

Meeting	Executive
Date	25 January 2018
Present	Councillors Carr (Chair), Gillies, Mercer, Reid, Runciman and Waller
Apologies	Councillors Lisle and Orrell
In Attendance	Councillors Looker and Cuthbertson

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

### **102. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, that they might have in respect of business on the agenda.

Cllr Gillies declared a personal, non prejudicial interest in Agenda Item 10 (Homelessness in York), as his daughter was a trustee of Arc Light.

### **103. Minutes**

Resolved: That the minutes of the last Executive meeting, held on 7 December 2017, be approved and then signed by the Chair as a correct record.

### **104. Public Participation**

It was reported that 8 members of the public had registered to speak at the meeting under the Council's Public Participation Scheme. In addition, one Council Member had requested to speak, and two had submitted written comments.

Representations were made as follows:

#### Item 8 – Future Operation of Rowntree Park and Lodge

Emma Morris spoke on behalf of the Friends of Rowntree Park, querying some of the costings in the report and suggesting that

alternative options for the use of the Lodge had not been adequately considered.

#### Item 9 – A Clean Air Zone for York, Including Anti-Idling Enforcement

Ginnie Shaw spoke as a York resident, expressing disappointment that the proposals related only to buses and did not cover HGVs and diesel vans.

Written representations received from Cllr D'Agorne on behalf of the Green group, supporting the extension of the CAZ to other vehicles and adoption of anti-idling 'option 3' in Annex 6 to the report, were circulated at the meeting.

#### Item 10 – Homelessness in York

Rosie Baker, Policy Officer for York Green Party, spoke on behalf of Cllr Craghill, who had moved the original motion to Council. She queried whether the level of support proposed was enough and suggested bolder efforts were needed to extend Housing First.

#### Item 11 – City of York Local Plan

Eamonn Keogh, on behalf of the Chamber of Commerce, spoke against the recommendations of the Local Plan Working Group (LPWG), on the basis that they would result in a Plan lacking in ambition and certainty.

Stephen Talboy, Director of Estates for the University of York, spoke against the recommendations of the LPWG, on the grounds that reducing the university's expansion site would restrict its ability to contribute to the growth and success of the city.

Martin Hawthorne spoke on behalf of Galtres Garden Village Development Company, pointing out the benefits this development could bring to the city if a slight increase in housing numbers were approved.

Richard France spoke in relation to site ST15 (land west of Elvington Lane), urging Members to accept Langwith's proposed boundary change, in order to make the site viable.

Richard Wood spoke in relation to sites ST7 (land east of Metcalfe Lane) and ST14 (land west of Wigginton Road), stressing the need to increase the site boundaries to make the 'garden village' development deliverable.

Cllr Mark Warters spoke as ward member for Osbaldwick and Derwent, suggesting that an environment capacity survey be commissioned to determine the effects of over-development on the city's character and infrastructure.

Written representations received from Cllr Kramm as ward member for Micklegate, proposing a change to the eastern boundary of York Central, were circulated at the meeting.

#### **105. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

#### **106. Securing a Sustainable Future for Haxby Hall Older Persons' Home**

The Programme Director, Older Persons' Accommodation, presented a report which set out the results of consultation on the option to transfer the ownership and management of Haxby Hall older persons' home to a partner organisation and asked Executive to decide whether to approve the transfer.

Approval to take forward this option had been given by Executive on 7 December 2016 (Minute 85b of that meeting refers). Consultation with residents, relatives and staff had taken place between September and November 2017. The overall response, as summarised in paragraph 12 of the report, had been positive, with a preference for a phased redevelopment enabling residents and staff to remain at the home. Key issues raised at a supplier engagement meeting held on 6 September were highlighted in paragraph 14.

The minimum requirements proposed for the transfer, based on the feedback from consultation, were detailed in paragraph 16. Bidders would be encouraged to submit bids which also delivered additional, viable enhancements to this minimum.

Officers confirmed that the council would maintain oversight of service provision after the transfer. Members paid tribute to the work of staff at the home and welcomed the opportunity to improve facilities for them and for residents.

Resolved: (i) That the results of consultation undertaken with residents, relatives, staff and care providers on the future ownership and management of Haxby Hall residential care home be noted.

(ii) That the transfer of the ownership and management of Haxby Hall residential care home to an independent sector provider be approved.

(iii) That approval be given to:

- a) Procure a developer / operator to take over Haxby Hall residential care home as a going concern, with a commitment to deliver improved care facilities on the site;
- b) Dispose of the site of the care home to the selected bidder by way of freehold sale or long lease, in return for payment of a premium / capital sum;
- c) Impose a covenant within the transfer deed / lease that the land can only be used as a care home but the council will not unreasonably withhold approval to a different use, subject to the council receiving an additional sum equal to a fair proportion of any increase in value arising from any alternative use (provided that the council could refuse any request for alternative use within an initial period of approximately 25 years unless the provider can show that there is no longer sufficient demand for a care home on the site);
- d) Procure a contract under which the council would seek to purchase access to a specified number of beds in the care home at a specified rate for a specified number of years;
- e) Provide relevant pension indemnities to the preferred partner in respect of the staff who will transfer under TUPE; and

f) Pay the cost of this procurement from the agreed Older Persons' Accommodation Programme budget.

(iv) That bids allowing for the residents and staff of Haxby Hall to move to another location for a fixed period of time while re-development takes place be considered and, should this option be favoured by bidders, that it be the subject of consultation with residents, relatives and staff before being adopted.

(v) That Executive receive, at their meeting in September 2018, the recommendation to sell or lease the Haxby Hall site to the preferred partner on the terms agreed via the procurement, in accordance with Financial Regulations.

Reason: To secure the long term provision of care at Haxby Hall and progress the Programme's aim of expanding and modernising older people's care provision in the city, while delivering medium and long term efficiencies.

#### **107. Developing a Centre of Excellence for Disabled Children and their Families in York**

*[See also under Part B Minutes]*

The Corporate Director, Children, Education and Communities presented a report which gave an overview of the proposal to build a Centre of Excellence for disabled children and their families on the site of the former Windsor House Older Persons' Home, as discussed at Executive on 7 December 2017 (minute 98 of that meeting refers), and sought approval to progress the project further.

The project was part of the wider development of services for disabled children and young people across the city. Feasibility and development work had taken a co-production approach, with parents, carers, staff and partner agencies involved at all stages, as well as the children and young people themselves.

After considering options to increase the land available, in line with advice from Specialist Design Consultants, it was proposed

to use of part of Hob Moor School playing fields to develop shared amenities and, potentially, as the site for part of the Centre of Excellence building. Full details were provided in paragraphs 18 to 29 of the report. The proposed business case for the project as a whole was set out in Annex C.

Members welcomed the proposals in the report and placed on record their thanks to Eoin Rush, the council's former Assistant Director, Children & Families, for his work in developing the project.

Resolved: (i) That the business case for the development of a Centre of Excellence for Disabled Children and their families in York be approved.

(ii) That approval be given to progress to the next stage of design, planning and development.

Reason: To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

#### **108. Re-procurement of Managed Stores Service for Building Services & Highways**

The Assistant Director of Housing & Community Safety presented a report which sought approval to proceed with the re-procurement of the Managed Stores service for Building Services and Highways department, in line with finance and governance requirements for the procurement of services worth over £500k.

The existing service was delivered by Crown Commercial Services under a joint framework agreement with City of York Council (CYC) and the University of York (UoY). Following a review of the service, it was proposed that CYC re-procure an on-site Managed Stores Solution, to commence on expiry of the current contract in September 2018. This would enable a longer term contract, that complied with the Public Contract Regulations 2015, to be secured; initially for 6 years, with a right for CYC or UoY to request an extension up to 8 years and then up to 10 years. The contractor would also be granted a lease of the service base at Hazel Court, to run concurrently.

To maximise potential efficiencies, it was proposed that the service be expanded to accommodate supply of materials for the Housing Revenue Account planned maintenance services and the highways service. The total combined financial throughput for the new contract, including UoY, was estimated at over £3m per year.

Resolved: (i) That approval be given to proceed with the procurement, as set out in the report.

(ii) That authority be delegated to the Assistant Director of Housing and Community Safety to approve the award of the contract once the tender process is complete.

Reason: In line with the council's internal governance rules and the requirements of the Public Contract Regulations, and to facilitate a quicker route into the critical mobilisation phase of the project.

## **109. Future operation of Rowntree Park Lodge and Park**

*[See also under Part B Minutes]*

The Operations Manager, Public Realm, presented a report which sought approval for the allocation of funding to enable the regeneration of the upper floors of Rowntree Park Lodge, and their lease as a Holiday Letting to provide long-term funding for the Park.

Initiatives already taken to meet the ongoing challenge of supporting the running costs of, and capital investment in, Rowntree Park were detailed in paragraphs 8 to 12 of the report. The upper floors of the Lodge, previously a park keeper's residence, had been vacant since the retirement of an employee. Officers had considered the following options to ensure its continued use, maintenance and contribution to core funding:

**Option 1** – sell the leasehold on the open market

**Option 2** – lease as private residential accommodation

**Option 3** – lease as social residential accommodation

**Option 4** – lease for commercial use

**Option 5** – expand the existing Library / Cafe use

**Option 6** – lease as a holiday letting.

Options 1, 2, 3 and 4 were not recommended as they did not comply with the legal requirement to dispose of land classed as open space for recreational use only. Option 5 was not recommended due to the high cost of works required and problems in complying with disability requirements.

In response to matters raised under Public Participation, Officers confirmed that since the move to a mobile workforce the Lodge was not needed for staff accommodation and that the conversion costs in the report were based on professional estimates.

Resolved: (i) That approval be given to lease the upper floors of Rowntree Park Lodge as a Holiday Letting, subject to obtaining the consent of the beneficiary of the covenants imposed when ownership of the Park (including the site of the Lodge was transferred to the council.

(ii) That any net revenue generated be ring-fenced for the upkeep of Rowntree Park.

Reason: To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

#### **110. A Clean Air Zone for York including Anti Idling Enforcement**

The Sustainable Transport Manager presented a report which set out options to introduce a local bus-based Clean Air Zone (CAZ), and improved minimum emissions standard for local bus services contracted by City of York Council (CYC), and to adopt anti-idling measures.

CYC had adopted three Air Quality Management Areas (AQMAs) and a Low Emissions Strategy (LES) and air quality had generally improved at most locations in the city. However, emissions of NO<sub>2</sub> from diesel vehicles had not reduced as rapidly as predicted, due partly to the number of ageing diesel buses. The current proposals had been approved in principle during adoption of AQMA3, subject to further assessment and consultation with bus operators prior to implementation. Significant progress had since been made in terms of electrifying buses, but further measures were needed to meet



the original CAZ proposals and address continued complaints about idling engines.

Two revised options were presented for delivery of the CAZ:  
**Option 1** – a 3-tier approach mandating emissions standards for all vehicles operating on registered local bus services in York.

**Option 2** – a single emissions standard for most vehicles operating on these services, with certain lower frequency buses remaining exempt. This was broadly based on the LEZ operating in Oxford since 2014 and considered lower risk than Option 1, which was without precedent.

With regard to anti-idling, in addition to the measures proposed in AQAP3, an option to designate enforcement powers to specific officers had been investigated. Enforcement would only be undertaken as a last resort, for offences on the public highway.

In response to matters raised under Public Participation, it was noted that air quality standards would be kept under review and that balancing the economic needs of York with improving air quality remained a key challenge for the city.

- Resolved:
- (i) That the introduction of a CAZ in 2020, subject to a consultation on the details of the proposed CAZ, be approved.
  - (ii) That Option 2, as detailed in paragraphs 43-46 of the report, be indicated as the preferred option within the consultation.
  - (iii) That the introduction of a minimum Ultra Low Emission Bus standard for all City of York Council (CYC) contracted bus services when new contracts are awarded be approved.
  - (iv) That a report be brought back to the Executive with options to introduce a similar standard in the procurement of fleet and other buses by CYC.
  - (v) That the use of enforcement to supplement the existing awareness-raising activities to reduce stationary vehicle idling in York, as set out in paragraphs 66 to 69 of the report, be approved.

Reason: To improve air quality in York through the acceleration of improvements to bus emission levels and the reduction of vehicle engine idling.

#### **111. Homelessness in York**

The Assistant Director of Housing & Community Safety presented a report which provided an update on actions completed and proposed in response to the motion on Homelessness agreed by Full Council in October 2017, and on work carried out in preparation for the Homeless Reduction Act 2017.

The report outlined the range of services available to rough sleepers in the context of the statutory homeless and single homeless – resettlement services provided by City of York Council and partner agencies. All known rough sleepers had been offered help and support to access accommodation, though some had been excluded due to their behaviour and some had refused any form of help. As of 3 January 2018, there were 9 rough sleepers in York; this figure fluctuated.

Actions already completed or in progress were listed in paragraphs 39 to 54 of the report. Additional proposals developed in response to the Council motion were set out in paragraphs 56 to 59. Members were invited to decide whether to approve these (Option 1) or reject them (Option 2).

In response to questions from Members and matters raised under Public Participation, Officers confirmed that the street team engaged regularly and directly with rough sleepers, who had also been involved in previous consultation exercises.

Resolved: (i) That the progress made in response to the motion to Council be noted.

(ii) That Option 1 be approved and the following changes and proposals endorsed and agreed, as detailed in paragraphs 55-59 of the report:

- a) To operate severe weather provision continuously throughout the winter period until 28 February 2018, instead of on cold nights only;

- b) To explore innovative ideas to build more one-bedroom properties as part of the allocation in the Housing Revenue Account for the construction of new council properties at an affordable social rent.
- c) To give consideration to expanding the number of emergency beds in the city, using the £125k available over a 3-year period to pilot an innovative scheme to meet the needs of the city.
- d) To consider employing a Private Rented Officer to work with existing services to help individuals access the private rented sector and to offer support and contact for landlords.

Reason: To look at further ways to tackle the challenge of rough sleeping in York, recognising that there is not an immediate solution due to the chaotic lifestyles of some customers and the potential implications of the Homeless Reduction Act 2017.

## **112. City of York Local Plan**

The Assistant Director of Planning & Public Protection presented a report which asked Members to consider any potential changes to the pre-publication draft Local Plan and to confirm the basis on which the Local Plan should be progressed to the Regulation 19 stage, including a city-wide consultation. The pre-publication draft Local Plan (Annex A) had been made available to view online, with copies circulated separately to Members.

The report had been considered by the Local Plan Working Group (LPWG) on 23 January 2018 (Minute 17 of that meeting refers). The recommendations of the LPWG, which differed from Officers' recommendations, were circulated to Members at the meeting and read out by the Chair.

The Executive Member for Transport and Planning thanked Officers for their work on the Plan and moved that the decision on this item be deferred for two weeks to assess the further information presented at the meeting under Public Participation. The motion was not seconded and, following debate, it was

Resolved: (i) That the recommendations of the Local Plan Working Group be accepted and that the changes to the pre-publication draft Local Plan (Regulation 18) as set out in the report and Annex A be agreed, with the exception of the following tables:

- Housing: accept Table 1 and reject Tables 2, 3 and 4
- Employment: accept Table 5 and reject Tables 6 and 7.

*These amendments relate to boundary changes and proposed changes to housing numbers. This is to be reflected in amendments to all relevant policies detailed in the report.*

(ii) That, subject to those changes, the Local Plan be progressed to the Regulation 19 stage

(iii) That authority be delegated to the Assistant Director of Planning & Public Protection, in consultation with the Leader and Deputy Leader, to:

- a) approve all policies necessary for the production of a composite Local Plan for the purposes of public consultation;
- b) consider and approve further technical reports and assessments to support the Local Plan; including, but not limited to, the SA/SEA, HRA, Viability Study and Transport Assessment;
- c) approve a consultation strategy and associated material for the purposes of a city wide consultation, and to undertake consultation on a composite plan in accordance with that agreed strategy.

(v) That the Leader and Deputy Leader keep Group Leaders informed, through Group Leaders' meetings, of progress with the above actions.

Reason: So that an NPPF compliant Local Plan can be progressed.

### **113. Impact of Arts & Culture on the Economy Scrutiny Review Final Report**

Cllr Looker, as Chair of the Scrutiny Task Group set up to review the impact of the Arts & Culture sectors on the economy of York, presented the Task Group's final report, seeking approval of the recommendations arising from the review. These recommendations had been endorsed by the Economy & Place Policy and Development Committee at their meeting on 22 November 2017.

The Task Group had originally been appointed in July 2016 by the former Economic Development & Transport Policy and Scrutiny Committee. Cllr Cuthbertson, as Chair of that committee at the time, attended to make some introductory comments.

Members welcomed the findings of the review and the opportunity they provided to bring together the work of organisations across the city, allowing the council to maintain a strategic overview.

Resolved: (i) That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as detailed in paragraphs 63-65 of the Task Group's final report at Appendix 1, and set out in paragraphs 2-4 of the cover report, be approved.

(ii) That, with regard to the Task Group's recommendation i, the draft Cultural Strategy be brought to the Executive for adoption on behalf of the council and that funding to support the Strategy be allocated via the 2018/19 budget process.

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols.

### **114. WW1 Commemorations 2018 Scrutiny Review**

Members received the final report of the Scrutiny Task Group set up to review the planning of an overall strategy for the council's activities to commemorate WW1, chaired by Cllr Steward. Approval was sought for the recommendations arising from the review.

The recommendations had been endorsed by the Children, Education & Communities Policy and Scrutiny Committee at their meeting on 10 January 2018 (minute 34 of that meeting refers). The Committee had set up the Task Group in response to a Motion approved by Full Council on 30 March 2017, which sought to convene a working group to co-ordinate a series of events to commemorate the end of WW1 in 2018.

Resolved: That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as set out in paragraph 21 of the Task Group's final report at Annex 1 and paragraph 4 of the cover report, be approved.

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols.

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

### **115. Developing a Centre of Excellence for Disabled Children and their Families**

*[See also under Part A Minutes]*

The Corporate Director, Children, Education and Communities presented a report which gave an overview of the proposal to build a Centre of Excellence for disabled children and their families on the site of the former Windsor House Older Persons' Home, as discussed at Executive on 7 December 2017 (minute 98 of that meeting refers), and sought approval to progress the project further.

The project was part of the wider development of services for disabled children and young people across the city. Feasibility and development work had taken a co-production approach, with parents, carers, staff and partner agencies involved at all stages, as well as the children and young people themselves.

After considering options to increase the land available, in line with advice from Specialist Design Consultants, it was proposed to use of part of Hob Moor School playing fields to develop shared amenities and, potentially, as the site for part of the Centre of Excellence building. Full details were provided in

paragraphs 18 to 29 of the report. The proposed business case for the project as a whole was set out in Annex C.

Members welcomed the proposals in the report and placed on record their thanks to Eoin Rush, the council's former Assistant Director, Children & Families, for his work in developing the project.

**Recommended:** That Council approve the allocation of a capital budget of £4.274m to support the development of a Centre of Excellence for Disabled Children and their families, of which £850k would be financed by net capital receipts from the sale of The Glen plus the annual repayment charge of £175k from the revenue budget over 30 years, with the remainder to come from borrowing .

**Reason:** To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

## **116. Future Operation of Rowntree Park Lodge and Park**

*[See also under Part A Minutes]*

The Operations Manager, Public Realm, presented a report which sought approval for the allocation of funding to enable the regeneration of the upper floors of Rowntree Park Lodge, and their lease as a Holiday Letting to provide long-term funding for the Park.

Initiatives already taken to meet the ongoing challenge of supporting the running costs of, and capital investment in, Rowntree Park were detailed in paragraphs 8 to 12 of the report. The upper floors of the Lodge, previously a park keeper's residence, had been vacant since the retirement of an employee. Officers had considered the following options to ensure its continued use, maintenance and contribution to core funding:

**Option 1** – sell the leasehold on the open market

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**Option 5** – expand the existing Library / Cafe use

**Option 6** – lease as a holiday letting.

Options 1, 2, 3 and 4 were not recommended as they did not comply with the legal requirement to dispose of land classed as open space for recreational use only. Option 5 was not recommended due to the high cost of works required and problems in complying with disability requirements.

In response to matters raised under Public Participation, Officers confirmed that since the move to a mobile workforce the Lodge was not needed for staff accommodation and that the conversion costs in the report were based on professional estimates.

**Recommended:** That Council approve the allocation of £150,000 capital budget to facilitate the regeneration of the upper floors of Rowntree Park Lodge, to be funded from the revenue receipts generated from future use of the Lodge.

**Reason:** To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.43 pm].