

Meeting	Executive
Date	18 March 2019
Present	Councillors Gillies (Chair), Aspden, Ayre, Brooks, Dew, K Myers, Runciman and Waller

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

### **124. 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, that they might have in the business on the agenda.

Councillor Gillies declared a prejudicial interest in Item 8 (Internal Audit) as a Director of Veritau and left the room during consideration of this item.

Councillor Waller highlighted a previously declared interest as a School Governor of Westfield Primary School in relation to Item 5 (Education, Children and Young People's Capital Programme: Proposed School Maintenance Schemes and SEND Facilities Expansion and Improvement Scheme 2019/20).

### **125. Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on Agenda Item 8 (Internal Audit). She expressed concerns over the length of the proposed contract for Internal Audit. She stated that she felt Veritau's reports lacked quality and that auditors were slow to respond to Councillors' requests. She further stated that she did not consider a 90% completion rate a success and that audits were a 'light touch'. Finally, she said the service should have been put out to tender, rather than committing to 10 years with Veritau.

Cllr Warters, Member for Osbaldwick & Derwent Ward, spoke on matters within the Executive's remit. He stated that he had raised the issue of the 20MPH Speed Limit signage in

Osboldwick at this administration's first Executive Meeting in June 2015. However, despite a petition being taken to Transport Decisions Sessions, he felt this was rejected for political reasons. He went on to state that this was evidence that the party political system was broken.

#### **126. Forward Plan**

Members noted that there were no items listed on the Forward Plan for the next two Executive meetings at the time the agenda was published.

#### **127. Investment in the Redevelopment of Lincoln Court Independent Living Scheme**

*[See also under Part B]*

The Older Person's Accommodation Programme Manager presented a report which sought approval to deliver an enhanced re-development proposal for the Lincoln Court Independent Living Scheme.

Executive were asked to approve Option 1 in the report, an enhanced scheme design giving improved accommodation and communal facilities and to revise the total budget for extending and undertaking a comprehensive refurbishment of Lincoln Court to £4.793m.

The Executive Member for Housing & Safer Neighbourhoods expressed her support for this option, which she considered a really good scheme. She stated that the full refurbishment meant minimal disruption for residents in the future.

In response to questions from Members, Officers stated that:

- Fourteen of the current residents had been offered, and accepted, alternative accommodation. The remaining 5 were still going through this process and Officers were confident that no resident would be forced out at the end of the process;
- The communal lounge would be larger than it was currently;
- The contractor would be required to minimise disruption to local residents during the construction, have a traffic management plan and to engage with residents

throughout the works, and consideration would be given to this at Planning Committee;

- The land the Multi Use Games Area (MUGA) next to Lincoln Court was situated on was part of the Council's public realm portfolio. Even with a change of layout this would remain public realm and consultation was being undertaken as to future use of the land; and
- Access via Green Lane had been agreed in principle with Hob Moor Primary School, with final details currently being negotiated.

Resolved: (i) That the enhanced proposal to deliver 35 high quality, future-proofed units of older persons' independent living accommodation including 15 new build wheelchair accessible apartments and improved communal facilities (Option 1), be approved.

(ii) That it be noted that, in approving the proposal, a commitment is made to provide alternative recreational facilities within Westfield ward following community consultation, including with Sport England, in mitigation for the loss of the Multi-use Games Area, the provision of these alternative facilities to be agreed by Executive subject to a further report and budget approval.

(iii) That authority be delegated to the Director of Health, Housing & Adult Social Care to appoint a contractor to carry out the works, subject to the project being deliverable within the available budget.

Reason: To secure the long term future of Lincoln Court and ensure that it will provide high quality accommodation for older people to help meet the increasing demand for accessible accommodation in the area.

**128. Education, Children and Young People's Capital Programme: Proposed School Maintenance Schemes and SEND Facilities Expansion and Improvement Schemes 2019/20**

The Head of School Services presented a report which provided information on the funding available in the school maintenance programme for the financial year 2019/20 and sought approval for the proposed programme and specific schemes.

Details of the 25 schemes recommended for approval were provided in Annex A to the report, listed under building work and mechanical and electrical work. The estimated total cost was £3.276m. Since only 11 of these high priority schemes could be funded from the available Department for Education (DfE) maintenance grant of £1.470m, additional funding had been allocated through the council's CRAM process. The schemes at Dringhouses Primary and Westfield Primary had budgets of £250k and £300k respectively, as outlined in paragraphs 17 and 18.

The main scheme for the Expansion and Improvement of Facilities for Pupils with SEND (Special Educational Needs and Disabilities) had a budget of £647k for 2019/20. It was proposed to allocate £270k of this to a scheme at Applefields School to address the current lack of suitable teaching and support spaces, as outlined in paragraphs 21 and 22.

The Executive Member for Children, Education and Young People spoke in support of the recommendations and highlighted the importance of the schemes.

In response to Member questions the Head of School Services stated that:

- this was the start of a programme which would include SEN provision in mainstream schools; and
- works at Applefields School could be coordinated with the those being undertaken at Burnholme to minimise disruption in the area.

Resolved: (i) That the resources available in the Children, Education & Communities (CEC) capital programme for maintenance and building work at schools, and for Special Educational Needs and Disability (SEND) expansion, be noted.

(ii) That the two specific Maintenance schemes, at a budgeted individual cost of £250k and £300k respectively, be approved.

(iii) That the Applefields SEND scheme, at a budgeted cost of £270k, be approved.

(iv) That the Maintenance schemes to be developed from the estimated available resource within the 2019/20 capital programme be approved, subject to final affordability once overall funding and detailed cost estimates are available.

(v) That approval of expenditure on individual schemes be delegated to appropriate Officers.

Reasons: (i) To maximise the programme of maintenance within the maintained school estate, dealing with the most urgent issues for 2019/20.

(ii) To enable work to be carried out at Applefields School as part of the Inclusion Review, to better provide for the education of its pupils in the forthcoming school years.

## **129. Proposed Long Term Leases - Buildings at Clarence Gardens and Burnholme**

The Assistant Director of Regeneration & Asset Management and Head of Asset & Property Management presented a report which sought approval to grant long term leases to groups and clubs of property at Clarence Gardens and Burnholme, in line with the Community and Operational Asset Strategy (CAS) contained in the council's overall Asset Management Strategy.

The first proposal was to lease the Clarence Gardens Building to The Hut York Ltd., who had occupied the building since 2011 and now required a longer lease to enable them to apply for external funding to expand their existing services. Because the building could still be classed as 'open space' for the purposes of relevant legislation, it was considered prudent to undertake a consultation process prior to entering into the lease. The second proposal was to lease the former Youth Club building on the Burnholme site to the Trustees of Hempland Kids Club, who had occupied the building for several years and invested heavily in making it fit for purpose. This property was not considered to be open space. Plans of the sites were annexed to the report. Both proposed lessees met the requirements set out in the CAS.

Members expressed their thanks to Officers for taking this project forward due to the good work these services were doing.

Officers agreed they would note the issue of lighting near The Hut.

Resolved: (i) That approval be given to undertake a public consultation, in line with Section 123 of the Local Government Act, on the potential award of a long lease of two buildings at Clarence Gardens to The Hut York Ltd. ('The Hut') for a term of 99 years at a peppercorn rent, in accordance with the Community Asset Transfer Policy set out in the Asset Management Strategy.

Reason: To comply with legislation.

(ii) That authority be delegated to the Director of Economy & Place, in consultation with the Executive Leader (incorporating Finance & Performance), to finalise the leasing of these buildings to The Hut following consideration of any consultation responses.

Reason: To create a sustainable future use of a community facility and transfer maintenance and repair responsibilities to the tenant.

(iii) That approval be given to lease a building at the Burnholme Health and Well-Being Campus to the Trustees of Hempland Kids Club (THKC) for a term of 99 years at a peppercorn rent, in accordance with the Community Asset Transfer Policy set out in the Asset Management Strategy.

Reason: To ensure the sustainable future use of a community facility and transfer maintenance and repair responsibilities to the Trustees.

### **130. A Sustainable Future for York with Hyper Hubs**

*[See also under Part B]*

The Head of Programmes presented a report which sought approval to proceed with planning and procurement processes

to deliver rapid charging points for electric vehicles, called 'Hyper Hubs', in strategic locations across the city. This followed a successful bid to the European Regional Development Fund (ERDF) for funding to support the scheme.

As it involved a key decision and had been on the Forward Plan for less than 28 days, the report had been brought to Executive under statutory urgency procedures. The reason for the urgency was to enable consultation and planning procedures to be initiated before May 2019, in compliance with the ERDF timeline.

The additional funding, approved in December 2018, would support the existing project for which funding had been obtained in 2016 from the Office for Low Emission Vehicles and the Go Ultra Low programme. It would enable a solar canopy to be erected at Monks Cross Park & Ride, Poppleton Bar Park & Ride and York Hospital, providing space for 1,400m<sup>2</sup> solar panels on each site. By combining solar energy harvesting and storage with electric vehicle (EV) charging points, these Hyper Hubs would reduce the reliance of EVs on the electricity grid. The aim was to increase the use of EVs for journeys in and to York, enabling a further transition away from fossil fuel vehicles.

In response to Member questions Officers stated:

- The main way to tackle people blocking spaces for long periods of time was to treat the hubs as more of a 'petrol station' than a car park. The management of this would be taken very seriously to ensure it operated efficiently; and
- The canopy would be South facing and was an optimal design for a solar canopy.

Members expressed their support for the scheme and stressed the importance of ensuring there was suitable infrastructure available for the move towards clean energy.

Resolved: (i) That approval be given to undertake work in line with the report.

(ii) That it be noted that there are conditions attached to the ERDF grant.

- (ii) That the initiation in May of the consultation process on design be approved.
- (iv) That the initiation of the planning process after conclusion of the consultation process be approved.
- (v) That the commencement of the procurement process be approved.
- (vi) That it be noted that a report will be brought back to Executive later in the year to inform Members of the outcome of the procurement process and to ask their approval to proceed to award of the contract.

Reason: In order to move forward and implement a sustainable approach to EV charging to meet the council's ambitions in terms of promoting sustainable transport, reducing the city's carbon footprint and increasing the use of electric vehicles in the city, and to work towards increasing air quality in the city.

### **131. Internal Audit**

At this point in the meeting Councillor Gillies and the S151 Officer left the room and the Deputy Leader took the Chair.

The Chief Executive and the Corporate Finance & Commercial Procurement Manager presented a report which sought approval to enter into a new 10-year contract with current supplier Veritau for the council's internal audit and counter fraud services for the period 2020-2030.

The previous contract with Veritau, a company jointly owned by City of York Council and North Yorkshire County Council, had been extended for a further year and was due to end on 31 March 2020. The report had been considered by Audit & Governance Committee on 5 December 2018 and 6 February 2019, and now included the further information requested by that committee, including the costs and implications of alternative options as set out in paragraph 37.

The other options were: provision through an in-house service, seeking another vehicle for delivery of the shared service, or



procuring an external service provider. All had been discounted on the basis of additional cost and disruption to service. Benchmarking of other audit services, as outlined in paragraphs 27-28, had demonstrated the cost effectiveness of the current arrangements.

In response to Member question the Corporate Finance & Commercial Procurement Manager stated that:

- There was a separate company set up under the Veritau umbrell covering four North Yorkshire district councils. It had also successfully bid for work from several other outside bodies and this had allowed the Council to deliver its saving objectives over recent years;
- The 12 month break clause in the contract applied from day one; and
- A ten year contract was fairly standard for this type of service, which was very often provided internally. This was to give the Council continuity of service and also to give Veritau, who were a small local employer, the certainty to plan and to develop their business and grow as an organisation.

Resolved: (i) That approval be given to enter into a new 10 year contract with Veritau, with an option to extend for a further 5 years.

(ii) That the outline service specification set out in Annex 1 to the report be approved.

Reason: To provide a value for money internal audit and counter fraud function for the council.

## **132. Substance Misuse Scrutiny Review Final Report**

Cllr Pavlovic, Chair of the Scrutiny Task Group set up to review Substance Misuse services in York, presented their final report and recommendations from the review. He stated that the Task Group had prepared its report after months of interviews with experts in their fields, academics, GPs and hospital consultants, senior police officers, the CCG, commissioned services and importantly the Director of Public Health and her team. He also expressed his disappointment that the Director of Public Health had produced a report questioning the conclusions and recommendations of the Task Review members. He urged

Executive Members to accept the recommendations in the report, which he stated were accepted and, indeed commended, by a cross party committee.

The Director of Public Health stated that she welcomed the review and supported the recommendations. She explained that it was her job to highlight to the Executive concerns across a range of Public Health Services, rather than to prioritise one area over another.

The Executive Member for Adult Social Care & Health spoke on the review and how thorough it had been. She stated that some of the points made were very important and that some would, unfortunately, have to be carried over into the future. She said she was glad that £100K had been put back into the substance misuse budget. She also expressed her support for both the recommendations of the task group and the comments made by the Director of Public Health.

Members stated it was important to recognise that this was not a single agency issue and one which the Health and Wellbeing Board should be keeping a close eye on. They also thanked Members of the Task Group for their hard work.

Resolved: That;

1. the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as set out in paragraph 63 of the Task Group's final report at Appendix 1 and paragraph 7 of the cover report, be approved; and
2. the report be sent to Health and Wellbeing Board in order for some multi agency work to be done.

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

### **133. Residents' Priority Parking Scrutiny Review Final Report**

Cllr D'Agorne, Chair of the Scrutiny Task Group set up to review City of York's Residents' Priority Parking Scheme, presented the Task Group's final report and recommendations. He

suggested a minor adjustment to recommendation (v) to remove the word 'zone'.

He stated that the one of the biggest issues raised by residents was cost, along with the length of time it took to go from an application for Resident's Parking to implementation. Finally, he thanked residents for their input and the Officers who assisted the Task Group.

The Executive Member for Transport & Planning expressed his support for the recommendations and for streamlining the process.

Resolved: That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as set out in paragraph 52 of the Task Group's final report at Appendix 1 and paragraph 7 of the cover report, be approved with the following amendment:

*v. Investigates the transition to a system of virtual permits, initially within a trial zone, to eliminate the need for paper permits through Automatic Number Plate Recognition and better links to DVLA to help enforcement*

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

#### **134. Financial Inclusion Scrutiny Review Final Report**

Cllr Neil Barnes, Chair of the Scrutiny Task Group set up to review the impact of Universal Credit in York and the activities being run to promote Financial Inclusion, presented the Task Group's final report and recommendations. Firstly he thanked Officers for their work on financial inclusion. He went on to state that the group felt the system was letting people down and that the Council was there to try and pick up the pieces. He highlighted the following:

- In terms of Universal Credit, many residents did not understand the system;
- There had been a dramatic rise in food bank use; and
- Improvements needed to be made to digital access for residents.

Finally he stated that the report of the Financial Inclusion Steering Group (FISG) should come to Executive regularly, in order to keep this issue on the agenda. The Director of Customer & Corporate Services stated that the FISG report was usually an update report and this was why it had not historically come to Executive, which was a decision making meeting.

Members thanked the Task Group for thorough report and also asked for their thanks to the FISG and Citizen's Advice York to be recorded, given their hard work in support of residents dealing with the move to Universal Credit.

Resolved: That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as set out in paragraph 77 of the Task Group's final report at Appendix 1 and paragraph 8 of the cover report, be approved.

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

### **135. Single Use Plastics Scrutiny Review Final Report**

Executive Members considered the Single Use Plastics Scrutiny Review Task Group's final report and recommendations.

Resolved: That the findings of the Scrutiny Sub-Committee be noted and that the recommendations from the review, as set out in paragraph 57 of the Sub-Committee's final report at Appendix 1 and paragraph 10 of the cover report, be approved.

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

### **136. Scrutiny Operations and Functions Review Final Report**

Cllr Williams, Chair of the Scrutiny Task Group set up to review the scrutiny functions and operations at Cit of York Council, presented the Task Group's final report and recommendations. He stated that the group had agreed on all of the recommendations, with the exception of pre-decision scrutiny. He went on to explain that, whilst the addition of pre-decision scrutiny under this administration had been well intentioned, it

had not worked effectively throughout that period. The process had also highlighted that some of the scrutiny committees were not working as well as they could. In particular Health, Housing and Adult Social Care had such a large remit it could not cover everything it needed to and the trial of splitting Economy and Place had not worked as well as expected.

Finally he highlighted the issue of culture across CYC and how this related to engagement with scrutiny. He highlighted the lack of engagement from both Members and Officers over several years and how this meant that scrutiny was not performing as it could be.

Executive Members stated that it had been the intention to give power to scrutiny with the addition of pre-decision call-in but if this was not working then it would be important to find an alternative route through. They also suggested that it was important that scrutiny could keep up with officers when work was moving at pace. They thanked Members for their work on this review.

Resolved: That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as set out in paragraph 44 of the Task Group's final report at Annex 1 and paragraph 8 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**

### **137. Investment in the Redevelopment of Lincoln Court independent Living Scheme**

*[See also under Part A]*

The Older Person's Accommodation Programme Manager presented a report which sought approval to deliver an enhanced re-development proposal for the Lincoln Court Independent Living Scheme.

Executive were asked to approve Option 1 in the report, an enhanced scheme design giving improved accommodation and communal facilities and to revise the total budget for extending

and undertaking a comprehensive refurbishment of Lincoln Court to £4.793m.

The Executive Member for Housing & Safer Neighbourhoods expressed her support for this option, which she considered a really good scheme. She stated that the full refurbishment meant minimal disruption for residents in the future.

In response to questions from Members, Officers stated that:

- Fourteen of the current residents had been offered, and accepted, alternative accommodation. The remaining 5 were still going through this process and Officers were confident that no resident would be forced out at the end of the process;
- The communal lounge would be larger than it was currently;
- The contractor would be required to minimise disruption to local residents during the construction, have a traffic management plan and to engage with residents throughout the works, and consideration would be given to this at Planning Committee;
- The land the Multi Use Games Area (MUGA) next to Lincoln Court was situated on was part of the Council's public realm portfolio. Even with a change of layout this would remain public realm and consultation was being undertaken as to future use of the land; and
- Access via Green Lane had been agreed in principle with Hob Moor Primary School, with final details currently being negotiated.

Members, in accordance with Option 1

**Recommended:** That Council approve the revised gross capital investment of £4.793m in the scheme, noting that this equates to £137k per unit of accommodation, which compares favourably to other older persons' accommodation schemes being delivered across the city.

**Reason:** To secure the long term future of Lincoln Court and ensure that it will provide high quality of accommodation for older people to help meet the increasing demand for accessible accommodation in this area.

### 138. **A Sustainable Future for York with Hyper Hubs**

*[See also under Part A]*

The Head of Programmes presented a report which sought approval to proceed with planning and procurement processes to deliver rapid charging points for electric vehicles, called 'Hyper Hubs', in strategic locations across the city. This followed a successful bid to the European Regional Development Fund (ERDF) for funding to support the scheme.

As it involved a key decision and had been on the Forward Plan for less than 28 days, the report had been brought to Executive under statutory urgency procedures. The reason for urgency was to enable consultation and planning procedures to be initiated before May 2019, in line with the ERDF timeline.

In response to Member questions Officers stated:

- The main way to tackle people blocking spaces for long periods of time was to treat the hubs as more of a 'petrol station' than a car park. The management of this would be taken very seriously to ensure it operated efficiently; and
- The canopy would be South facing and was an optimal design for a solar canopy.

Members expressed their support for the scheme and stressed the importance of ensuring there was suitable infrastructure available for the move towards clean energy.

The following options were then considered:

Option 1 - to approve to proceed with the extended project (with Solar Canopy and battery storage) to provide a more sustainable solution for charging of EVs in the City and to accelerate the market in terms of rapid charging provision; and  
Option 2 - to proceed to build rapid charging hubs (with the OLEV funding already secured) and rely on energy take from the national grid.

Members, in accordance with Option 1

Recommended: That Council approve the budget of £700k for the Hyper Hubs project.

Reason: In order to move forward and implement a sustainable approach to EV charging to meet the council's ambitions in terms of promoting sustainable transport, reducing the city's carbon footprint and increasing the use of electric vehicles in the city, and to work towards increasing air quality in the city.

Councillor Gillies, Chair  
[The meeting started at 5.45 pm and finished at 7.30 pm].