



Notice of a public meeting of

Customer and Corporate Services Scrutiny Management Committee

- To:** Councillors Crawshaw (Chair), Fenton (Vice-Chair), Hunter, Hollyer, Kilbane, Rowley, Musson, Pearson and Mason
- Date:** Monday, 4 January 2021
- Time:** 5.30 pm
- Venue:** Remote Meeting

AGENDA

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. **Minutes** (Pages 1 - 14)

To approve and sign the Minutes of the meetings held on 18 November 2020, 23 November 2020, and 7 December 2020.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak

on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at **5.00pm on Wednesday 30 December 2020.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission.

The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Public Health Update

The Director of Public Health will give a presentation updating the Committee on Public Health in York.

5. York Central Partnership Governance (Pages 15 - 36)

This report provides an update on the governance arrangements of the York Central Partnership.

6. Work Plan (Pages 37 - 38)

To consider the Draft Work Plan.

7. Urgent Business

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

Democracy Officer:

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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

Meeting	Customer and Corporate Services Scrutiny Management Committee
Date	18 November 2020
Present	Councillors Crawshaw (Chair), Fenton (Vice-Chair), Hunter, Hollyer, Rowley, Pearson, Kilbane, Fisher and Melly (as substitute for Councillor Musson)
Apologies	Councillors Mason and Musson

48. DECLARATIONS OF INTEREST

At this point in the meeting, Members of the Committee are asked to declare any personal, prejudicial or pecuniary interests in the business on the agenda. None were declared.

49. PUBLIC PARTICIPATION

The Chair reported that there had been no registrations to speak at the meeting under the Council's public participation scheme.

50. STRATEGIC PARTNERSHIP AGREEMENT

Further to the decision of Full Council at its meeting on 29 October 2020, calling on this Committee to consider the Strategic Partnership Agreement (SPA) with North Yorkshire, Members reviewed the SPA, questioning the Chief Operating Officer and Leader of the Council on a variety of aspects of the Agreement.

A joint presentation was given at the meeting. Firstly, the Leader set out the background context to the SPA as part of the devolution process: the aim being to work collaboratively with North Yorkshire in light of their single unitary bid, complimentary to York's single unitary submission. The Chief Operating Officer then went on to set out in more detail the key principles under which both authorities would work together, giving examples of existing joint working arrangements and highlighting future potential benefits and co-efficiencies, whilst remaining sovereign bodies.

A full and extensive debate ensued upon a range of issues associated with entering into such a Strategic Partnership Agreement and broadly covering:

- Why it was not possible to consider similar arrangements with other Councils at this point in time;
- Contingency arrangements should the Government not support York's preferred option;
- Existing joint working arrangements;
- The purpose of the SPA to deliver services effectively together where possible, whilst retaining individual sovereignty of services/staff;
- The potential for some staff to relocate in the longer term or operate from split sites;
- Continuing importance of involving scrutiny as the process on devolution, in general, emerges and develops;
- Future contractual arrangements and the need for careful consideration, including representation on any management boards, eg Yorwaste
- Any potential impact on directly elected Mayors, moving forward;

In addition to the above, there was a wider core debate about the potential for including within the SPA some key specific principles which might be of benefit to York residents, such as a commitment to staff being paid the minimum wage and embedding social value principles within any procurement contracts. In response to that debate, the Leader explained the context of the SPA within the wider proposals to unlock devolution and suggested adding a reference to the document to clarify the intention for it be read as part of the aspirations for York as a whole set out in its devolution 'Asks'. The Chief Operating Officer confirmed that the Council was currently bound by and operated in accordance with a range of codes, rules and policies, such as financial regulations and procurement rules, which governed York's key contractual arrangements, irrespective of any Strategic Partnership Agreement.

Finally, it was moved and seconded by Councillors Fenton and Pearson that a letter from this Committee be included as part of the final submission to the Secretary of State, endorsing the key principles of the proposed Strategic Partnership Agreement, having given the matter careful scrutiny and on the proviso that the context setting references suggested by the Leader be incorporated.

A named vote was taken, in accordance with the Council's Standing Orders for Remote Meetings, given the significance of the issue under debate for York, with the results being as follows:

Councillor	Vote
Fenton	For
Fisher	For
Hollyer	For
Hunter	For
Kilbane	For
Melly	For
Pearson	For
Rowley	For
Chair, Councillor Crawshaw	For

The motion being unanimously carried, it was

RESOLVED: That the proposed Strategic Partnership Agreement be supported by this Committee, after full consideration as requested by Full Council, on the proviso that an overarching statement, referred to by the Leader, be incorporated connecting it to the Council's wider aspirations within its devolution submission for York, and with a supporting letter being drafted by the Chair/Vice-Chair to the Secretary of State, for inclusion with the Council's final submission (such letter to be circulated to the Committee for information prior to it being sent).

Councillor J Crawshaw, Chair

[The meeting started at 10.00 am and finished at 11.45 am].

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Meeting	Customer and Corporate Services Scrutiny Management Committee
Date	23 November 2020
Present	Councillors Crawshaw (Chair), Fenton (Vice-Chair), Hollyer, Hunter, Kilbane, Mason, Musson, Pearson and Rowley
Apologies	Councillors

51. **DECLARATIONS OF INTEREST**

At this point in the meeting, the Chair invited Members to declare any personal, prejudicial or pecuniary interests, not already declared in their standing Register of Interests. Councillor Kilbane declared a personal interest in relation to 29 Castlegate, as his partner used to work at the premises under a former use. No other interests were declared.

52. **PUBLIC PARTICIPATION**

The Chair reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

53. **UPDATE ON THE ASSET MANAGEMENT STRATEGY 2017-2022**

Members considered, pre-decision, the report due to be determined by the Executive on 26 November, in order to help inform the Executive with any key comments from this Committee in advance of its decision making on the Asset Management Strategy 2020-2025. To assist with its consideration, the Interim Director of Place updated the Committee on the proposed Strategy, giving an overview of existing asset management arrangements and setting that within the context of the Council's agreed overall aim to become carbon neutral by 2030. The update also gave an indication of the performance of the commercial portfolio, with details of rental income and the impact of Covid 19 on business tenants.

The Interim Director explained what precise decisions were being requested of the Executive, including proposals to delay soft market testing on the restaurant proposals associated with the Guildhall development and disposing of the Council's shares in York Science Park at the request of the University.

The Chair then sought comments from Members.

Firstly, in relation to the overall decision making process, the Interim Director of Place and Corporate Director of Economy & Place responded to a range of questions around opportunities for Ward Members to contribute, using their local knowledge, the potential impact of the cost of borrowing, and the balance between business considerations and social ones.

Secondly, in relation to the key principles of the proposed strategy, Officers responded to various comments around balancing the objectives such as carbon neutrality and job creation with business aims and streamlining decision making, including the involvement of Ward Councillors.

After a short 5 minute adjournment, during which Councillor Mason left the meeting, Members resumed their questioning on specific elements of the strategy, ranging from the Guildhall project and the former Askham Bar park & ride site, to the disposal of Oakhaven and the use of West Offices/Hazel Court as Council buildings. Specifically on the disposal of the Oakhaven site, some concern was expressed that Adult Social Care & Health Scrutiny Committee had been expecting an update on the position at a meeting prior to the Covid 19 pandemic and lockdown taking hold.

RESOLVED: That

- (1) The report and presentation at the meeting, be noted and the opportunity provided for pre-decision scrutiny consideration, in advance of the Executive decision on the Council's Asset Management Plan, be welcomed;
- (2) Further pre-decision consideration be given to the position relating to West Offices/Hazel Court at a future meeting of this Committee or Economy & Place Overview Policy & Scrutiny Committee, as may be determined appropriate, in conjunction with the relevant Chairs & Vice Chairs and within a suitable timescale determined by Officers;

- (3) Officers be asked to put in place arrangements to provide Members with appropriate information on Council assets within their wards, at the earliest feasible opportunity, but as and when such assets may become surplus to use in order to provide early notice of any potential changes of use;
- (4) Ward Members be reminded to let the Asset Management Team know of any particular needs within their wards that could be met through Asset Management.
- (5) The revised Asset Management Plan be provided to all Members for ease of access, following approval by the Executive;
- (6) The Committee welcomed the Executive's intention to establish a regular quarterly review process for Council assets through the responsible Executive Member and requests that the Executive Member reports periodically to and engages with this Committee on the review and disposal of Council assets;"
- (7) Officers, in conjunction with the Chair, undertake further investigations into the situation relating to the Oakhaven vacant site, which had been understood to be due for consideration at a meeting of Health & Adult Social Care Overview Scrutiny & Policy Committee in March 2020 (that meeting having been subsequently cancelled due to the Covid 19 pandemic).

Councillor J Crawshaw Chair

[The meeting started at 5.30 pm and finished at 8.15 pm].

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Meeting	Customer and Corporate Services Scrutiny Management Committee
Date	7 December 2020
Present	Councillors Crawshaw (Chair), Fenton (Vice-Chair), Hunter, Hollyer, Rowley, Musson, Pearson, Daubeney (Substitute for Mason) and K Taylor (Substitute for Kilbane)
Apologies	Councillors Kilbane, Mason

54. Declarations of interest

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. None were declared.

55. Exclusion of press and public

Resolved: That the press and public be excluded from the meeting during consideration of Annex 2 to Minute No. 61 below (new Stadium Leisure Complex proposal on restaurant units) as it contained exempt information relating to the financial or business affairs of particular person(s) as defined in paragraph 3 under Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

56. Minutes

The Minutes of the meeting of the Committee held on 9 November 2020 were approved as a correct record and signed by the Chair on its behalf.

57. Public participation

The Chair reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme,

58. Public health update

The Director of Public Health gave a presentation and update on public health in York relating to the Covid 19 pandemic, details of which had been circulated to Members and which covered:

- Incident rates per 100,000, with York peaking earlier but falling faster than national and regional rates;
- New cases in those over 60+, with York's rate remaining lower than regional and national ones;
- Positivity rates (Pillar 2 only), with York's being just over 2% and contributing to the overall lower rate in York;
- Pillar 2 tests for Covid, showing an increase due to university students tests;
- Contact of people with symptoms, being variable according to peaks and troughs;
- Covid patients in York hospital, with numbers presently falling to 34 in December compared with 68 during November 2020;
- Covid & Excess deaths, being fewer currently than those compared across 2014-18, although there had been an increase in those dying from Covid in recent weeks, that was expected to decrease in measure with the falling no of cases generally in York at the moment;
- Age brackets of cases reported;
- Rates decreasing across all age groups;
- Cases in care homes and schools, being well controlled in York care homes and with no school closures to report;
- Cases falling in local universities;
- Number of cases in the various Medium Super Output Areas of York (MSOA); and
- Local contact tracing, compared to the national test & trace.

Members then questioned the Director on the statistical information provided in relation to auditing deaths retrospectively to determine actual causes during this time, arrangements for students returning after Christmas, the impact of self-isolation in York, lateral flow tests, the rollout of the vaccine and re-enforcing preventative measures during the relaxation of lockdown over the festive break.

Resolved: that the director of public health be thanked for her thorough update and for the presentation provided.

59. Finance update and budget setting

Members considered a report setting out the Council's current financial in general and in relation to the Covid 19 pandemic, as at the Quarter 2 corporate report considered by the Executive on 26 November 2020. The report also set out in some detail the process for setting the Council's budget, giving timelines where possible.

Firstly, the Council's Section 151 Officer then responded to a range of questions from Members regarding the financial position, covering:

Mitigations in place for overspends in Adult Social Care, which was a continuing national trend;
The Chancellors Spending Review Update and any potential gain for York;
The potential use of reserves to minimise the impact of any proposed savings at this time on residents;
the current status of rent arrears;

Further to that debate, Members were minded and agreed to make two referrals to other Scrutiny Committees to look in more detail at specific financial situations identified in the report, as follows:

1. Childrens, Education & Communities Scrutiny Committee to receive further information on the schools grant scenario, which, again, was a national funding problem and which was the subject of national lobbying;
2. Health and Adult Social Care Scrutiny Committee to be kept informed of the ongoing peer review work due to

report in January 2021 in relation to admissions to care, reducing the length of hospital stays and improving reablement potential.

Leading into the debate on the Council's budget setting process, the Chair outlined forthcoming proposed Executive Member Sessions specifically convened to initially consider the budget proposals for 21/22 and beyond. At this point, some Members pointed referenced the motion carried at Council on 29 October 2020, which asked Officers to provide all Members with initial budget outline proposals by mid December 2020. The Section 151 Officer undertook to make further enquiries and respond to the Chair outside the meeting.

Resolved: That the report and information be noted and the Section 151 Officer report back to the Chair in relation to outline budget proposals and the motion referred to above.

60. Work plan 2020/21

The Chair referred to the corporate scrutiny work planning process and to the outline business for forthcoming meetings across the scrutiny function. He gave details of January and February meetings, in general, and specifically advised Members of this Committee of the agreed business for its meetings on 4 January and in February 2021.

Resolved: That the Chair's update be noted.

61. New stadium leisure complex commercial proposal on restaurant units

After a longer than usual adjournment, Members considered a report setting out the background context to a report being determined by the Executive on 15 December 2020 in relation to the above. They also received a presentation at the meeting more specifically on the options before the Executive in relation to the commercial land deal associated with the complex and proposed restaurant units. At this point, the Chair expressed his frustration, on behalf of the Committee, that the actual report to be considered by the Executive on those options had not been made available to Members of this Committee until the day of this meeting once published with the Executive meeting agenda.

Not only did that undermine the purpose and value of pre-decision scrutiny but it allowed Members no time to prepare and consider the issues in advance of the meeting. As a result, he had provided Members with a longer adjournment to read that report in advance of the presentation and debate.

The Executive Member for Finance & Performance attended the meeting specifically for this item, as responsible portfolio holder and added that the views of scrutiny were being sought on the options and their wider context in terms of social value to the city, prior to consideration by the Executive on 15 December 2020. Annex 2 to the 'Executive' report, circulated earlier in the day to Members, contained the exempt financial modelling.

A general debate on the options then took place with Officers and the Executive Member responded to various questions covering potential risks and costs.

At this point, the meeting went into exempt session as agreed under minute no. above, to receive detailed figures and costings which may contribute to determining the Committee's preferred option..

The Committee then returned to public session, in order to consider and propose its preferred option.

Resolved: That the Executive Member be thanked for consulting this Committee, pre-decision, on the options associated with the proposals and that the Executive be advised that the Committee broadly supported the proposed recommended Option 1 in the report to the Executive (at its meeting on 15 December 2020), in view of the lower risk profile.

Councillor J Crawshaw, Chair
[The meeting started at 5.30 pm and finished at 8.23 pm].

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Corporate Scrutiny Management Committee**4 January 2021****Report of the Interim Head of Place****York Central Partnership Governance****Summary**

1. The Corporate Scrutiny Management Committee have requested an update on the governance arrangements of the York Central Partnership as the scheme moves towards delivery.

Background

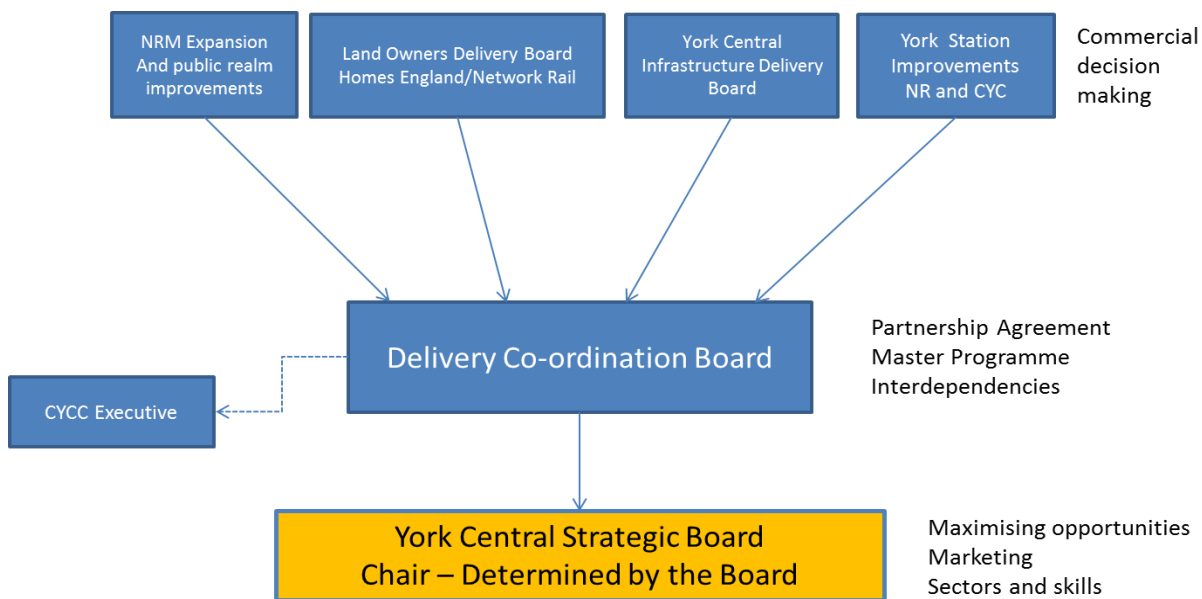
2. The Committee have received a number of reports on the York Central project, most recently :-
 - 13th August 2020 – failed call in of July 2020 Executive decision to proceed with early infrastructure works
 - 7th September 2020 – Review of the impact of Covid 19
3. In addition the Audit and Governance committee have reviewed the project risk management arrangements twice, most recently on 30th November 2020.
4. The project is currently transitioning from the planning stages to the delivery stages following the agreement of the reserved matters planning application for the first phase of infrastructure works in November 2020. This followed the agreement of £77.1m of funding from the Ministry of Housing Communities and Local Government (MHCLG) which was awarded in place of the Housing Infrastructure Funding (HIF) and was awarded directly to Homes England and Network Rail.
5. This is a significant change and is likely to affect the delivery arrangements for the infrastructure which will in turn require amendments of the governance arrangements. The decision as to who will deliver the infrastructure has not been finalised yet, though the landowning partners have indicated their intention for Homes England to lead the delivery and to novate the construction contract with John Sisk Ltd from CYC to Homes England for the delivery of Infrastructure Package IP2. This will only be done when the final RIBA stage 4 design is concluded and costed in Q1 2021. In the meantime

CYC have contracted with John Sisk Ltd to deliver the early enabling works (Infrastructure Package IP1) which will start on site in the new year.

6. The governance arrangements are currently under review and will be brought back to Executive for agreement once finalised. This report therefore sets out the existing arrangements and the current thinking on how the complex contractual and funding agreements between the parties will be managed.

Existing Governance arrangements

7. These arrangements are set out below in an excerpt from the Executive report of 17th January 2019.
8. The Heads of Terms (of the YCP Partnering Agreement) set out proposed governance arrangements for the project as it moves into the delivery phase - an appropriate time to review and evolve the existing governance arrangements to ensure coherent delivery across a large programme of interdependent projects, including the front of York Railway station and the station itself. This is represented diagrammatically below.



9. The **Executive** will agree the sign off of funding for all future infrastructure packages, and where CYC are the delivery agent Executive will sign off designs for the submission of planning applications for that infrastructure. The council will sign off funding agreements with WYCA and HIF and as Accountable Body for those grants will oversee the delivery programme and the YCP legal agreement.
10. This is entirely separate from the council’s statutory functions as both Local Planning Authority (LPA) and Highways Authority. All planning decisions will be undertaken by the LPA and the **Planning Committee** is not constrained by any decisions of the Executive to submit planning applications or agree the York Central Partnership Agreement.

11. The **York Central Strategic Board** will be constituted from senior representatives of all partner organisations and both LEPs and will meet at least quarterly. They will determine the chair and will be responsible for :-
 - Oversight and promotion of the scheme
 - Maximising opportunities
 - Ensuring Strategic fit
 - Sectors and skills development
 - Advocating for the scheme
 - Oversight of the promotion and marketing
 - Leading effective decision making within their organisation
12. The **Delivery Co-ordination Board** includes senior representatives of all partners and will be responsible for :-
 - Delivering the commitments set out in the York Central Partnership legal agreement
 - Ownership of the Master Programme, cost and quality benchmarks as set out in the York Central Partnership legal agreement
 - Baseline off plot infrastructure cost plan – agreed quality standard and extent
 - Coordinating agreement of the delivery of future infrastructure packages
 - Baseline development appraisal
 - Proactive reporting from each of the “projects” on deviation from all the above, early identification of issues affecting the critical path
 - Manage interdependencies
 - Programme assurance and independent reporting to the Strategic Board
13. There will be a series of individual **project boards** which will all feed into the Delivery Co-ordination Board and will be individually responsible for reporting to funding bodies and providing project assurance
 - Infrastructure Delivery – led by CYC
 - Front of Station and Station Board overseeing the works to the front of and including the railway station led by CYC and NR
 - Development Partners – led by Homes England and Network rail
 - NRM masterplan project
14. These governance arrangements have worked well, are still in place and are now under review.

Potential contractual arrangements

15. There are a number of different relationships within the York Central project, between landowners, statutory authorities, funders and contractors. It is expected that each of these relationships will be defined and controlled by a contract or a funding agreement and that the integrity of the whole picture is

maintained through a layered governance structure. Some of these agreements are already in place (WYTF and LEP/EZ funding agreements) others are now being finalised (MHCLG funding agreement and the future funding agreement between HE/NR and CYC for any future CYC/Enterprise Zone moneys to be deployed into the scheme).

16. The relationship between partners is set out in the York Central Partnering Agreement which sets out how the partnership works but does not define the financial relationships nor the liabilities of each party.
17. These relationships are set out in the two diagrams below. Fig 1 shows the arrangements needed should CYC deliver the infrastructure and Fig 2 shows the arrangements needed should Homes England deliver the infrastructure. The latter is the most likely scenario.
18. The orange boxes on the left reflect all the different sources of funding. Each of these will have a funding agreement. The dark grey boxes on the right reflect the various commercial contracts that will exist with contractors. The red boxes reflect the legal agreements between land owners and the planning and highways authority. The blue boxes in the middle set out the need for a contract between the landowners and CYC to establish the funding agreement for IP1, the CYC capital contribution to the project and the EZ funding to contribute to future phases of the infrastructure. The green elipses show the role of the proposed governance boards in managing these contracts.

Fig 1

Contractual Arrangements if CYC Deliver Core Infrastructure

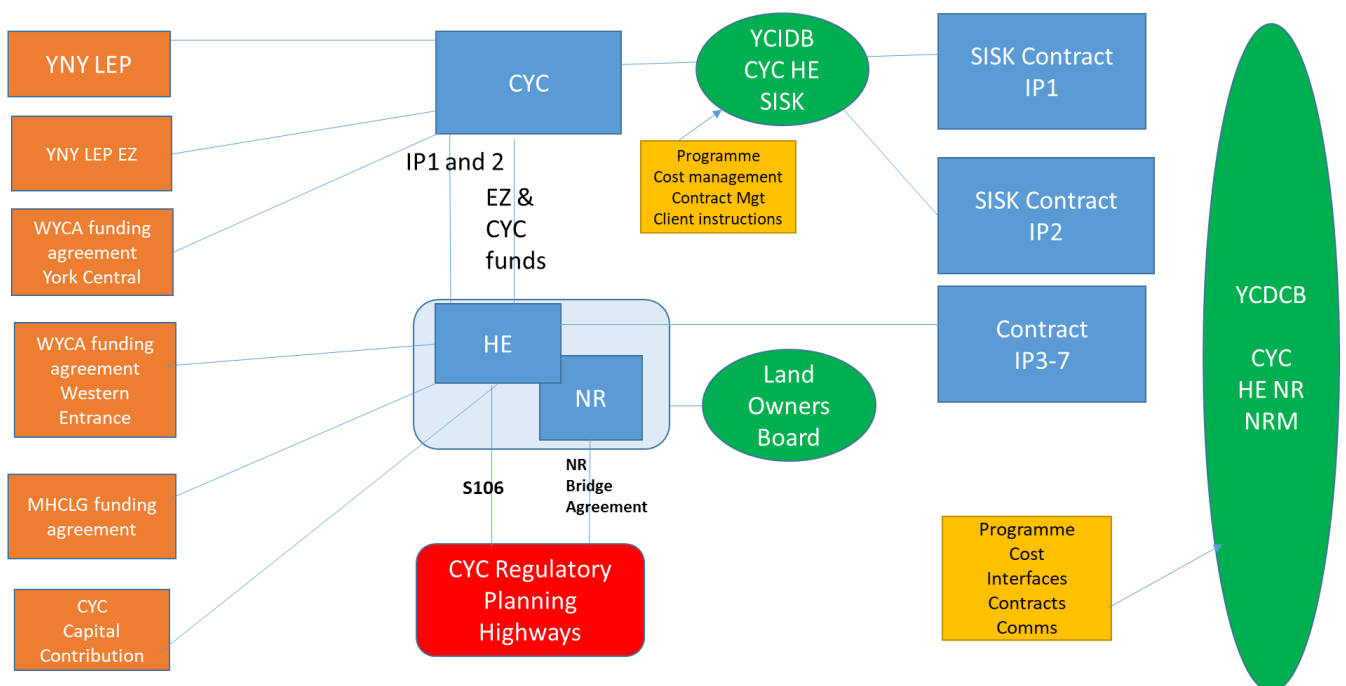
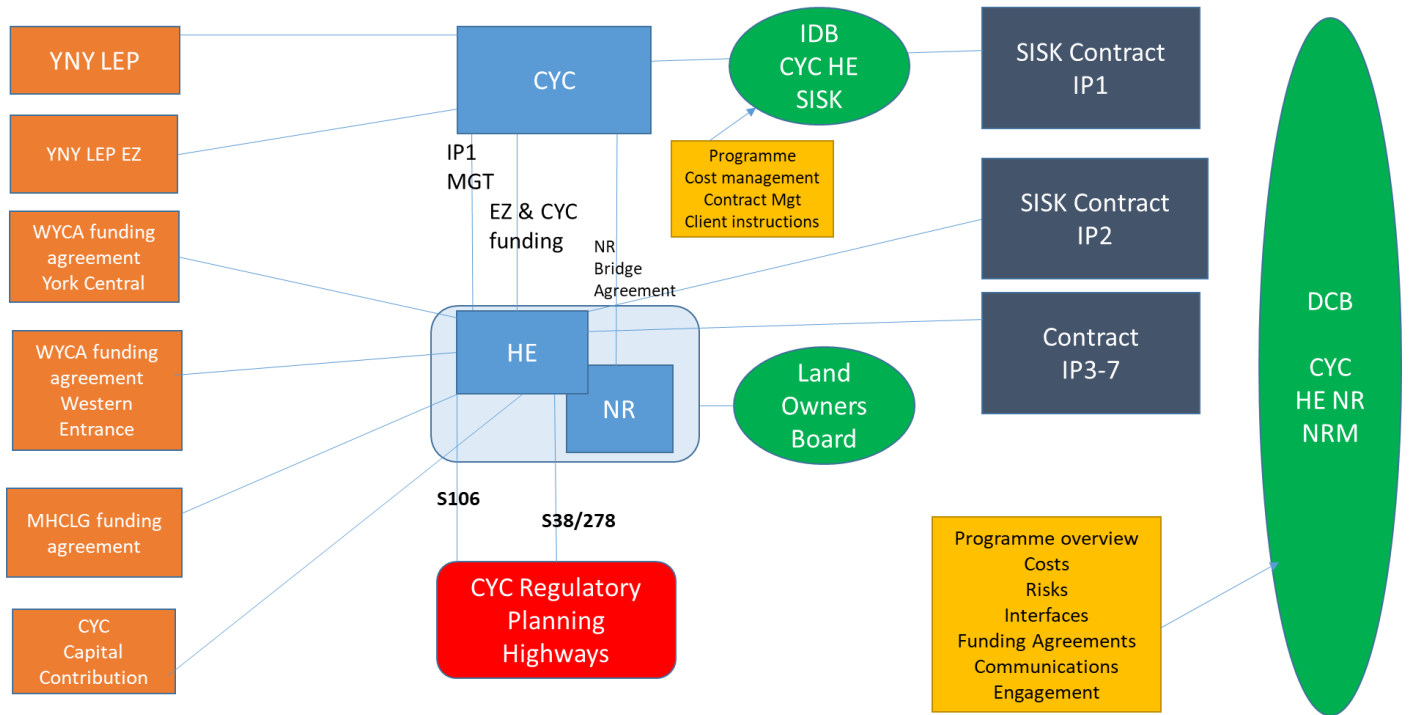


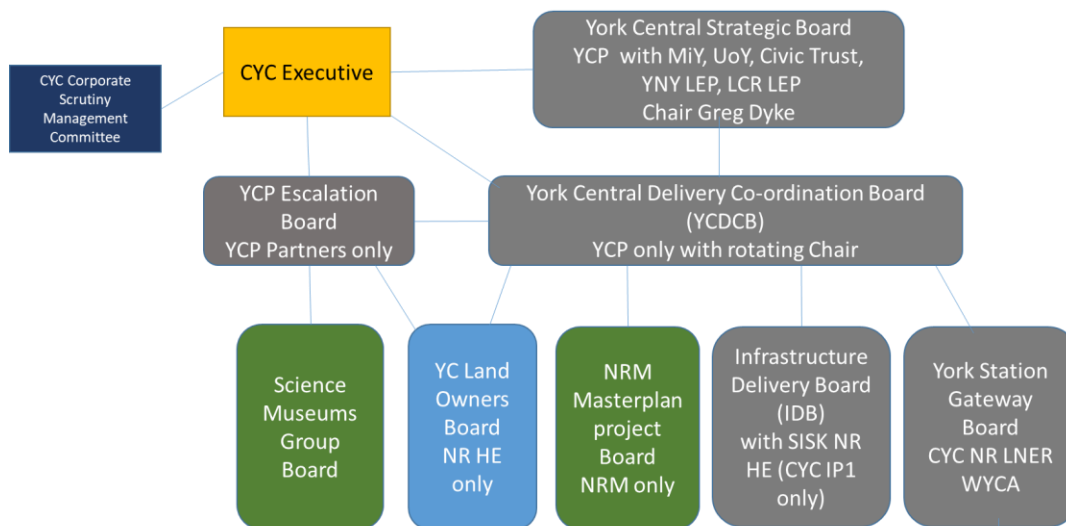
Fig 2

Contractual Arrangements if Homes England Deliver Core Infrastructure



19. The governance arrangements required to manage these contractual relationships have been discussed by the existing board and initial proposals are diagramatised below. They are draft at this stage and the detailed terms of reference will be reviewed. An annual review of governance arrangements will ensure that changes to the functions of boards are reflected in the various Terms of Reference.

York Central Partnership – Potential future Governance Arrangements



20. The proposed board structure is fundamentally similar to the existing arrangement (which is beneficial as it avoids the need for revisions to the Partnering Agreement) but there are two changes of board function.
- The responsibility for oversight of the delivery of infrastructure will transfer from the Infrastructure Delivery Board to the Land Owners board after the delivery of the IP1 enabling works.
 - The role of the Strategic Board as an escalation board will be devolved to a York Central Partner only board to address any issues that cannot be resolved by the YC Delivery Co-ordination Board
21. The January 2019 report also set out how, if HIF funding was agreed, the funding and land receipts would flow between partners. The change in the funding source and recipient has now changed these assumption - as set out in Fig 2. The overall infrastructure package still relies upon the investment of £35m EZ funding from CYC with the agreement of YNYER LEP. This funding has not yet been committed and will be dependent upon sufficient commercial development on the site generating sufficient retained business rates to repay borrowing plus funding costs. This decision will be considered by Executive as plans for future infrastructure phases are developed and as the programme of commercial development is firmed up. The terms and conditions of this funding have not been agreed and will be the subject of a future Executive report.
22. The landowning partners are now able to draw down on the MHCLG funding and have confirmed that they will be able to refund CYC for eligible expenditure under the terms of their funding agreement with MHCLG. This will refund CYC for its upfront contribution to the RMA and the IP1 works. The total is still being finalised but will be reported to Executive as part of a forthcoming report to ratify governance and confirm future delivery arrangements.

Contact Details

Author:
Tracey Carter
Interim Director of Place

Chief officer responsible for this report
Tracey Carter – Interim Director of Place

Report Approved **Date** 22/12/2020

Wards Affected: Holgate, Micklegate

All

For further information please contact the author of the report

Background Papers:

Annex A: - Terms of reference for York Central Partnership Boards

Glossary

CYC - City of York Council

DfT – Department for Transport

EIF – Economic Infrastructure Fund

EZ – Enterprise Zone

FBC+ - Financial Business Case with full costings

HE – Homes England

HIF - Housing Infrastructure Fund

HA - Highways Authority

LCR - Leeds City Region

LEP - Local Economic Partnership

LGF – Local Growth Fund

LPA - Local Planning Authority

MHCLG –Ministry of Housing Communities and Local Government

NR – Network Rail

NRM - National Railway Museum

OPA – Outline Planning Application

PSC – Pre-Construction Services Contract

RIBA –Royal Institute of British Architects

RMA – Reserved Matters Application

WYCA – West Yorkshire Combined Authority

WYTF – West Yorkshire Transport Fund

YC - York Central

YCP - York Central Partnership

YNYER – York, North Yorkshire & East Riding

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Annex 1

York Central Governance Board Terms of reference

TERMS OF REFERENCE FOR THE YORK CENTRAL STRATEGIC BOARD

1. The governance structure for the delivery of York Central is comprised three layers of management activity:

1.1 York Central Strategic Board;

1.2 York Central Delivery Co-ordination Board; and

1.3 individual delivery Boards relating to:

(a) delivery of the Primary Infrastructure – led by City of York Council ("**CYC**");

(b) York Station Improvements – led by Network Rail ("**NR**") with CYC;

(c) NRM Expansion – led by National Railway Museum ("**NRM**"); and

(d) Master Developers Delivery of Development Land – led by Homes England/NR collaboration arrangements.

2. These Terms of Reference relate to the top level Strategic Board with representatives of the wide partnership required to make York Central an international success.

3. Strategic Objectives

A Strategic Board is required to oversee the planning and delivery of the redevelopment of York Central in a way that shall:

3.1 support York Central's role in the significant ambition for inclusive economic growth in York and the North, including the creation of a landmark business destination and attraction of national and international businesses around York's growing industry strengths;

3.2 maximise the benefits of the designated Enterprise Zone as part of the wider region; acting as a hub and catalyst for creativity and innovation;

3.3 drive the significant ambition for housing growth in this sustainable location, including new affordable homes to meet identified housing needs;

3.4 ensure connectivity to the city centre and surrounding neighbourhoods;

3.5 support the Station improvements and national and regional connectivity through the railway network;

3.6 ensure a focus on effective placemaking and achieve a high quality of spaces and buildings, complementing the historic setting and railway heritage;

- 3.7 support the expansion of the National Railway Museum as the cultural heart of York Central;
- 3.8 provide for the creation of high-quality digital and physical infrastructure from the outset;
- 3.9 encourage sustainability and minimise the carbon footprint of the development as a whole; and
- 3.10 engage with the community to ensure the development delivers broader social benefits to the people of York and creates a tangible sense of community.

4. Terms of Reference:

- 4.1 To set strategic objectives for collaborative work between the partners represented on the Board to deliver, and maximise the benefits of, these aims.
- 4.2 To invite other organisations and bodies to be part of, or attend from time to time, the Strategic Board to help achieve the strategic objectives.
- 4.3 To receive progress and other reports from the York Central Delivery Co-ordination Board and the individual partners represented on the Board.
- 4.4 To consider reports and issues and make decisions in accordance with provisions in any Collaboration or other Agreements between the partners represented on the Board. It should be noted that each organisation shall retain the right to take its own organisational decisions.
- 4.5 Where appropriate, to make representations to partner organisations and central government and take other actions to resolve impediments to progress and secure funding and other delivery resources for the development programme.
- 4.6 To resolve, adjudicate or mitigate high-level risks, opportunities and conflicts that cannot be addressed by the York Central Delivery Co-ordination Board or otherwise.

5. Membership

Proposed Board Member Organisations (represented at Chair, Chief Executive or Executive Director level):

- 5.1 Chair: Dame Mary Archer (for 2019);
- 5.2 City of York Council (two board members);
- 5.3 Science Museum Group (National Railway Museum) (two board members);
- 5.4 Network Rail (two board members);
- 5.5 Homes England (two board members);

5.6 Leeds City Region Local Enterprise Partnership (one board member, with an alternate identified);

5.7 YNYER Local Enterprise Partnership (one board member, with an alternate identified); and

5.8 Northern Powerhouse (represented by Leeds City Region Local Enterprise Partnership Board member).

6. In attendance

The York Central Project Director shall normally attend meetings of the Strategic Board.

7. Meeting Administration

7.1 Shadow board to be established in November 2019 with the intention of the board being chaired and fully operational within three months, or no later than the award of Outline Planning Consent.

7.2 Invitations shall be issued and managed by Homes England.

7.3 Meetings shall be held at least tri-annually, or more regularly as directed by the Board.

7.4 The meeting shall be documented by Homes England.

7.5 Papers shall be collated and issued by Homes England – wherever possible, these shall be issued a week ahead of Board meetings and circulated to all attendees.

Terms of Reference for the York Central Delivery Co-Ordination Board

It should be noted the strategic objectives set out follow those of the Strategic Board.

8. Purpose

8.1 The governance structure for the delivery of York Central is comprised three layers of management activity:

(a) York Central Strategic Board;

(b) York Central Delivery Co-ordination Board; and

(c) Individual delivery teams and project Boards relating to:

(i) delivery of the Primary Infrastructure – led by CYC (the York Central Infrastructure Delivery Board);

(ii) York Station Improvements – led by NR;

(iii) NRM Expansion and Public Realm Improvements – led by NRM; and

(iv) Delivery of Development Land – led by Homes England/NR collaboration arrangements (Land Owners Delivery Board).

8.2 These Terms of Reference relate to the Delivery Co-ordination Board with representatives of the wide partnership required to ensure that the component parts of the development are driven forward in a co-ordinated programme and in line with the Strategic Objectives, and steer of the Strategic Board, while respecting the individual organisations own remits and approval processes within the delivery teams for the interlocking component parts. The Delivery Coordination Board is accountable to the members of the Strategic Board.

9. Strategic Objectives

The Delivery Co-ordination Board shall drive forward and co-ordinate delivery in a way that shall:

9.1 support York Central's role in the significant ambition for inclusive economic growth in York and the North, including the creation of a landmark business destination and attraction of national and international businesses around York's growing industry strengths;

9.2 maximise the benefits of the designated Enterprise Zone as part of the wider region; acting as a hub and catalyst for creativity and innovation;

9.3 drive the significant ambition for housing growth in this sustainable location, including new affordable homes to meet identified housing needs;

9.4 ensure connectivity to the city centre and surrounding neighbourhoods;

- 9.5 support the Station improvements and national and regional connectivity through the railway network;
- 9.6 ensure a focus on effective placemaking and achieve a high quality of spaces and buildings, complementing the historic setting and railway heritage;
- 9.7 support the expansion of the National Railway Museum as the cultural heart of York Central;
- 9.8 provide for the creation of high quality digital and physical infrastructure from the outset;
- 9.9 encourage sustainability and minimise the carbon footprint of the development as a whole; and
- 9.10 engage with the community to ensure the development delivers broad social benefits to the people of York and creates a tangible sense of community.

10. Terms of Reference

- 10.1 To work within a mutually supportive partnership environment that brings forward the main component parts of the York Central Development ("**Projects**") relating to York Station itself, the Primary Infrastructure, the Development Sites and the National Railway Museum expansion, in the context of the agreement for the Partnership.
- 10.2 Ensure the realisation of the strategic objectives for York Central, as overseen and updated from time to time by the Strategic Board.
- 10.3 Initiate, monitor and drive joint projects within York Central, reporting progress to the Strategic Board on a tri-annual basis or as directed.
- 10.4 To oversee and drive forward a Master Programme and Vacant Possession Plan for York Central with mutually agreed milestones, and seek to ensure that the obligations on the partners to deliver the component parts of the development are met.
- 10.5 Seek to ensure joint working and the efficient use of all resources and funding deployed to support the delivery of the above master programme.
- 10.6 To manage an overall Master Off Plot Infrastructure Budget and Master Off Plot Infrastructure Cost Plan for the development and ensure that the obligations to funding bodies and investors are met.
- 10.7 To receive proactive reporting on each of the "Projects" within the Master Programme, Vacant Possession Plan, Master Off Plot Infrastructure Budget and Cost Plan, with early identification of issues affecting the critical path.
- 10.8 To resolve technical issues within component parts of the development and the interface of the different elements of the development.

10.9 To agree the implementation of cost efficiencies, where affecting design quality.

10.10 In the event that cost overruns exceed the baseline Master Off Plot Infrastructure Cost Plan, to agree a strategy to address this to ensure all elements of infrastructure are delivered.

10.11 Reserved Matters applications.

10.12 To have sight of the development briefs for each of the plots, where applicable.

10.13 To review viability and land receipts biannually.

10.14 Ensure the promotion of York Central to internal and external stakeholders.

10.15 Ensure linkages between this Group and the partners' individual decision making and governance processes.

10.16 Seek to resolve or mitigate high level risks, opportunities and conflicts and, where these cannot be resolved, escalate these to the York Central Strategic Board.

10.17 Ensure reputational issues are managed in order to protect and promote the work of all partners.

10.18 To review the Agreement for the Partnership on an annual basis.

10.19 Monitor, review and amend its own Terms of Reference as the project evolves.

11. Membership

Proposed Board Member Organisations :

11.1 Chair(s): To be determined by the Strategic Board before inception;

11.2 YC Project Director;

11.3 City of York Council;

11.4 Science Museum Group (National Railway Museum);

11.5 Network Rail; and

11.6 Homes England.

12. Meeting Administration:

12.1 Transition from existing YC Project Board to be completed in March 2019.

12.2 Invitations shall be issued and managed by Homes England.

12.3 Meetings shall be held at least monthly, or more regularly as directed by the Board.

12.4 Papers shall be collated and issued by Homes England – wherever possible, these shall be issued a week ahead of Board meetings and circulated to all attendees.

13. Risks and Responsibilities

13.1 The risk register has been updated by Avison Young (formerly GVA Grimley) to identify where each of the responsibilities for the risks lie. This sets clear lines of responsibility in the context of the Partnership Agreement.

13.2 The risk register shows a provisional split of responsibility between "Strategic" and "Delivery" Boards (individual risk and action owners unchanged). A specific risk workshop of the Infrastructure Delivery Board is due to be held in May, which shall be supported by an external facilitator, to reconsider the risks of that Board. In advance of this, an interim workshop is proposed to explore these risks and responsibilities.

YORK CENTRAL INFRASTRUCTURE DELIVERY BOARD (YCIDB) - TERMS OF REFERENCE - March 2019

1. Purpose

- 1.1 The governance structure for the delivery of York Central is comprised three layers of management activity:
- (a) York Central Strategic Board;
 - (b) York Central Delivery Co-ordination Board; and
 - (c) Individual delivery teams and project Boards relating to:
 - (i) delivery of the Primary Infrastructure – led by CYC (the York Central Infrastructure Delivery Board);
 - (ii) York Station Improvements – led by NR;
 - (iii) NRM Expansion and Public Realm Improvements – led by NRM; and
 - (iv) Delivery of Development Land – led by Homes England/NR collaboration arrangements (Land Owners Delivery Board).
- 1.2 These Terms of Reference relate to the York Central Infrastructure Delivery Board which feeds into the Delivery Co-ordination Board and is responsible for reporting to funding bodies and providing project assurance for the delivery of the primary infrastructure.

2. Strategic Objectives

- 2.1 The Infrastructure Delivery Board is the primary delivery group for CYC obligations and is required to oversee the delivery of all CYC York Central funded projects. It is primarily accountable to the Councils Executive having due regard to the YCP partnership arrangements.
- 2.2 The YCIDB cannot successfully deliver its objectives without detailed collaboration and in a variety of areas, statutory consents and or financial approvals from partners as funders, landowners or regulators. Therefore it is incumbent on the YCIDB to fully and positively engage with the YC governance arrangements, ambitions and formal agreements and obligations.
- 2.3 Inevitably compromise will be necessary as part of the delivery of York Central and the YCP governance arrangements and the Council's governance arrangements will need to be supported by professional advice to ensure that options analysis and recommendations are properly considered throughout the delivery of YC.
- 2.4 The YCIDB will follow the Council's constitution and gateway process. It will seek agreement from the Councils Executive to release funds to the

YCIDB for the delivery of York Central infrastructure. The YCIDB will be driven by the following York Central objectives

- (a) Support York Central's role in the significant ambition for economic growth in York, including the creation of a landmark business destination and attraction of national and international businesses around York's growing industry strengths;
- (b) Maximise the benefits of the designated Enterprise Zone as part of the wider region; acting as a hub and catalyst for creativity and innovation;
- (c) Drive the significant ambition for housing growth in this sustainable location, including new affordable homes to meet identified housing needs;
- (d) Ensure connectivity to the city centre, surrounding neighbourhoods, and the wider region as well as nationally with the Station and railway network
- (e) Achieve a high quality of spaces and buildings, complementing the historic setting and railway heritage;
- (f) Support the expansion of the National Railway Museum as the cultural heart of York Central;
- (g) Provide for the creation of high quality digital and physical infrastructure from the outset, and encourage low carbon living.
- (h) Ensure effective consultation and engagement to shape the scheme

3. Terms of Reference

- 3.1 All decisions will be taken under the council's scheme of delegation by the appropriate officer. Where Executive or Executive Member is required to make a decision the board will oversee the production of a formal report or decision note as appropriate. The Infrastructure Delivery Board will advise the council decision makers on the delivery of the York Central infrastructure
- 3.2 To oversee the delivery activity to ensure that the phases of infrastructure are delivered on time and on budget to established quality criteria
- 3.3 To oversee procurement of contactors and then manage and monitor their performance
- 3.4 To manage the agreed Off plot Infrastructure Cost Plan and budget for each commissioned phase of infrastructure delivery
- 3.5 To review and monitor delivery of the programme for each commissioned phase of infrastructure delivery
- 3.6 To provide regular progress and cost reports and claims to funding bodies

- 3.7 To provide regular progress and cost reports to the Delivery Co-ordination Board
- 3.8 To be accountable for delivery of conditions associated with funding agreements
- 3.9 To maintain up to date risk and issue logs, lessons learned logs, oversee mitigation activity and escalate to the Delivery Co-ordination board as appropriate
- 3.10 Where appropriate to identify actions to resolve blockages to risks and issues
- 3.11 To explore and review value engineering opportunities to continually manage future cost over runs
- 3.12 To receive progress and other reports from the project manager and to consider linked issues arising from other workstreams
- 3.13 To prepare a Reserved Matters Application for planning (RMA) for each commissioned phase of infrastructure
- 3.14 To seek the sign off of all RMA s from the Delivery Co-ordination Board
- 3.15 To seek sign off of from Executive as appropriate to CYC constitution
- 3.16 ON behalf of CYC To submit RMAs to Local Planning Authority
- 3.17 To seek Executive agreement to release budget to fund each phase of the scheme
- 3.18 To explore additional sources of grant funding for the infrastructure packages
- 3.19 To provide board minutes and updates to the YCP Project Director
- 3.20 To agree project specific communication and engagement activity associated with the design, planning and delivery of commissioned infrastructure
- 3.21 To prepare any remedial plans requested by the Delivery Co-ordination Board or the Strategic Board
- 3.22 To interface with the Station Board to ensure integration of critical path activity between the two projects and to work to resolve issues that arise from the interface between projects.

3.23 To oversee delivery of council led works to the front of the station

3.24 To deliver planning conditions associated with the infrastructure delivery as delegated by the Delivery Co-ordination Board and/or the landowners Delivery Board and for this delegation to be agreed by the Infrastructure Delivery Board

3.25 To develop proposals for the use of CYC S106 commuted sums

4. Membership:

4.1 Proposed Board Membership is initially set out below but may be modified by the Chair as required:

- Chair: - Director of Economy and Place
- Assistant Director of Highways Transport and Waste
- Assistant Director Regeneration and Asset Management
- YCP Programme Director
- Head of Regeneration Programmes
- Head of Transport
- Major Transport Projects Manager
- York Central Senior Transport Project Manager
- Finance Manager
- Legal Manager, Projects
- Major Projects Communications Officer
- Head of Smart Transport Programme
- Network Rail representative
- YCP Planning representative
- West Yorkshire Combined Authority representative
- Avison Young –(Minutes)

5. Meeting Administration:

5.1 Shadow board to be established in October 2018 with the intention of the board being chaired and fully operational by the end of March 2019

5.2 Invitations will be issued and managed by YCP Project Assurance Avison Young

5.3 Meetings will be held fortnightly

5.4 Papers will be collated and issued by Avison Young – wherever possible, these will be issued 3 working days ahead of Board meetings and circulated to all attendees.

6. CYC Governance

- 6.1 The CYC Executive will agree the sign off of funding for all future infrastructure packages and, where CYC are the delivery agent, CYC Executive will sign off designs for the submission of planning applications for that infrastructure. CYC will sign funding agreements with WYCA and HIF and as Accountable Body for those grants and will fulfil grant conditions and fulfil its own statutory and governance arrangements for Council controlled funds. It is envisioned that this will be at the highest level and will require oversight of all expenditure, outputs and the delivery programme and all necessary legal and regulatory approvals that are wholly or part funded.
- 6.2 This is entirely separate from the council's statutory functions as both Local Planning Authority (LPA) and Highways Authority. All planning decisions will be undertaken by the LPA through the **Planning Committee** in accordance with the CYC Major Projects Conflict Protocol. The Planning Committee will not be constrained by any decisions of the Executive to submit planning applications or agree the York Central Partnering Agreement.

York Central Landowners Board 2020 Objectives and Terms of Reference

Objectives

- The Landowners will use their reasonable endeavours to deliver the York Central Development (The Project) through the provisions in the Collaboration Agreement.
- The Landowners will act as co-developers to oversee and performance manage the delivery of all aspects of The Project, including:
 - the production and implementation of the Business Delivery Plan,
 - attraction and appointment of development and delivery partners,
 - devise and successfully conclude the necessary planning permissions/consents and statutory permissions, and
 - ensure the successful implementation of the entire Project.
- The Landowners Board directs and co-ordinates the activities of the Project team to deliver the Project in accordance with the terms of the Business Delivery Plan. Each organisation acknowledges that key decisions regarding investment, land, procurement and state aid may still be subject to Board approvals and delegations of the respective Landowner organisations;
- Subject to the requirement for each organisation's Boards, the Landowners agree to provide such land and rights as are needed for the implementation of the development masterplan, development phases and plots and/or for off-plot infrastructure;
- The Landowners are to work collectively towards the acquisition of any further land essential to the delivery of the masterplan, or to broaden the benefits of the York Central project;

Terms of Reference

- To work as co-developers to devise, develop and maintain where required all The Project delivery phases including the primary infrastructure, the development sites, the public realm, the highways and utilities networks (if unadopted) and the community uses;
- In conjunction with the appointed project team to manage, review and update the Business Delivery Plan and ensure the effective implementation of its annual programme;
- To appoint where applicable or recommend to the individual Landowner's internal governance structures, the project management team and the appropriate external support to ensure successful delivery;
- To ensure the efficient use of all resources and funding deployed to support the delivery of the Project;

- To oversee and control, with the project management team, all capital and revenue grant funding for the development of The Project and the obligations from the Landowner's Boards, funding bodies and investors;
- To review the annual revenue resource costs and forecasts to ensure efficient use of funding and resources in delivery of The Project;
- To resolve any professional and technical issues as requested by the project management team;
- Ensure the effective promotion, communication and marketing of The Project to successfully engage the required internal and external stakeholders;
- To consider, resolve or mitigate the high-level risks, opportunities and conflicts that exist and will exist with the delivery of The Project;
- Manage any reputational issues to protect and promote The Project, the work of the Landowners both individually and jointly;
- To ensure the realisation of the strategic objectives for the Landowners assets in accordance with the York Central Partnership Agreement.

Scrutiny Work Plan

Committee	Date	Type of Meeting	Item 1	Item 2	Item 3
CSMC	04/01/21		Covid Update	York Central Governance w/ NR, HE and others	
CEC	05/01/21		F&P monitor		
E&P	11/01/21	Forum	Make it York Service Level Agreement		
HASC	12/01/21	Forum	Peer Review of Services Report (from CSMC report ag item 6, para 48.)	Smoking cessation + Tobacco Control in York	General Public Health / Covid update ; to include developments with track and trace and vaccinations
Com. Slot	18/01/21	Joint Meeting E&P and CEC	skills discussion		
Call In	25/01/21			Make It York call in	
Com. Slot	01/02/21				
CC	02/02/21	Forum			
CSMC	08/02/21		Annual Complaints & Feedback report		

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