

**Notice of a public meeting of
Decision Session - Executive Leader (incorporating Finance &
Performance)**

To: Councillor Gillies (Executive Leader)

Date: Monday, 9 April 2018

Time: 3.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by **4:00pm on Wednesday 11 April 2018.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any items that are called in will be considered by the Customer and Corporate Services Scrutiny Management Committee (Calling In).

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Thursday 5 April 2018.**

1. Declarations of Interest

At this point in the meeting, the Executive Member is 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 - 6)
To approve and sign the minutes of the Decision Session held on 11 December 2017.

- 3. Public Participation**
At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday 6 April 2018**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809

- 4. Application for Community Right to Bid under the Localism Act 2011 - New Earswick Swimming Pool** (Pages 7 - 18)
This report presents an application to list New Earswick Swimming Pool, Hawthorn Terrace, New Earswick, York, as an Asset of Community Value (ACV), for consideration by the Council.

5. Application for Community Right to Bid under the Localism Act 2011 - Strensall Library (Pages 19 - 30)

This report presents an application to list Strensall Library and Associated Flats, 19 The Village, Strensall York, as an Asset of Community Value (ACV), for consideration by the Council.

6. Response to the MHCLG consultation on the Fair Funding Review (Pages 31 - 40)

This report asks the Leader to note the consultation response from City of York Council in relation to the Ministry for Housing, Communities and Local Government (MHCLG) consultation on the Fair Funding Review.

7. Urgent Business

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

Democracy Officer:

Name: Angela Bielby

Telephone: 01904 552599

Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy 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)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Leader (incorporating Finance & Performance)
Date	11 December 2017
Present	Councillor Carr

23. Declarations of Interest

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or pecuniary interests in the business of the agenda. None were declared.

24. Minutes

Resolved: That the minutes of the Executive Leader (incorporating Finance & Performance) Decision Session held on 20 November 2017 be approved and then signed by the Executive Leader as a correct record.

25. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. Sam Leach (Founding Director, Spark:York) was in attendance to answer any questions about Spark:York under item 5.

26. City of York Council's Response to the 2018/19 Local Government Finance Settlement Technical Consultation

The Executive Leader considered a report which outlined the response from City of York Council in relation to the technical consultation on 2018/19 Local Government Finance Settlement.

Following consideration it was:

Resolved: That the consultation response from City of York Council in relation to the technical consultation on 2018/19 Local Government Finance Settlement be noted.

Reason: So that the public can see how the council is responding to local government funding consultations.

27. Inclusion of Land Adjacent to 17-21 Piccadilly in the Lease to SPARK:YORK

This report recommended the addition of a small piece of newly acquired land to the red line boundary of the lease of 17-21 Piccadilly to Spark:York. It was explained that the land would not be used for commercial purposes as it was outside of the boundary of the Spark:York scheme, it would formalise their existing right of access to 17-21 Piccadilly, and would also facilitate improved disabled access to the scheme. It would also transfer responsibility for its upkeep from the council to Spark:York for the duration of the lease, reducing the council's liability.

In response to a question from the Executive Leader, the Assistant Director clarified that the lease termination remained unchanged, ending in June 2020.

Resolved: That approval be given to the inclusion of the small plot of adjoining land within Spark:York's lease of 17-21 Piccadilly as identified in Annex 1 of the report.

Reason: To formalise access arrangements, enable better disabled access to the Spark:York scheme and reduce the council's maintenance liability for the duration of the lease.

28. Changes to the Spring Budget Discretionary Rate Relief (DRR) Allocation Policy

This report provided the Executive Leader with an amendment for approval to the Spring Budget discretionary rate relief (DRR) policy introduced in May 2017. The Assistant Director of Customer and Digital Services gave an overview of the report, explaining the background to the Discretionary Business Rate Scheme. It was noted that the £788k funding from the government for 2017/8 had been put into the York economy with government recommendations.

The Discretionary Business Rate Scheme Amendment was detailed in paragraphs 9-14 of the report as follows:

9. 'In consultation with other local authorities in the Yorkshire region the council now believes that the best approach to distributing the funding, supporting our local business and the economy in the city is to automatically provide the discount. This will mean that each affected business is equally relieved of the increase. Locally East Riding and Hull Councils have both applied a percentage decrease to those businesses who meet their criteria without an application process. These authorities excluded council buildings and national chains.

10. This approach has also been promoted more recently by the Government:

"We are aware that many councils are running application based processes. If you are undertaking this approach and are seeing a lower than expected uptake or are forecasting an underspend on your allocation, we encourage you to take all necessary steps to publicise the scheme and ensure all available relief is distributed as soon as possible. For example, exploring options around automatically applying discounts to eligible businesses."

11. In calculating the value of the grant the Government applied the following as the base for their calculation:

"Distribution based on the bill increases of properties given the following criteria: their business rates bill is increasing by more than 12.5% following revaluation, and their 2017 rateable value is less than £200k. Bill changes were calculated using a multiplier after inflation and with adjustment for appeals (0.466). Central list properties are excluded from this analysis. Based on the VOA's draft 2017 rating list (September 2016)."

12. This calculation was applied nationally but took no account of the make up of businesses in each local authority area. The impact in York is that when national businesses are removed along with any local government buildings there is adequate grant funding to support both local businesses and charities with their full 2017/18 business rate increase leaving a residual balance of approximately £80K.

13. To ensure all businesses receive this support as quickly as possible in line with Government guidance this paper recommends that the council adopts the approach of automatically awarding the business rate support to local businesses and charities. This will see no local business or charity with and rateable value below £200K having to pay an increase in their

business rates in 2017/18 and will put over £700K of Central Government money back into the local economy.

14. It is recommended that the residual grant funding should be held as a contingency in case any further business rate hardship cases are identified before the end of the financial year. Also as any grant under spend has to be repaid to the Government and in the ethos of the grant to support local business consideration should be given to supporting any local businesses who are already in recovery for business rates arrears.'

In response to questions from Executive Leader, it was clarified that:

- The level of uptake of applications for the discretionary rate relief grant has been lower than expected.
- Business would be notified that their business rates would not increase.

Following consideration it was:

Resolved: That approval be given to the changes to the May 2017 DRR policy (as listed above) that will see all qualifying local businesses and charities see no increase from the recent business rate revaluation exercise and put over £700K of support into the local economy.

Reason: To help support local businesses, charities and employment by providing rate relief in respect of the recent business rate revaluation exercise.

29. Group Reorganisation of Yorwaste and SJB Recycling

This report sought approval of the proposed group reorganisation within Yorwaste and SJB Recycling following the purchase of Todd Waste Management Group (TWMG) by Yorwaste. This was in order for the company to remain Teckal compliant.

The Executive Leader considered the following options:

Option 1

To provide approval as shareholder as per the recommendations

Option 2

To not provide approval as shareholder as per the recommendations

Following consideration of the two options it was:

Resolved:

- i. That the hive up of assets of TWMG via dividend in specie into Yorwaste be agreed.
- ii. That the sale of share capital of Toddpak to SJB Recycling by way of an intergroup loan be agreed.

Reason: To allow Yorwaste to deliver economic efficiencies and to maintain Teckal compliance.

Cllr D Carr, Chair

[The meeting started at 1.00 pm and finished at 1.10 pm].

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Executive Leader (incorporating Finance and Performance) Decision Session

9 April 2018

Report of the Assistant Director of Regeneration and Asset Management

Application for Community Right to Bid under the Localism Act 2011

Summary

1. This report presents an application to list New Earswick Swimming Pool, Hawthorn Terrace, New Earswick, York, as an Asset of Community Value (ACV), for consideration by the Council.

Background

2. An application has been received, for a decision by the Executive Member in the Council's statutory capacity as an Asset of Community Value (ACV) listing authority.
3. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.
4. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
 - a. an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further

(whether or not in the same way) the social well-being or social interests of the local community

OR

- b. there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community
5. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

The process

6. The regulations set out how potential assets can be listed which in brief is as follows:
- **Nomination** – this can be by a voluntary or community body with a local connection. Includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils).
 - **Consideration** – the local authority have 8 weeks to make the decision. Under the Council's procedures the Executive member is the decision maker. If the nomination is successful the asset details are entered onto the 'Community Value list' – see below – and also the local land charges register. If unsuccessful then the details are entered onto an 'unsuccessful nominations' list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal.
 - **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest

in writing and if they do then a 6 month period for that group to prepare it's bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with it's own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of it's intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.

- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

New Earswick Swimming Pool, Hawthorn Terrace, New Earswick, York

7. The freehold of New Earswick Swimming Pool is owned by Joseph Rowntree Housing Trust (JRHT). The nomination is being made by the Friends of New Earswick Swimming Pool (FoNESP). Legal Services have confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. The FoNESP are an eligible body as they are a community interest company whose activities are concerned with the Council's area, which does not distribute any surplus/profits to its members and which has at least 21 members who live in the local area. In accordance with the regulations, the freehold owner of the property, and the occupiers of the property, have been informed in writing that the application has been made. They have been invited to make representations regarding the nomination.
8. The FoNESP state in the nomination form that the pool is well used and provides facilities for the advancement of education for pupils of local schools and is of benefit for all the inhabitants of the local area.

It promotes social welfare, health and well being for users of all ages and abilities. The pool has 2,100 visits per week – 48 weeks of the year. There are more than 13 user groups who access the pool including competitive swimming clubs, disability swimming groups, military groups, rehabilitation groups, parent and toddler groups, and elderly care groups.

9. In the mid 1960's funds were raised by the local community to build the pool and the local community are as passionate about keeping this well used facility open.
10. Full details are provided in the nomination form in Annex 1.
11. JRHT have responded that following the announcement to close the pool on 31st March 2018 they encouraged the FoNESP to constitute themselves into a Community Interest Company (CIC). JRHT has supported FoNESP in submitting a business case to undertake an asset transfer to operate and maintain the swimming pool from April 2018, to prevent closure of the pool. If the business case is acceptable, and approved by the JRHT board, then steps will be taken to transfer operation and maintenance of the pool to the Friends. If a viable business case cannot be made, then there will be no option other than to close the pool. JRHT have, therefore, requested that the decision to nominate be deferred as the nomination is premature and unnecessary, because the community group are being given the opportunity to put forward a business case, which would facilitate a transfer.
12. JRHT contend that if no viable business case is brought forward, it will become self evident that the building will have no community value, as the premises will be closed, with no prospects of reopening. If this point is reached, listing the pool as an ACV would simply serve to frustrate the future of the pool.
13. The FoNESP have confirmed that they do not wish to defer the nomination.
14. The application meets the basic criteria for listing. It is, therefore, recommended that New Earswick Swimming Pool, should be listed on the ACV register.

Consultation

15. Consultation has taken place with owners and occupiers of the property.

Options

16. The application to list New Earswick Swimming Pool as an Asset Of Community Value can either be accepted or rejected. There are no other options as sufficient information has been provided to make a decision.

Analysis

17. As the application meets the basic criteria for listing the recommendation is that the application is approved. If the asset is listed then the legislation states that the owner can, within 8 weeks of the decision date apply for a review of the listing as set out in paragraph 7 of this report.
18. Although there is no right of review by the applicants, if the decision was made not to list this property this would have to be on the basis that the qualifying criteria as set out in the Localism Act 2011 had not been met. For the reasons set out in paragraphs 8 – 10 in this report, it is considered that they have been met.

Council Plan

19. A Council that listens to residents through working with communities and partners.

Implications

20. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – Legal advice has been incorporated within this report.

Property – All property issues included in the report

Other – none

Risk Management

21. There are no significant risks to this application.

Recommendations

22. The Executive Leader is asked to consider:

The listing of New Earswick Swimming Pool, Hawthorn Terrace, New Earswick, York, as an Asset of Community Value (ACV), because it meets the required criteria.

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

Contact Details

Author:

Chief Officer Responsible for the report:

Tim Bradley
Asset Manager
Asset and Property Management
Tel No. 01904 553355

Tracey Carter
Assistant Director
Regeneration and Asset Management
Tel. No. 01904 553419

**Report
Approved**



Date 28/3/2018

All

Ward Affected: Huntington and New Earswick

For further information please contact the author of the report

Annexes

Annex 1 – New Earswick Swimming Pool – Application to add to the List of community assets

Annex 2 – Current list of assets of community value

Abbreviations used in the report

ACV Assets of Community Value

JRHT Joseph Rowntree Housing Trust

FoNESP Friends of New Earswick Swimming Pool

CIC Community Interest Company

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19 JAN 2018



ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website www.york.gov.uk/assetsofcommunityvalue or alternatively call 01904 553360.

Section 1

About the property to be nominated

Name of Property:	NEW EARSWICK SWIMMING POOL
Address of Property:	HAWTHORN TERRACE, NEW EARSWICK YORK
Postcode:	YO32 4AQ

Property Owner's Name:	JOSEPH ROWNTREE HOUSING TRUST
Address:	THE GARTH, WHITE ROSE AVENUE, NEW EARSWICK, YORK
Postcode:	YO32 4TZ
Telephone Number:	01904 73500
Current Occupier's Name:	AS ABOVE

Section 2

About your community organisation

Name of Organisation:	FRIENDS OF NEW EARSWICK SWIMMING POOL CIC
Title:	MR
First Name:	MARTIN
Surname:	RICHARDS
Position in Organisation:	CHAIR PERSON
Email Address:	
Address:	
Postcode:	
Telephone Number:	

Organisation type:

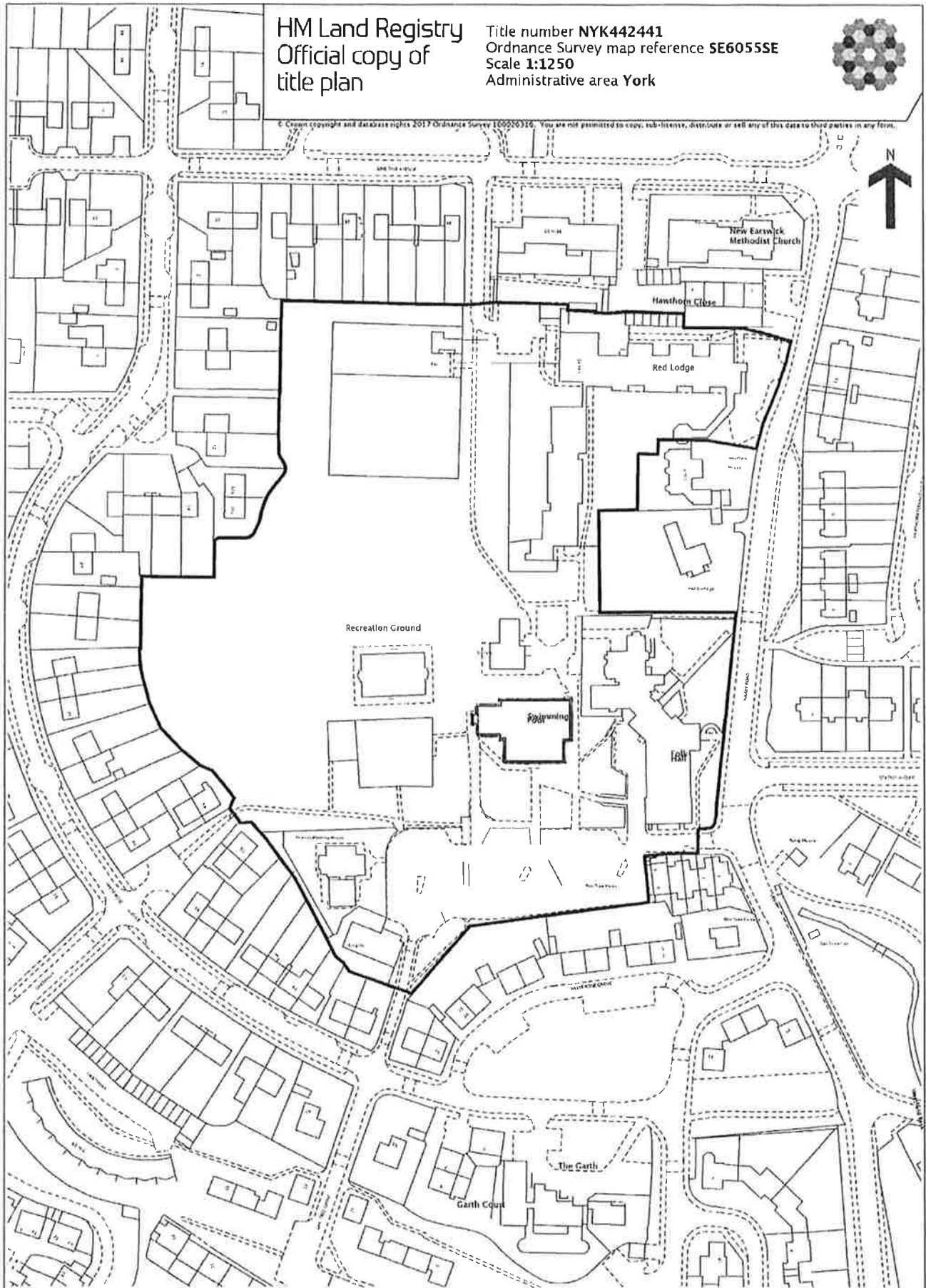
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COMMUNITY INTEREST GROUP
WITH LOCAL CONNECTION

Organisation size

How many members do you have?

1000



Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014.
2. The Fox Inn, 166 Holgate Road, York, YO24 4DQ – approved 17th July 2014.
3. The Mitre Public House, Shipton Road, York, YO30 5XF – approved 17th July 2014.
4. The Winning Post Public House, 127-129 Bishopthorpe Road, York, YO23 1NZ – approved 20th November 2014.
5. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6th November 2014.
6. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29th June 2015.
7. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20th October 2015.
8. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14th March 2016.
9. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11th July 2016.
10. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11th July 2016.
11. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11th July 2016.
12. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 6 – approved July 2016.
13. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12th September 2016.
14. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29th September 2016.
15. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19th December 2016.

16. The Lord Nelson Public House, Nether Poppleton, York, YO26 6HS – approved 16th January 2017.
17. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.
18. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.
19. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
20. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.
21. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.



Executive Leader (incorporating Finance and Performance) Decision Session

9 April 2018

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Summary

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4. The definition of 'land of community value' is set out in section 88 of the Localism Act 2011. To be considered as an asset of community value the land or property must satisfy either of the following criteria:
 - a. an actual current non-ancillary use of the building or other land furthers the well-being or social interests of the community and whether it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further

(whether or not in the same way) the social well-being or social interests of the local community

OR

- b. there is a time in the recent past when an actual non-ancillary use of the building or other land furthered the social well-being or social interests of the local community and it is realistic to think that there is a time within the next 5 years when there could be non-ancillary use (whether or not the same use as before) that would further the social well-being or social interests of the local community
5. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

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 - **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest

in writing and if they do then a 6 month period for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal. There are a number of exceptions contained within the legislation that mean that this moratorium period does not apply and the owner does not need to give notice of it's intention to sell. This includes when there is a legally enforceable requirement, which pre-dates the listing, to sell to a specific party.

- **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Strensall Library and Associated Flats, 19 The Village, Strensall, York.

7. The freehold of 19 The Village, Strensall is owned by City of York, Council (CYC). The nomination is being made by Strensall Parish Council. Legal Services have confirmed that a nomination must be considered by the Council if the nominator is someone who meets the eligibility criteria specified in the relevant legislation and if the nomination form includes the information specified in regulation 6 of the ACV Regulations 2012. Strensall Parish Council are an eligible body. In accordance with the regulations, the freehold owner of the property, and the occupiers of the property have been informed that the application has been made. They have been invited to make representations regarding the nomination.
8. The associated flats are on the first floor of the premises and are leased by CYC to Yorkshire Housing on a 29 year lease, which commenced on 17th April 2003. The lease limits the use of the demised premises to 'residential letting of two self contained flats'. The following legal advice has been received regarding the property's eligibility for listing as an ACV.

9. Regulation 3 of the ACV Regulations 2012 states that any property falling with Schedule 1 of those Regulations is not “land of community value” and so cannot be listed as an ACV. Paragraph 1(1) of Schedule 1 refers to “a residence together with land connected with that residence”. Legal advice is that the two flats leased to Yorkshire Housing are “residences” since they are used for residential purposes. (Paragraph 2 of Schedule 1 states that ‘residence’ is “a building used or partly used as a residence”).
10. Paragraph 1(5) of Schedule 1 states that a residence or land connected with a residence] may be listed (as an ACV if:
 - (a) The residence is a building that is only partly used as a residence; and
 - (b) But for that residential use of the building, the land would be eligible for listing
11. It is considered that paragraph 1(5) is intended to permit ACV listing of a building that is used both for residential and non-residential purposes, rather than applying to the situation here where one part of a building is used entirely for residential purposes and another part of that building is used entirely for non-residential purposes. In that case paragraph 1(5) would not apply to the 2 flats
12. As the 2 flats are residences it is considered that they cannot be ACV property.
13. The next question then is whether the library is “land connected with that residence”. Paragraph 1(2) of Schedule 1 states that land “is connected with a residence if:
 - (a) The land, and the residence, are owned by a single owner; and
 - (b) Every part of the land can be reached from the residence without having to cross land which is not owned by that single owner”

Section 107 of the Localism Act 2011 states that (for the purposes of the ACV legislation) “owner” is the freehold proprietor, except that someone who holds a lease granted for a period of at least 25 years shall be deemed to the owner instead of the freehold proprietor. As Yorkshire Housing are holding a lease of the 2 flats that was granted for a Term of 29 years, Yorkshire Housing (rather than CYC) are the ‘owner’ of the 2 flats for the purposes of the ACV legislation, whereas the CYC is the owner of the library. Therefore the library and the flats

are not owned by a single owner. Accordingly it is considered that the library is not “connected with” the flats for the purposes of the ACV legislation. As the library does not fall within Schedule 1 it can be listed as ACV if the decision maker considers that it satisfies the criteria set out in Section 88 of the Localism Act as referred to in paragraph 4 above.

14. Strensall Parish Council state in the nomination form that the library is a resource centre for people in the village. It is a meeting place where parishioners can access a huge range of local regional and national information, which is crucial for everyday life. It acts as an IT centre for those who do not have a home computer for job seeking, learning etc.
15. Full details are provided in the nomination form in Annex 1.
16. In the light of the above legal advice it is clear that the two residential flats cannot be listed as ACVs. However, it is open to interpretation as to whether the library can be listed as an ACV. On balance, it is recommended that Strensall Library should be listed on the ACV register, on the basis that the library is self contained and is a community resource.

Consultation

17. Consultation has taken place with owners and occupiers of the property.

Options

18. The application to list Strensall Library as an Asset of Community Value can either be accepted or rejected. There are no other options as sufficient information has been provided to make a decision.

Analysis

19. If the asset is listed then the legislation states that the owner can, within 8 weeks of the decision date apply for a review of the listing as set out in paragraph 7 of this report.

20. Although there is no right of review by the applicants, if the decision was made not to list this property this would have to be on the basis that the qualifying criteria as set out in the Localism Act 2011 had not been met.

Council Plan

21. A Council that listens to residents through working with communities and partners.

Implications

22. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value).

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – Legal advice has been incorporated within this report.

Property – All property issues included in the report

Other – none

Risk Management

23. There are no significant risks to this application.

Recommendations

24. The Executive Member is asked to consider:

Listing Strensall Library, 19 The Village, Strensall, York, as an Asset of Community Value (ACV).

Reason: To ensure the Council meets its legislative requirements of the Localism Act 2011 and promotes community access to community facilities.

Contact Details

Author:

Chief Officer Responsible for the report:

Tim Bradley
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Asset and Property Management
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Tracey Carter
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Regeneration and Asset Management
Tel. No. 01904 553419

Report
Approved



28/03 2018

All

Ward Affected: Huntington and New Earswick

For further information please contact the author of the report

Annexes

Annex 1 – Strensall Library and Associated Residential Units – Application to add to the List of community assets

Annex 2 – Current list of assets of community value

Abbreviations used in the report

ACV Assets of Community Value

CYC City of York Council

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ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1

About the property to be nominated

Name of Property:	STRENSALL LIBRARY AND ASSOCIATED RESIDENTIAL UNITS
Address of Property:	THE VILLAGE, STRENSALL
Postcode:	YO32 5XS

Property Owner's Name:	CITY OF YORK COUNCIL
Address:	LIBRARY SQUARE, YORK
Postcode:	YO1 7DS
Telephone Number:	1904552828
Current Occupier's Name:	EXPLORE YORK

Section 2

About your community organisation

Name of Organisation:	STRENSALL WITH TOWTHORPE PARISH COUNCIL
Title:	PARISH COUNCIL
First Name:	FIONA
Surname:	HILL
Position in Organisation:	
Email Address:	
Address:	LL, YORK
Postcode:	
Telephone Number:	

Organisation type:

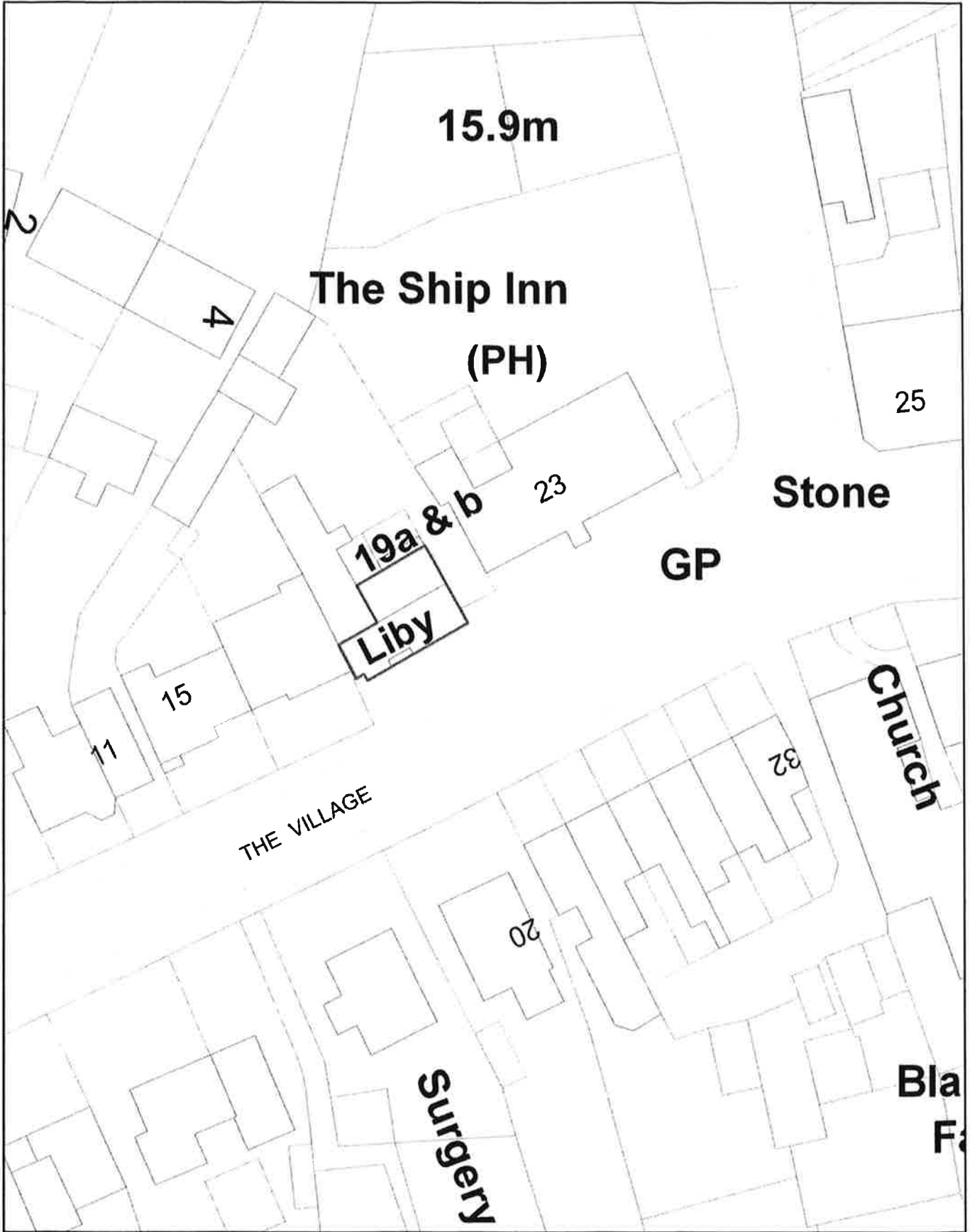
Click in field for options

PARISH COUNCIL

Organisation size

How many members do you have?

14



Resources
Property Services

Strensall Library



SCALE 1:500 DRAWN BY: GR

DATE: 18/01/2010

Originating Group: **Property Services**

Drawing No. **E00590**

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Current list of Assets of Community Value

1. The Golden Ball Public House, 2 Cromwell Road, York, YO16 6DU - approved 6th March 2014.
2. The Fox Inn, 166 Holgate Road, York, YO24 4DQ – approved 17th July 2014.
3. The Mitre Public House, Shipton Road, York, YO30 5XF – approved 17th July 2014.
4. The Winning Post Public House, 127-129 Bishopthorpe Road, York, YO23 1NZ – approved 20th November 2014.
5. New Earswick and District Bowls Club, Huntington Road, York, YO32 9PX – approved 6th November 2014.
6. Holgate Allotments, Ashton Lane, Holgate, York, YO24 4LX – approved 29th June 2015.
7. The Swan, Bishopthorpe Road, York, YO23 1JH – approved 20th October 2015.
8. The Derwent Arms, 29 Osbaldwick Village, Osbaldwick, YO10 3NP – approved 14th March 2016.
9. The Minster Inn, 24 Marygate, York, YO30 7BH – approved 11th July 2016.
10. The Wenlock Arms Public House, 73 Main Street, Wheldrake, YO19 6AA – approved 11th July 2016.
11. Costcutter Shop, 58 Main Street, Wheldrake, York, YO19 6AB – approved 11th July 2016.
12. Wheldrake Woods (owned by the Forestry Commission), Broad Highway, Wheldrake, YO19 6 – approved July 2016.
13. The Blacksmiths Arms, Naburn York, YO19 4PN – approved 12th September 2016.
14. White Rose House, 79 Main Street, Wheldrake, York, YO19 6AA – approved 29th September 2016.
15. The Grey Horse Public House, Main Street, Elvington, York, YO41 4AA – approved 19th December 2016.

16. The Lord Nelson Public House, Nether Poppleton, York, YO26 6HS – approved 16th January 2017.
17. The Deramore Arms Public House, Main Street, Heslington, York, YO10 5EA. – approved 13th March 2017.
18. The Carlton Tavern Public House, 104 Acomb Road, York, YO24 4HA – approved 10th April 2017.
19. The Royal Oak Public House, 1 Main Street, Copmanthorpe, York, YO23 3ST. – approved 12th June 2017.
20. The Blue Bell Public House, 53 Fossgate, York, YO1 9TF. – approved 17th October 2017.
21. The Old Ebor Public House, 2 Drake Street, York, YO23 1EQ. – approved 17th October 2017.



**Executive Leader (Finance and Performance)
Decision Session**

9 April 2018

Report of the Deputy Chief Executive/ Director of Customer and Corporate Services

**CITY OF YORK COUNCIL'S RESPONSE TO THE GOVERNMENT
CONSULTATION ON THE FAIR FUNDING REVIEW**

Summary

1. Funding baselines for local authorities, as determined by the local government finance settlement, are based on an assessment of local authorities' relative needs and resources. The methodology behind this assessment was introduced over ten years ago, and has not been updated since the introduction of the 50% business rates retention system in 2013/14.
2. Since that time, demographic pressures have affected local areas in different ways, as has the cost of providing particular services. In recognition of these pressures, the Government announced a review in 2016 to address concerns about the fairness of current funding distributions. The outcome of this review will enable the Government to reconsider how the relative needs and resources of local authorities should be assessed in a world in which they will continue to have greater control over the money that they raise.
3. Over the past year, the Ministry for Housing, Communities and Local Government (MHCLG) has worked in close collaboration with local authorities and their representatives on the design of the review, including through a joint Local Government Association (LGA) and MHCLG chaired technical working group.
4. The fair funding review will set new baseline funding allocations for local authorities. Even for authorities, such as York, who do not receive Revenue Support Grant (RSG) this is still relevant because the baseline funding allocation will determine the amount of top up or tariff which the Council will receive or pay to central government through the business rates retention scheme.

5. The Government issued a technical consultation paper in December 2017 in relation to the Fair Funding Review in relation to relative needs and resources. This consultation focuses specifically on potential approaches that have been identified to measure the relative needs of local authorities. Responses to this consultation were required by 12 March 2018.
6. On 20 October 2016 Council passed a motion to request that funding consultation responses are reported to Executive Members. Therefore the consultation response from City of York Council is included at Annexe A for information.

Recommendations

7. The Leader is asked to note the consultation response from City of York Council in relation to the Fair Funding Review.

Reason:

So that the public can see how the council is responding to local government funding consultations.

Consultation Summary

8. The technical consultation paper is available at:
<https://www.gov.uk/government/consultations/fair-funding-review-a-review-of-relative-needs-and-resources>
9. The paper deals mostly with the overall structure of the funding formulae, and with the possible indicators that might be used. It is envisaged that there will be a Foundation Formula to provide a simplified funding methodology, and for there to be separate funding formulae for specific services where it is necessary to reflect a more complex set of variables.
10. Three blocks of indicators are proposed for the Foundation Formula. They are population, deprivation and rurality.
11. This consultation only deals with methods for assessing 'needs'. The way that the Fair Funding Review (FFR) deals with resources (council tax) and damping will be at least as important and these will be the subject of future consultation papers.

Future Consultations

12. There are major research projects in two of the major funding formulae (adults' and children's services). The research into Children's Services is not due to complete until Summer 2019. It is assumed that the development of the adult social care formulae will be announced in the adult social care Green Paper in Summer 2018.
13. Another consultation paper on the FFR is expected in late 2018 or early 2019.

Specialist Implications

Financial

14. The financial implications are contained within the body of the report.

Human Resources (HR)

15. There are no HR implications to this report

One Planet Council/ Equalities

16. There are no specific equality implications in this report, however equality issues are accounted for at all stages of the financial planning process.

Legal

17. There are no legal implications to this report.

Crime and Disorder

18. There are no crime and disorder implications to this report.

Information Technology (IT)

19. There are no information technology implications to this report.

Property

20. There are no property implications to this report.

Other

21. There are no other implications to this report.

Contact Details

Author:

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Principal Accountant
(Corporate Finance)
Ext 1635

Chief Officer Responsible for the report:

Ian Floyd
Deputy Chief Executive/ Director of
Customer and Corporate Services

Report
Approved



Date 27/3/18

Specialist Implications Officer(s)

None

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the authors of the report

Background Papers:

Financial Strategy 2018/19 to 2022/23 – 8 February Executive, explains the business rates retention scheme in further detail.

Annex:

A – City of York Council Consultation Response to Fair Funding Review; a review of relative needs and resources

List of abbreviations used in this report

FFR- Fair Funding Review

LGA – Local Government Association

MHCLG – Ministry of Housing, Communities and Local Government

RSG- Revenue Support Grant

Fair Funding Review Consultation Response from City of York Council

Question 1): What are your views on the Government's proposals to simplify the relative needs assessment by focusing on the most important cost drivers and reducing the number of formulas involved?

On the whole we support the Government's proposals to simplify the relative needs assessment by focussing on the most important cost drivers and reducing the number of formulas.

However, we note that this consultation does not touch on the resources block or damping. So whilst we agree with the simplification of the existing mechanism, we await consultation on these in order to assess the overall impact of the fair funding review.

Question 2): Do you agree that the Government should use official population projections in order to reflect changing population size and structure in areas when assessing the relative needs of local authorities?

We support the use of official population projections and would support any mechanism which is capable of fairly reflecting underlying changes in population so that they are recognised as soon as practicably possible in funding allocations.

Question 3): Do you agree that these population projections should not be updated until the relative needs assessment is refreshed?

We would support any move that provided reliable and updated population figures to be included in the 2020/21 Settlement.

Question 4): Do you agree that rurality should be included in the relative needs assessment as a common cost driver?

Question 5): How do you think we should measure the impact of rurality on local authorities' 'need to spend'? Should the relative needs assessment continue to use a measure of sparsity or are there alternative approaches that should be considered?

Rurality is not a significant issue to City of York Council, so we do not have any strong views on this question.

Question 6): Do you agree that deprivation should be included in the relative needs assessment as a common cost driver?

We agree that deprivation should be included in the relative needs assessment as a common cost driver. However, we feel that only some of the services, such as housing and homelessness, intended for inclusion in the foundation formula correlate to deprivation. We do not feel that many foundation formula services correlate to deprivation and we would want to ensure that deprivation is not overstated in the foundation formula.

Question 7): How do you think we should measure the impact of deprivation on 'need to spend'? Should the relative needs assessment use the Index of Multiple Deprivation or are there alternative measures that should be considered?

Deprivation measures are currently too narrowly focussed around benefits take-up. We support a greater focus on Index of Multiple Deprivation (IMD) measures in terms of giving a less one dimensional view of deprivation as is the case with existing formulae.

Question 8): Do you have views on other common cost drivers the Government should consider? What are the most suitable data sources to measure these cost drivers?

We do not feel that there are other common cost drivers.

Question 9): Do you have views on the approach the Government should take to Area Cost Adjustments?

We support the proposal to widen the ACA to cover other running costs in addition to labour costs and rateable values.

Question 10a): Do you have views on the approach that the Government should take when considering areas which represent a small amount of expenditure overall for local government, but which are significant for a small number of authorities?

Question 10b): Which services do you think are most significant here?

We support the concept of identifying specific expenditures which are limited to a small number of authorities, such as drainage board levies.

Question 11a): Do you agree the cost drivers set out above are the key cost drivers affecting adult social care services?

Question 11b): Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting adult social care services?

We support the Government's thinking set out in the consultation paper, particularly in respect of the focus on means testing and higher levels of impairment. We feel that the existing proxies for deprivation are too narrowly focussed around income deprivation, particularly benefits rates.

Question 12a): Do you agree that these are the key cost drivers affecting children's services?

Question 12b): Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting children's services?

We support the Governments thinking set out in the consultation paper and note the additional work to be undertaken on Children's Services.

We feel that the existing indicators for deprivation are too narrowly focussed around income deprivation, particularly benefit rates, and would welcome investigation of other cost drivers for Children's Services.

Question 13a): Do you agree that these are the key cost drivers affecting routine highways maintenance and concessionary travel services?

Question 13b): Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting routine highways maintenance or concessionary travel services?

We agree with the highways maintenance and concessionary fares cost drivers.

Question 14a): Do you have views on what the most suitable cost drivers for local bus support are?

Question 14b): Do you have views on what the most suitable data sets are to measure the cost drivers for local bus support?

We do not have any further suggestions, other than those already proposed.

Question 15a): Do you agree that these are the key cost drivers affecting waste collection and disposal services?

Question 15b): Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting waste collection and disposal services?

We do not support the proposal that deprivation is a key cost driver for waste collection and disposal services.

We do not have any further suggestions for cost drivers in this area.

Question 16a): Do you agree these remain the key drivers affecting the cost of delivering fire and rescue services?

Question 16b): Do you have views on which other data sets might be more suitable to measure the cost drivers for fire and rescue services?

This is not applicable to City of York Council, so we do not have any views on this question.

Question 17a): Do you agree these are the key cost drivers affecting the cost of legacy capital financing?

Question 17b): Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting legacy capital financing?

We agree with the capital financing cost drivers.

Question 18a): Are there other service areas you think require a more specific funding formula?

Question 18b): Do you have views on what the key cost drivers are for these areas, and what the most suitable data sets are to measure these cost drivers?

We do not feel that there are any other services which require a more specific funding formula.

Question 19): How do you think the Government should decide on the weights of different funding formulas?

Question 20): Do you have views about which statistical techniques the Government should consider when deciding how to weight individual cost drivers?

We are pleased that the Government has recognised some of the limitations with multiple regression modelling. Whilst we accept that regression modelling is a necessary part of the system, we feel that the Government should be prepared to use other statistical techniques as appropriate.

Question 21): Do you have any comments at this stage on the potential impact of the options outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

We have no comments in respect of this question

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