

Meeting	Executive
Date	25 June 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
In attendance	Councillors N. Barnes, Craghill, Cuthbertson, D'Agorne, Hayes, Taylor, Wartens and Williams

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

### **1. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. No additional interests were declared.

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

Resolved: That it was agreed to exclude the press and public from the meeting during consideration of Annex 5 to agenda item 12 (Disposal of Oliver House – former Elderly Person's Home) on the grounds that it contained information relating to the financial or business affairs of particular persons (including the authority holding that information). Such information is considered 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).

### **3. Minutes**

Resolved: That the minutes of the last meeting of the Cabinet, held on 3 March 2015, be approved and signed by the Chair as a correct record.

#### 4. **Public Participation**

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme and that three Members of Council has also requested to speak on items, details of which are set out below:

##### Matters within the remit of the Executive

Cllr Warters welcomed the new Executive Members and expressed support for their back to basic proposals outlined in their 12 point policy plan. In particular he highlighted suggestions for improvements to traffic congestion, bin collections and highway signage particularly that connected with the 20mph limits.

In relation to Cllr Warters suggestions in respect of 20mph zone signage, Cllr Aspden confirmed that one of the administration's priorities across the city was a review of signage. In consultation with local residents he confirmed that a report had been requested setting out costs/legal implications etc of removing signage.

##### Disposal of Oliver House – former Elderly Person's Home

Mark Havercroft, spoke as Chair of the York Green Party and expressed concern that the site would be used for a high quality retirement scheme, in comparison to the approach to York's housing problems offered by the Yospace scheme. He suggested that developers required leadership and that the city's housing needs could not be left to market forces.

Christopher Watson spoke as Regional Land Director for McCarthy and Stone. He referred to a number of their elderly person's developments around the city and to the demographic profile of York residents with the elderly population being above the national average. He pointed out that family housing was released when residents moved into their developments.

Cllr Hayes spoke in relation to the Oliver House proposals, registering his interest in relation to the Yospace bid in which he had invested. He questioned details of the sale process, evaluation criteria, weightings and use of the capital receipt. He highlighted local housing requirements and need for the provision of low cost homes.

### Condition of 17-21 Piccadilly

Alison Sinclair, spoke as a former employee of English Heritage, Chair of the Conservation Advisory Panel and as founder Chair of the York Open Forum Panel. She confirmed that Reynard's bus garage had been one of their first nominations for inclusion in the List of Local Heritage Assets. She asked Members to secure the building and re-start discussions in relation to an Airspeed Museum, in line with earlier discussions with Elvington Air Museum and English Heritage.

Joshua Taylor expressed his concern at the proposed demolition of the former Reynard's building which he felt would lose the historical record. He said that, if repaired it could be used as valuable work space which he felt the city lacked and he asked members to support retention of the building. He referred to similar renovations carried out in similar warehouses in Sheffield, Edinburgh, Stratford and Utrecht and circulated before and after photographs of each.

John Gallery spoke, in a personal capacity, to support the retention of this important art deco building. He highlighted the buildings links with the air industry, stating that the building would create further interest to visitors to the city and that there was a need for vision, courage and commitment to retain the building.

Cllr Taylor, as one of the Local Ward Members, also spoke in support of the retention of the building, providing York Quilt Museum as an example of preservation and reuse of an historic building. He referred to the buildings historic associations and its possible use by the Air Museum and asked the Executive to either gift the site to the Yorkshire Air Museum or enter into negotiations with them.

Andrea Dudding spoke in a personal capacity, to support the retention of the garage.

### Draft Council Plan 2015-2019

Andrea Dudding, representing Unison, spoke to support the administration's three key priorities. She confirmed that this included the Living Wage and she hoped that Unison's ethical care charter would be adopted in relation to Adult Social Care.

### Organisation Review – Senior Management Arrangements within the City of York Council

Andrea Dudding, spoke on behalf of Unison, requesting that staff views should be sought on future management arrangements, as with budget cuts, services could not continue as 'business as usual'.

### Procurement of Council Security Services

Andrea Dudding, speaking on behalf of Unison questioned the Council's security requirements, information she felt was required prior to a decision being taken. She requested that consultation should be undertaken as part of a business review, particularly in relation to the CCTV service.

## **5. Forward Plan**

Members received and noted details of those items on the Forward Plan for the next two Executive meetings, at the time the agenda was printed.

Members confirmed that, in view of the full agenda for the 30 July Executive meeting, it was anticipated that some items would slip to future meetings.

## **6. Entrepreneurship in York Schools Scrutiny Review Final Report**

Consideration was given to the final report of the Entrepreneurship Scrutiny Review undertaken with the aim of creating a culture in York schools where entrepreneurial learning was embedded. This would be carried out by improving entrepreneurship education and opportunities for employability and enterprise-related activities for York pupils.

David Scott, as former Chair and co-opted Member of the Task Group, supported by Cllr Taylor as Chair of the Learning & Culture Policy & Scrutiny Committee presented the report and expressed their thanks to all those who had taken part in the review. David Scott outlined the consultation, investigation and information gathering undertaken by the Task Group and highlighted the note of caution that being an entrepreneur should not be seen as an option to 'formal education'. Members noted that Minster Law had offered a donation of £1,500 to fund the first annual 'Tenner' challenge, part of the review's

recommendations, and that David Scott had offered to co-ordinate the first event.

Members welcomed the offer of support and sponsorship and congratulated the Task Group for their work on the review and on a well written and comprehensive final report.

Following further discussion it was

Resolved: That having considered the review findings and annexes, the Executive approve the recommendations (i to vi) at paragraphs 8 and 9 of the report. <sup>1</sup>.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Implement recommendations of Entrepreneurship in Schools Scrutiny Review. JS

**7. Disabled Access to York's Heritage & Cultural Offer Scrutiny Review Final Report**

Members considered the final report from the Disabled Access to York's Heritage and Cultural Offer Scrutiny Review, set up with the aim of improving all forms of access to York's heritage and cultural offer.

Cllr Barnes as a member of the former Task Group and Cllr Taylor as Chair of the Learning & Culture Policy & Scrutiny Committee presented the report, highlighting information gathered and consultation and meetings undertaken with user groups in respect of the review. Members thanked the Task Group members for their work and, in particular, expressed thanks to the Scrutiny Officers for their support of the review. Cllr Barnes confirmed that, whilst the Council had no powers to make external providers improve their access arrangements, consideration had been given as how best to build peer pressure amongst York's providers. He hoped that the recommendations would be included in Make it York's service level agreement, with disabled access to the city being a top priority.

Members referred to the large area covered by the review, acknowledging that a number of the recommendations were for Make it York, and highlighting the issue of future monitoring arrangements.

Following discussion it was

- Resolved: (i) That having considered the review findings and annexes, the Executive approve the recommendations (i. to xv.) at paragraphs 5 to 7 of the report.
- (ii) That the report and its recommendations be forwarded to the Equality Advisory Group, for their information, and that the Director of City and Environmental Services be requested to report back on progress, including the Make it York recommendations, to the scrutiny committee.<sup>1</sup>

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

#### Action Required

1. Implement recommendations of Disabled Access Scrutiny Review and report back as required. NF, PW

### **8. Online Skills / E-Commerce Scrutiny Review Final Report**

Members considered the final report of the online business/e-commerce Scrutiny Review whose aim had been to identify how City of York Council could better support city businesses to develop their online opportunities and improve their sales, marketing and profitability.

Cllr Cuthbertson, as Chair of the Task Group that undertook the review presented the report which included information gathered, the review findings and funding opportunities. He pointed out that the gaps between different types of users and their access to technology and the difficulties encountered by small businesses. He also expressed his thanks to Task Group members, all contributors and in particular the Bishopthorpe Road Traders Association.

Resolved: That having considered the information review findings and annexes, the Executive approve the recommendations (i. to vi.) at paragraph 11 of the report. <sup>1</sup>.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Implement recommendations of Online Skills Scrutiny Review.

NF, PW

**9. Narrowing the Gap Scrutiny Review Final Report**

Consideration was given to the final report from the Narrowing the Gap Scrutiny Review set up with the aim of identifying and disseminating best practice guidance on narrowing the gap in York schools.

Cllr Brooks as a member of the former Task Group and Cllr Taylor as Chair of the Learning & Culture Policy & Scrutiny Committee presented the report, thanking Members of the Group and, in particular, Andrew Pennington, a co-opted Member for their work on the review. They highlighted the Task Group's concern at the gap in attainment, between disadvantaged young people and their peers in the city as amongst the widest anywhere in the country. As part of the review it was noted that an examination had been made of best practice from other Local Authorities and the use of pupil premium to narrow the gaps in attainment and progress which had assisted in the production of guidance for dissemination through local schools.

Officers confirmed that work was now well underway to implement the review recommendations and that a report would be presented to the Executive, once school outcome data for 2015 was available. At that time it was hoped the impact of work undertaken would show progress in narrowing the gap.

Following further discussion it was

Resolved: That having considered the review findings and annexes, the Executive approve the recommendations (i. to vi.) at paragraphs 5 of the report. <sup>1</sup>.

Reason: To conclude the Scrutiny Review in line with CYC Scrutiny procedures and protocols.

Action Required

1. Proceed to implement recommendations of the Narrowing the Gap Scrutiny Review. JS

**10. Draft Council Plan 2015-2019**

Members considered the draft Council Plan for 2015-19 which had been developed in consultation with Portfolio Holders and Council Officers based on the priorities of the new administration and built around 3 key priorities. It was noted that consultation with residents, communities, business and partner agencies would take place from July to September.

Officers highlighted the importance of a Plan to provide a framework for the budget, service planning and to enable the Council to be held to account on their priorities.

In answer to questions, Members confirmed that the draft Plan, at Annex A of the report, provided only a summary of the key issues in order to make it accessible and that an evidence based approach would be taken.

Resolved: That the Executive agree to:

- (i) Approve the draft Council Plan for the City of York 2015-2019 for consultation between July and September 2015; and
- (ii) Request a further report detailing the outcomes of this consultation with any resulting proposed revisions to the plan to be presented to the Executive in September.<sup>1</sup>

Reason: To ensure that the priorities of the new administration and the Council's statutory responsibilities are delivered.

Action Required

1. Proceed with consultation and schedule further report on the Forward Plan for September 2015. DW



## 11. **Organisation Review - Senior Management Arrangements within the City of York Council**

Consideration was given to a report which outlined the case for a review of senior management roles and responsibilities in the Council and which sought approval for commencement of a review.

It was noted that the reference in paragraph 27(a) of the report, under Financial Implications, should read 'salary costs of at least £150k' rather than '£200k'.

Members welcomed the review and the proposed timescales which it was hoped would result in a permanent team Directorate structure.

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Approve the commencement of a review of the senior management arrangements in the Council, including the Chief Executive, Director and Assistant Director posts.
- (ii) Approve the appointment of Steve Walmsley, Employers' Director for Local Government Yorkshire and Humber to support this review.<sup>1</sup>
- (iii) Require proposals in July 2015 for the job description and pay of the role of Chief Executive.
- (iv) Require in August 2015 the findings of the review and proposals for a revised senior management structure.
- (v) Require a minimum of £150k saving to be achieved from the review of Director and Assistant Directors posts.<sup>2</sup>

Reason: To ensure that the organisation structure is aligned with council priorities.

### Action Required

1. Commence review of the senior management arrangements with the support of Steve Walmsley. MB
2. Ensure the proposals and findings are available by the agreed dates, with a minimum saving of £150k. MB

## **12. Disposal of Oliver House - former Elderly People's Home**

Consideration was given to a report which asked the Executive to select a preferred bidder for the disposal of the former Elderly Persons Home at Oliver House which included the garage site at the rear.

It was noted that strong interest had been shown in the site with 24 bids ranging from £3.325m to £750k being received. An evaluation of bids had been undertaken on the basis of capital value 60%, community value 20% and deliverability 20% with the analysis and summary reported at Annexes 2 and 3.

The lowest bid had been from Yorspace Ltd and had the support of the Bishophill Community however it was noted that to sell on the basis of community value and high level projections would be highly challengeable.

Officers confirmed that the land was held with 70% in the General Fund (GF) and 30% in the Housing Revenue Account with that held in the GF earmarked for homes for the elderly.

Whilst Members expressed their support for the work of Yorspace they highlighted the financial considerations that had to be taken into account. Following further discussion it was

Resolved: That the Executive agree to:

- (i) Approve McCarthy and Stone as the preferred bidder for the purchase of Oliver House and the adjoining garages.
- (ii) To retain Churchill Retirement and Trinity Services as reserve bidders who will be invited back into negotiations if an acceptable deal cannot be secured with McCarthy and Stone.
- (iii) To delegate to the Director of Customer and Business Support in consultation with the Executive

Leader the agreement of the final sale value and terms. <sup>1.</sup>

- (iv) Note that the bid received from Yorspace achieved the highest score on community value, and instruct Officers to work with the group to identify future opportunities. <sup>2.</sup>

- Reason:
- (i) To achieve the overall best consideration scheme on the Oliver House site and deliver a capital receipt to the General Fund and the Housing Revenue Account.
  - (ii) To retain commercial tension within the negotiations and ensure that the final deal represents best consideration for the Council.
  - (iii) To ensure the Council achieves the most advantageous deal.
  - (iv) In order to provide Yorspace with assistance for any future projects.

Action Required

- 1. Enter into detailed commercial negotiations with McCarthy & Stone with the Director of CBSS and the Leader being delegated agreement of the final sale. TC
- 2. Officers to work with Yorspace Ltd in respect of any future opportunities. TC

**13. New Council Housing and approval for development at Ordnance Lane**

Members considered a report which sought approval to include new council housing as part of the ongoing project to demolish and replace Ordnance Lane homeless hostel. The feasibility analysis of the site had shown that, in addition to the new homeless scheme the site could also accommodate a development of up to 24 new flats. It was noted that if the same contractor was appointed for both developments under a single contract this would provide significant development and cost saving benefits.

The Executive Member presented the report and outlined the advantages arising from a single contract for the development. He also drew attention to the status of the current building programme approved in May 2013, set out at table two of the report. In particular he highlighted residents concerns in relation to the proposed new council house building on the Newbury Avenue, site in Acomb. Therefore, in order allay their concerns, he recommended a re-examination of the proposals for the site and further consultation.

Following discussion consideration was given to the following options:

Option 1 – To approve the recommendations in this report for the use of £3.6m to develop up to 24 new council flats at Ordnance Lane to be built as one scheme under a single contract with the temporary homeless accommodation.

Option 2 – To approve the use of £3.6m to develop up to 24 new council flats at Ordnance Lane as a separate phase to the temporary homeless accommodation

Option 3 – To not develop new council housing on the remainder of the Ordnance Lane site.

Resolved: That the Executive agree to:

- (i) Approve the development of new council housing at Ordnance Lane.
- (ii) Approve the appointment of the contractor who is selected from the OJEU compliant tender process to build the new temporary homeless accommodation at Ordnance Lane to also build up to 24 new council homes should:
  - the cost be within the anticipated budget for traditional build as identified in this report or;
  - if the benefits of a single contract and planning permission mitigate any additional cost

This decision to be delegated to the Directors of Communities and Neighbourhoods and Customer and Business Support.

- (iii) Delegate authority to the Director of Communities and Neighbourhoods in consultation with the Executive Member for Housing and Safer Neighbourhoods to agree the inclusion of an element of market housing should it be considered appropriate to cross fund the development or create mixed sustainable communities.
- (iv) Recommend a future report is brought to the Executive which considers options for a range of different delivery and funding models and potential land acquisitions for building new council housing.
- (v) Re-examine the proposals for the Newbury Avenue, Acomb site, listed at Table Two of the report, to allow full consultation with Ward Members and local residents. <sup>1</sup>.

- Reason:
- (i) To allow the council to add a significant number of homes to its existing asset base and help to alleviate the acute housing need in the city.
  - (ii) There is an on-going OJEU compliant tender process to appoint a contractor to design and build a new 39 unit temporary homeless accommodation scheme at Ordnance Lane (with returns due back in August). As part of this tender process, an alternative lot has been invited to build both the homeless accommodation and provide new council housing on the remainder of the site. Should the cost of building that new council housing through this route represent value for money it will allow the appointment of a single contractor to build both schemes with associated advantages, such as a single planning application, reduced delivery timescale and minimising the disruption of a phased development.
  - (iii) To ensure a mix of tenures to create a mixed and sustainable community and to provide cross subsidy to help fund the delivery of council homes.

- (iv) To ensure new council housing is delivered in the most effective way possible.
- (vi) In order to allow a re-examination of the scheme in light of residents concerns.

Action Required

1. Await decision of CSMPSC (Calling-In), 14 June 2015.

SW

**14. Condition of 17-21 Piccadilly**

Members considered a report which updated them on the condition of 17-21 Piccadilly, the former Reynard's Garage site and sought a decision to demolish or carry out emergency health and safety repairs.

The Executive were reminded of the history of the site and the significance of the site in relation to the Southern Gateway project. Details of the poor structural condition of the building were set out in two structural inspections of the building undertaken in 2009 and 2015, attached at Annexes 3 and 4 of the report. It was noted that whilst any structural repairs would only be temporary it would leave the building unusable for any other purpose.

In relation to earlier speakers' comments the Executive Member expressed his support for retention of the site's history. However the Director of the Yorkshire Air Museum had confirmed that their aim was to create a presence in the centre of the city by preserving the story of Airspeed through a high quality attraction and the retention of this building was not critical to their plans. In answers to Members' questions Officers confirmed that there was no one element in the building which had sufficient merit to justify its retention.

Consideration was then given to the following options:

Option 1 – Apply for planning permission to demolish the building at an estimated cost of £100,000-£135,000. This would take 8-12 weeks to get a decision during which time the risk of collapse would persist. The building should be monitored, during the period before any planning application has been determined to review any further deterioration.

Option 2 – Carry out emergency structural reinforcement to the building, at an estimated minimum cost of £95,000, to prevent a potential collapse of the building. This would involve temporary shoring up of the building by inserting ties into the building to attach the walls to the floor and insert a missing truss into the roof. This work would have to be undone when any redevelopment was undertaken and it is extremely likely that if any facade were to be retained it would need to be taken down and rebuilt. It is therefore purely a short term measure to defer a decision about the retention of any part of the fabric of the building. These works will not enhance the value of the property. The cost of these works could escalate significantly as the work commences as new structural issues may be encountered.

Resolved: That the Executive agree to:

- (i) Apply for planning permission to demolish 17-21 Piccadilly and proceed with the works to demolish the building as quickly as possible, if that permission is granted. <sup>1.</sup>
- (ii) Receive a report in September 2015 setting out the work undertaken to assess a future regeneration of the area so that an appropriate future use for the site can be identified, which supports the overall development proposals for the Southern Gateway project and ensures that a replacement structure reflects the important heritage of the current building. <sup>2.</sup>
- (iii) Instruct Officers to actively engage with interested groups, including the Yorkshire Air Museum and the York Civic Trust on the future of the Southern Gateway area. <sup>3.</sup>

Reason: In order to address the health and safety risks to the public and ensure that the relevant groups are able to give their views as the plans progress.

#### Action Required

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| 1. Submit planning permission for demolition.  | TC |
| 2. Add report for September 2015 Forward Plan.   | TC |
| 3. Enter into discussions with interested Groups on the future of the Southern Gateway area. | TC |

## 15. Procurement of Council Security Services

Members considered a report which sought approval to commence a procurement exercise for a comprehensive set of council wide security services which included, on site security for all council properties, fire alarm response and provision and maintenance of the Council's CCTV control room and equipment.

Officers referred to the Council's Procurement Strategy which set out a commitment to bring together all linked and related spend in order to ensure the Council received consistency in the quality and costs of services provided.

It was noted that the proposal to incorporate the CCTV operatives as part of the exercise would provide a full security solution, obtain financial savings and efficiencies and ensure that best value was obtained. It was reported that consultation had been started with the CCTV control room staff and Unions.

Consideration was given to the following options:

Option 1 - to procure security services as a corporate contract through a single exercise containing lots as described in paragraph 8, including exploring the possibility to outsource the current in house CCTV monitoring service. This is the recommended option.

Option 2 - to retain the current position whereby CCTV monitoring services are provided in house and procure a separate contract for the remaining security services.

Resolved: That the Executive agree to the procurement of security services as a corporate contract through a single exercise containing lots, including exploring the possibility of outsourcing the current in house CCTV monitoring service. <sup>1</sup>

Reason: To enable the Council to:

- achieve Best Value by maximising the available budget
- transfer risks and responsibilities for CCTV security to the appointed supplier(s) so it resides



with an experienced, accredited and skilled supplier(s)

- ensure consistency of service provision across the Council.

Action Required

1. Await decision of CSMPSC (Calling-In), 14 June 2015.

TC

**Part B - Matters Referred to Council**

**16. New Council Housing and approval for development at Ordnance Lane**

Members considered a report which sought approval to include new council housing as part of the ongoing project to demolish and replace Ordnance Lane homeless hostel. The feasibility analysis of the site had shown that, in addition to the new homeless scheme, the site could also accommodate a development of up to 24 new flats. It was noted that if the same contractor was appointed for both developments under a single contract this would provide significant development and cost saving benefits.

It was also noted that, at the present time, funding approval was only in place to develop the homeless accommodation and that a budget of around £3.6m would be required in order to deliver up to 24 homes on the Ordnance Lane site. Details of the proposed funding for the schemes had been reported at Table One of the report.

Recommended: That Council approve a budget of up to £3,600,887 to build up to 24 new homes on this site with 30% of this is to be funded from Right to Buy receipts with the remaining funds to come from the Housing Revenue Account Investment Fund and Section 106 commuted sums where available. <sup>1</sup>.

Reason: To allow the construction of new homes within an agreed budget whilst minimising the budget draw from the investment fund.

Action Required

1. Refer to Council.

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 8.10 pm].