the Plan.

Resolved: (i) That the Examiner's modifications, and the consequential minor modifications, to the Rufforth with Knapton Neighbourhood Plan, as set out in Annex B, be approved and that, subject to those modifications, it be agreed that the Neighbourhood Plan meets the Basic Conditions and other legislative requirements.

(ii) That the Rufforth with Knapton Neighbourhood Plan, as amended, proceed to a local referendum based on the geographic boundary of the parish of Rufforth with Knapton, as recommended by the Examiner.

(iii) That the Decision Statement at Annex B be published on the City of York Council's website.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

#### **47. City Centre Access Update and Priority 1 Proposals**

The Assistant Director of Transport, Highways & Environment presented a report which provided an update on work undertaken following the Executive's decision on 8 February 2018 to implement Hostile Vehicle Mitigation measures in the city centre (minute 122 of that meeting refers). Approval was now sought to progress priority 1 locations to the next stage.

Since 8 February, officers had formed a working group aligned to the York Counter Terrorism Task Group, participated in developing temporary arrangements for the season at the Racecourse, and installed temporary measures in the city centre. A proposal had been devised to implement an experimental traffic regulation order (TRO) restricting access to the priority 1 area, as detailed in paragraph 7 of the report and in annexes A and B. This would allow assessment and consultation to take place, and highlight any additional mitigation measures needed, before proceeding to a permanent restriction.

Members considered the following options, set out in paragraphs 31-38 of the report:

**Option A** – carry out the pre-implementation consultation described in paragraph 24 on the experimental TPO. This was the recommended option and was supported by the York Counter Terrorism Task Group.

**Option B** – proceed without the initial consultation, giving only the standard 2 week public notice on the TPO and carrying out a separate consultation with stakeholders and groups on mitigation required to minimise the impact of permanent measures.

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

Resolved: (i) That the update provided in the report be noted.

(ii) That Option A be approved and that authority be delegated to the Corporate Director of Economy & Place, in consultation with the Executive Member for Transport & Planning, to make the experimental traffic regulation order described in the report, subject to prior consultation in relation to practical implementation and potential mitigation measures.

(iii) That work continue with Saint Sampson Centre and other affected groups to mitigate the impact of the changes.

(iv) That restrictions to prevent vehicles remaining in the Priority One zone be considered and that proposals on these be brought to the Executive Member for Transport and Planning for a decision.

(v) That officers be instructed to develop proposals for further phases of city centre security measures to ensure the safety of the city.

Reason: To enable the work started since the Executive decision on 8 February to be taken forward to the next stage on a risk managed approach, responding to the Police request to protect areas of high footfall against the threat of a vehicle as a weapon attack.



(vi) That, following on from the experimental regulation order and in line with the motion approved by Full Council on 19 July 2018, a 'My City Centre' consultation be held with key stakeholders (including residents, businesses, cycle/pedestrian groups and groups that represent people who have special access requirements) on the wider issues of accessibility, safety and traffic management in the city centre; this to be carried out prior to the implementation of the next phase of hostile vehicle mitigation measures.

Reason: To ensure that the needs of these groups are properly assessed and taken into account.

#### **48. Update on Formal Enforcement Action**

The Head of Public Protection presented a report which provided an update on the formal enforcement action and surveillance activity undertaken in 2017-18 by Public Protection (Environmental Health, Trading Standards & Licensing), Housing Services, Community Safety, and the National Trading Standards Regional Investigation and eCrime teams.

The enforcement action taken by each team was summarised in Annex A to the report. Annex B provided details of surveillance activity undertaken across the City of York Council during the year. Highlights had included securing:

- A total of 64 years' imprisonment for offenders
- £21k in fines
- 1,060 hours of unpaid work
- £311k in compensation for victims
- £3.3m in proceeds of crime confiscation orders
- £98k in costs awards.

Members thanked officers for the report and commented that it would be helpful in the longer term to review the areas that it covered in terms of portfolio responsibilities.

Resolved: That the report be approved.

Reason: To provide oversight to the activity undertaken in 2017-18, fulfil the requirement for an annual review under the Public Protection, Housing Services and Community Safety enforcement policy, and meet the

requirement of the Office of Surveillance Commissioners for Member oversight of surveillance activity.

**49. Appropriation of Land on Bootham Stray for Highway Purposes**

The Assistant Director of Regeneration & Asset Management presented a report which sought consent to appropriate land on a small part of Bootham Stray for highway purposes, in order to expand the current access to land at the Cocoa West development site and so facilitate the proposed residential development there.

The development of the site required an expanded access point onto Wigginton Road to create a safe junction, which would go over land forming part of Bootham Stray. The land to be appropriated measured 379 square metres in total and was illustrated in the plans annexed to the report. As part of the development scheme, it was proposed that the current car park area, measuring 1,385 square metres, would be set out as publicly available stray land, thus more than replacing the amenity value of the appropriated land.

As indicated in paragraph 17, a statutory consultation process would need to be followed and the outcome would be reported to the Executive Member for Transport for a final decision.

Resolved: (i) That, subject to compliance with statutory consultation processes and a report to the Executive Member for Transport, the appropriation for highway purposes of land on those parts of Bootham Stray coloured red and stippled blue on the plan at Annex 1 to the report ('the Access Land') be approved.

(ii) That approval be given to grant a short term licence to Newby Developments to carry out works to the Access Land.

Reason: To allow access to the adjacent Nestle development site, to facilitate the proposed residential development and ensure a safe and sustainable road layout to enable the timely development of new housing.

**50. Establishing an Investment Budget for a Strategic Commercial Property Acquisition**

*[See also under Part B]*

The Assistant Director of Regeneration & Asset Management presented a report which recommended further investment to acquire property in the Swinegate area to promote the growth and economic health of the city centre and secure additional income to the commercial portfolio.

Following the success of the previous acquisition of property in Swinegate agreed by Executive on 27 July 2017 (Minute 34 of that meeting refers), a further opportunity had arisen to purchase a mixed commercial portfolio in the area. Details of the asset, and a pre-acquisition report prepared by commercial property agents, were attached as exempt annexes to the report.

Purchasing assets in this area would enable the council to ensure continued support for local businesses as well as proper maintenance and management of the buildings. Consideration would also be given to possible future on-site energy generation.

**Resolved:** That authority be delegated to the Corporate Director of Economy & Place to complete the purchase of the freehold interest in the commercial property assets in the Swinegate area identified in exempt Annex A to the report, once all due diligence is satisfactorily conducted on the assets.

**Reason:** To ensure the ongoing economic vibrancy of the city centre while increasing the income from the council's commercial property portfolio in line with budget targets.

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

### **51. Establishing an Investment Budget for a Strategic Commercial Property Acquisition**

*[See also under Part A]*

The Assistant Director of Regeneration & Asset Management presented a report which recommended further investment to acquire property in the Swinegate area to promote the growth and economic health of the city centre and secure additional income to the commercial portfolio.

Following the success of the previous acquisition of property in Swinegate agreed by Executive on 27 July 2017 (Minute 34 of that meeting refers), a further opportunity had arisen to purchase a mixed commercial portfolio in the area. Details of the asset, and a pre-acquisition report prepared by commercial property agents, were attached as exempt annexes to the report.

Purchasing assets in this area would enable the council to ensure continued support for local businesses as well as proper maintenance and management of the buildings. Consideration would also be given to possible future on-site energy generation.

**Recommended:** That a capital budget of £2.52 million be established to fund the acquisition of the freehold interest in the commercial property assets in the Swinegate area identified in exempt Annex A to the report.

**Reason:** To ensure the ongoing economic vibrancy of the city centre while increasing the income from the council's commercial property portfolio in line with budget targets.

Cllr I Gillies, Chair

[The meeting started at 5.33 pm and finished at 6.53 pm].