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MEETING	CABINET
DATE	15 MAY 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), FRASER, GUNNELL, LOOKER, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS ASPDEN, BOYCE, CUTHBERTSON, FITZPATRICK, FUNNELL, HEALEY, JEFFRIES, RUNCIMAN, STEWARD AND WARTERS
APOLOGIES	COUNCILLOR CRISP

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### **136. 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.

The following Members declared personal, non-prejudicial interests in respect of agenda items 6. (Secondary Education Provision on the East side of the City and the Future of Burnholme Community College) and 7. (Implementing the Review of the City of York Council's Residential Care Homes for Older People) :

- Cllr Simpson-Laing, as a member of Unison and as her daughter was in Year 7 at Millthorpe School
- Cllr Williams, as a member of Unison and Unite
- Cllr Gunnell, as a member of Unison
- Cllr Merrett, as his daughter was in Year 7 at All Saints' School and as a Millthorpe School Governor
- Cllr Fraser as a member of the retired sections of Unison and Unite (TGWU/ACTS)
- Cllr Alexander, as a member of GMB

Councillor Simpson-Laing also declared a personal non-prejudicial interest in respect of Agenda item 10 (Developing a Thriving Voluntary Sector in the City of York) as an employee of a charity.

Councillor Gunnell also declared a personal non-prejudicial interest in relation to Agenda item 10 (Developing a Thriving Voluntary Sector in the City of York) as a member of the Management Committee of the Welfare Benefits Unit.

**137. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex B to Agenda item 7 (Implementing the Review of the City of York Council's Residential Care Homes for Older People) and Annex 3 to Agenda item 8 (Oliver House Elderly People's Home – Options for the future use of the Property) on the grounds that they contain information relating to the financial or business affairs of particular persons. This information is classed as exempt under paragraph 3 of Schedule 12 A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

**138. MINUTES**

RESOLVED: That the minutes of the last Cabinet meeting held on 3 April 2012 be approved and signed by the Chair as a correct record.

**139. PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been thirteen registrations to speak at the meeting under the Council's Public Participation Scheme and that three Members of Council had also requested to speak.

The following spoke in respect of Agenda item 6 (Secondary Education Provision on the East side of the city and the Future of Burnholme Community College):

Adrian Fisher spoke on behalf of Dawn Leatt, Gary Douglas and Darren Whittaker of the Burnholme Community College Parents Forum. He expressed their disappointment at the proposed closure which would not protect vulnerable children in a

disadvantaged local community. They questioned how community services would continue from the site following closure of the school. Upkeep of the buildings and decommissioning costs were also questioned. The Parents Forum felt that all options had not been examined, especially as the College was only half way through a 5 year recovery plan to increase the number of students applying for places. They pointed out that this was not a failing school its results were improving year on year and the College had received numerous awards. It was pointed out that, as Archbishop Holgate's the adjacent secondary school was now full, Burnholme was the only school in the catchment area with space which would cause issues in the future following closure. Members were asked to look at the bigger picture and vote against the proposed closure.

Nicole Naismith, a pupil of Burnholme CC, expressed concern that the wishes of school pupils were being ignored. Following the development of the Derwenthorpe site and an increase in birth rate she questioned where pupils would go. Burnholme College was an excellent school where everyone was known by name and where pupils made great progress but no one appeared to be listening or taking note of this.

Simon Gumn, Head Teacher of Burnholme CC, thanked officers for their in depth report on the proposals. He referred to the projected savings and future uncertainties and asked that if closure was agreed that the reasons put forward were certainties as he had no wish to upset staff or the education of his pupils if additional school places were required in the future. He requested that any closure should be dignified, causing least disruption to all concerned and he requested a future community injection for the area.

Simon Breare, Teacher at Burnholme CC made reference to the number of school places required year on year, both with closure of the College and without. Indicating that the limit would be breached with or without closure of the College. He expressed concerns at a possible future surge in demand for school places which could be disastrous for children in York. He felt that the authority should be planning for expansion rather than closure.

Stephen Hodgson, Chair of Governors Burnholme CC, expressed his agreement with the points raised by the parent's

forum. He confirmed that damage had been caused to the school following a second round of speculation in respect of the school's future. He asked members to ensure that every avenue had been examined prior to closure as there would be no way back from this decision. He pointed out that the school worked miracles with the pupils they received which was a credit to the dedicated staff. He requested members to work together with the school and officers to put together a long term plan to continue to provide an excellent education for children in the area.

Susan Williamson, Inclusion Leader Burnholme CC referred to the disadvantaged area the school covered explaining research undertaken in such areas and the affects on pupils. She referred to the achievements and successes of Burnholme pupils and the value added. Closure would mean the break up of a school in an already disadvantaged area with the consequential increase in NEET's etc. She asked the Cabinet to protect the vulnerable as every child mattered.

Carmel Appleton, Teacher at Applefields School spoke to acknowledge the loss the school would have on the adjacent Applefields special school. A pilot Special Needs Satellite class had been embedded at Burnholme which was working extremely well allowing children easy access to speech and language facilities and providing an inclusive atmosphere for pupils at the school to join with their peers. She questioned the relocation of this facility, the safety of pupils and financial costs involved.

Sarah Neale, Manager of Burnholme Nursery referred to the siting of a purpose built excellent community nursery on the site. She questioned the affect of closure on the nursery with 55 children, 11 staff members and a waiting list. Reference was also made to the valuable service the nursery provided for work experience and reading assistance provided by College pupils. She referred to the affect closure would have on the local community with the loss of after school clubs and Adult Education classes.

Cllr Warters spoke in relation to the petition presented to the Council on behalf of residents against the closure of the College which he felt was being ignored. No consideration appeared to have been taken of residents or the wider communities wishes in this case. He referred to the falling pupil roll with families

having been driven out of the area with the increasing use of family housing for student accommodation and questioned the use of the adjacent playing fields following closure.

Cllr Aspden referred to the Liberal Democrat Groups written comments to Cabinet, indicating that they were unable to support the recommendations in the report while there were still so many unanswered questions. He confirmed that he had met with the petitioners during which a number of issues had been raised which did not appear to have been addressed. He went onto question the prematurity of withdrawing the council's commitment to a 5 year plan and strategy for the College. He therefore asked the Cabinet to address these points before making a final decision on closure.

The following spoke in respect of Agenda item 7 (Implementing the Review of the City of York Council's Residential Care Homes for Older People):

On behalf of the York Branch of Unison, Andrea Dudding expressed disappointment that the authority were not making a commitment to providing care at all three sites. Reference was made to the public consultation which had resulted in overwhelming support for retaining care at the site in house. Concern was expressed at future security of jobs, staff morale and TUPE protection which could be eroded over time. She reiterated that quality of care should take precedence over profit.

Councillor Warters referred to the Lowfield School site proposed for a care village, in particular the 7 acres currently green fields and relocation of the football pitches for possible future development. He questioned the use of the capital receipt and the need to retain sport facilities/open space in the area. He went on to display a plan of the city indicating open space which had subsequently been developed.

Councillor Healey questioned the robustness of the risk analysis and the financial information.

The following spoke in respect of Agenda item 8 (Oliver House Elderly Persons Home – Options for the future use of the property):

Representations on behalf of the CVS were made by Angela Portz who urged members to support Option 1 to let Oliver House to a Voluntary Sector Management Group. She detailed the benefits this would bring from a vibrant voluntary sector, with a proven track record of running properties.

Councillor Warters also spoke in relation to Agenda item 11 (Police Reform and Social Responsibility Act 2011 – Police and Crime Commissioner – Update) he questioned the independence of the candidates and pointed out that politics should play no part in the appointment. Reference was made to reducing police numbers and the cost of the appointment.

**140. FORWARD PLAN**

Members received and noted details of those items listed on the Forward Plan for the next two Cabinet meetings at the time the agenda was published.

**141. SECONDARY EDUCATION PROVISION ON THE EAST SIDE OF THE CITY AND THE FUTURE OF BURNHOLME COMMUNITY COLLEGE**

Consideration was given to a report which set out details of the future provision of secondary education on the east side of the city and in particular Burnholme Community College (BCC). The report considered the arguments for and against maintaining the College, particularly in light of the projected future demand for secondary school places in the city.

Background information, including student numbers and details of the public consultation undertaken were set out at paragraphs 7 to 39 of the report and annexes. The proposals for current pupil transfers and assistance that would be provided was also outlined. Proposals to include the BCC catchment area within that of Archbishop Holgate's School together with the financial implications of maintaining or closure of the College were also explained in detail in the report.

The Cabinet Member confirmed her support for many of the points raised by earlier speakers but explained that a decision was now required to end the uncertainty for the College, its pupils and parents. She pointed out that, with falling numbers, it was proving difficult to sustain the school and maintain a full curriculum which required a number of specialist facilities which could not be provided. All the options had been examined and

Archbishop Holgate's had given their commitment to support the pupils and their long term future. It was confirmed that the satellite provision would continue, albeit at a different location in the city.

The Leader referred to a meeting with parents, prior to the Cabinet meeting, to answer their questions. He confirmed that this had been a very difficult decision to make however it had been shown that education at BCC could not be sustained in the longer term. Based on the evidence presented in the report it was

RESOLVED: That Cabinet agrees to:

- i) Publish Public Notices in accordance with Section 15(1) of the Education and Inspections Act 2006, to discontinue Burnholme Community College from 31 August 2014. This to be followed by a six week statutory representation period, after which the LA must consider any further observations and comments received and decide whether to proceed with the proposals summarised below:
  - It is proposed that Burnholme Community College will remain open until 2014 when students on the roll at the school in the current Year 9, Year 10 and Year 11 have completed their secondary education;
  - It is proposed that current Year 8 students will continue their education at the Burnholme Community College until the summer of 2013, and will then transfer to other schools. This means that they will be in their new schools for their year 10 and 11. For students currently on roll at Burnholme Community College in Year 7, it is proposed that they will stay at the school until the summer of 2014, and will then transfer to other schools for their Year 10 and 11. Detailed transition arrangements will be agreed between schools and in consultation with parents;

- For students currently on roll at Burnholme Community College in Year 7 and Year 8, transport assistance will be provided if their new school is over two miles from their home residence once they have transferred in 2014 and 2013, respectively;
  - For families of transferring students to receive assistance at the transferring stages with the purchase of new school uniform as required at the receiving school;
  - With the agreement of the governing body of Archbishop Holgate's CE School, it is proposed that the existing catchment area of Burnholme Community College will be merged with the catchment area of Archbishop Holgate's CE School. Those seeking a non faith based school will be offered an alternative secular school.<sup>1</sup>
- ii) Note that the LA will work closely with the governing body of Burnholme Community College and other schools to develop a comprehensive package of support for the school, and a detailed transition plan for students and staff, that seeks to ensure the best possible education throughout the phased closure.
- iii) Note that the LA will work with Applefields School and other secondary schools in order to relocate the satellite class that has been successfully established at Burnholme Community College.
- iv) Note that the LA, with the York Education Partnership, will continue to develop further proposals that address the projected demand for school places across the city over the next decade, arising from predicted housing development and from the increase in the birth-rate.



- v) Initiate a further specific consultation focussing upon the potential future use of the Burnholme site in the event of the closure of the school. The recent consultation on the future of Burnholme Community College has highlighted particular concerns about the future of highly valued community services that are based at the College, including the Kids Club, the Burnholme Day Nursery, and Sports Provision including sports fields and MUGA. The authority will wish to explore options that make best use of the site whilst maintaining community facilities wherever possible. It is recognised that these important issues and possible options will require wide consultation and detailed debate and consideration.<sup>2</sup>

REASON: It has been concluded that the educational interests of the children and young people in the city would be best served by a phased closure of Burnholme Community College.

Action Required

- 1. Publish discontinuance Notice and representation period. KH
- 2. Undertake consultation on the potential future use of the site. KH

**142. IMPLEMENTING THE REVIEW OF THE CITY OF YORK COUNCIL'S RESIDENTIAL CARE HOMES FOR OLDER PEOPLE**

Members considered a report which provided financial model options arising from the decision made by Cabinet in January to proceed with the development of the three sites to replace the council's Elderly Persons' Homes (EPH).

Further information on progress with the closure of Oliver House and Fordlands Residential Care Home and deployment of the staff was set out at paragraphs 3 to 8 of the report. The Lowfield Care Village proposals including feedback on the soft market testing exercise were set out at paragraphs 9 to 24 and at Annex A of the report.

It was confirmed that a key assumption to the planning had been that the EPH modernisation programme would be self

sufficient as there was no new long term money available for the project. The report provided an analysis of the following options put forward for consideration:

Option 1 - the three new developments have care provided by independent sector operators

Option 2 - the council provides the care on the three new developments

Option 3 - the council provides the care on the Fordlands development only. Care on Lowfield and Haxby Hall is provided by an independent sector operator

Option 4 - the council provides the care on the Fordlands and Haxby Hall developments only. Care on Lowfield is provided by an independent operator

The Cabinet Member confirmed the significance of the financial undertaking the development of the three sites would be for the authority and to the extensive consultation exercise undertaken. As mentioned the ideal option would have been for the council to provide care on all the developments however this had been found to be the least affordable option.

RESOLVED: i) That Cabinet agree in principle to Option 4, to provide the care on the Fordlands and Haxby Hall developments only, with care on the Lowfield site being provided by an independent operator (subject to further financial consideration and Full Council approval), that is:

- a) That the Council fund and operate the new residential care home to be built on the Fordlands Road site by engaging a design team and then entering a formal tender process to procure a builder.<sup>1</sup>
- b) That the Council states its intention to operate the new residential care home to be built on the site of the existing CYC care home at Haxby subject to financial affordability in Autumn

2013 when a firm decision on that particular home is required.

- c) That the Council seeks to procure a partner through a tendering process to fund, build and operate a 'community village for older people' (including 90 residential care beds) on the Lowfield site in Acomb. The council's own in-house service will be able to compete for this work.<sup>2</sup>
- ii) That Cabinet receive further reports outlining the outcome of the tenders for both the Fordlands and Lowfield village developments, with updated financial implications on all areas, to assess the affordability of the proposals.<sup>3</sup>

REASON: The Council's review of its existing elderly persons homes highlighted the need for changes to the current provision and how the homes could be replaced by modern facilities. There was overwhelming support in the consultation of the need for change and the vision of the new facilities in the city. After conducting a detailed analysis of a number of options both practical and financial along with considering the outcome of the public consultation Option 4 offers the best fit solution with least risk to the Council to create these modern facilities.

Action Required

- 1. Engage design team and proceed with tender process for the Fordlands Road site. GT
- 2. Proceed with tendering process for community village on Lowfield site. GT
- 3. Add to Forward Plan report back to Cabinet. GT

**143. OLIVER HOUSE ELDERLY PERSONS HOME - OPTIONS FOR THE FUTURE USE OF THE PROPERTY**

Members considered a report which detailed options for the future use of the former Elderly Persons Home (EPH) at Oliver House, which was becoming available as part of the EPH review. It was reported that this was a valuable, high profile city centre property with potential for both sale or an alternative use for the site.

Further information in relation to the options to sell or retain and the potential future uses; a Health and Social Care Hub, student accommodation or for affordable housing were set out in paragraphs 10 to 24 of the report.

Consideration was given to the following options:

**Option 1 – Health and Social Care Hub**

The property will be let to a Voluntary Sector Management Group for a term of 20-25 years at a commercial rent with a 5 yearly review of the rent to cover the cost of the prudential borrowing in lieu of a capital receipt. The groups who would use the site currently pay sufficient rent to meet the costs but would need to secure some investment funding to convert the building for their use. This could come from borrowing or grant funding.

**Option 2 – Student Accommodation**

The property would be let to YSJU for a term of 5 years, with the option to break at the end of the 3<sup>rd</sup> year. YSJU have indicated that they would be able to meet the required level of rental income with the proviso of a 6 months rent free period to fund the refurbishment.

**Option 3 – Affordable Housing**

**Option 4 – Sale**

Clarification was sought in relation to the timescales, if the property was let to a Voluntary Sector Management Group. Officers confirmed that it was envisaged that the property would be in use in around 9 months, however this detail had yet to be confirmed.

**RESOLVED:** That Cabinet approve the granting of a 20 year lease to a Voluntary Sector Management Group, at a commercial rental to be confirmed

through a formal valuation, and to be reviewed every 5 years. This would cover the cost of prudential borrowing in lieu of a capital receipt, with a subsequent review of selling the property. The lease will be on full repairing and insuring terms. It will also be contracted out of the security of tenure provisions of the Landlord and Tenant Act. <sup>1</sup>.

**REASON:** This option will achieve the income stream required to cover the increased revenue cost of the Elderly Persons Homes review, and contribute to the priorities set out in the Council plan whilst retaining the asset in the long term.

Action Required

1. Proceed with preparation of lease on the grounds set out.

TB

**144. EXPLORING OPPORTUNITIES FOR THE FUTURE OF THE GUILDHALL**

Cabinet Members considered a report which summarised the recent options appraisal and heritage significance/views analysis study undertaken for the Guildhall complex. Support was also required for the running of a Royal Institute of British Architects (RIBA) Open Ideas Competition in the form of a design exercise to stimulate ideas to explore the opportunities afforded by the Guildhalls unique setting.

The report provided further information on the consultation undertaken and an appraisal of the suggested options available in paragraphs 23 to 36 of the report with the format of the competition set out at Annex 1.

The Cabinet Member confirmed that this was an opportunity to seek innovative solutions to secure the future of the Guildhall complex for the city.

Consideration was then given to the following options:  
Option 1 – to note the options appraisal work carried out by PMT and agree the proposal to proceed with an RIBA Open

Ideas Competition. An officer group working would prepare a detailed brief for the RIBA Open Ideas Competition to be launched in September 2012.

Option 2 – to note the options appraisal work carried out by PMT and commission further detailed studies as suggested to investigate the potential for future uses and ownership options by directly commissioning additional feasibility work.

Option 3 – to note the options appraisal work and take no further action.

RESOLVED: That Cabinet agree option 1 as set out in the report, to proceed with an RIBA Open Ideas Competition.<sup>1</sup>

REASON: To facilitate the exploration of options for the future of the Guildhall in an innovative and cost effective way – that will generate publicity for the City and the site; facilitate a level of consultation and with the potential for securing interest in progressing a solution.

Action Required

1. Proceed with organisation of competition.

DW

**145. DEVELOPING A THRIVING VOLUNTARY SECTOR IN THE CITY OF YORK**

Consideration was given to a report which outlined progress towards the production of a Voluntary Sector Strategy for the City of York. Recommendations around the future funding criteria and management arrangements for the merged Voluntary Sector funding pots within the CANS directorate were also set out.

As part of the consultation process the Cabinet Member had attended an open meeting with voluntary sector representatives in March. Feedback from the consultation event had indicated that the production of a Citywide Voluntary Sector strategy should help to inform the agenda of key strategy partnerships. Details of the proposed outcomes were set out at paragraph 9 of the report.

Further consultation would be undertaken to secure city wide agreement on a Strategy and 3 Year Action Plan by September 2012.

The Cabinet Member confirmed that the proposals would provide desirable, measurable outcomes which supported the Council Plan.

RESOLVED: That Cabinet approve:

- The outcomes set out in paragraph 9 of the report as the basis for further work on developing the Voluntary Sector Strategy.
- The outline criteria set out in paragraph 13 of the report, as the basis for developing detailed funding criteria for the combined voluntary sector funding pot.<sup>1</sup>
- 3 year funding agreements for York CVS, York CAB and the Welfare Benefits Unit as set out in paragraph 15 of the report.<sup>2</sup>

REASON: To strengthen the fabric of the voluntary sector in the city.

Action Required

1. Proceed with work on development of plan and funding criteria. AG
2. Prepare funding agreements. AG

**146. POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - POLICE AND CRIME COMMISSIONER - UPDATE**

Cabinet considered a report which outlined the changes in legislation leading to policing and community safety being overseen by a Police and Crime Commissioner, supported by a Police and Crime Panel for each police force area. Details of work undertaken in York in preparation for these changes together with the proposals to continue development of a framework for community safety delivery in both York and North Yorkshire were set out.

It was reported that the City of York's Chief Executive had been designated as the Police Authority Returning Officer for the

North Yorkshire Police Authority area. Information relating to the establishment of the Police and Crime Panel and their associated duties, memberships and support required were set out in paragraphs 14 to 27 of the report. The potential impact of the changes in York and on community safety delivery for York and North Yorkshire were also reported.

The Cabinet Member further informed members of the proposed arrangements. He confirmed that concern had been expressed to the government in respect of the limited information provided for residents on the election. Particularly as many did not have computer access, further consideration was therefore required on publicity. Reference was also made to the opportunities to develop a model in partnership with Selby to provide shared services.

Consideration was then given to the following options:

Option 1 – To appoint via annual council two council nominations to represent CYC on the Police & Crime Panel.

Option 2 – To await the establishment of community safety delivery processes for York and North Yorkshire police force area after the election of PCC in November 2012.

Option 3 – To work with the CSPs in North Yorkshire in advance of the elections to develop an options paper setting out a framework for delivery of community safety in York and North Yorkshire that can be presented to the PCC post November 2012.

RESOLVED: That Cabinet approve:

- i) Option 3, to work with the Community Safety Partnerships in North Yorkshire in advance of the elections to develop an options paper setting out a framework for delivery of community safety in York and North Yorkshire that can be presented to the Police and Crime Commissioner post November 2012. <sup>1</sup>.
- ii) Determination of who the two CYC appointments to the Police & Crime Panel should be and recommend to Annual Council for appointment. <sup>2</sup>.



REASON: To ensure that Safer York Partnership's experience and reputation as a successful Community Safety Partnership is not lost in the process of change to establishment of structures for the force area of York and North Yorkshire.

Action Required

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| 1. Undertake development of options paper. | SW |
| 2. Refer appointments to Annual Council    | JP |

Cllr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 7.40 pm].