

Meeting	Decision Session - Executive Member for Finance and Performance
Date	19 December 2016
Present	Councillor Steward

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## **20. Declarations of Interest**

The Executive Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that he may have in respect of business on the agenda. No additional interests were declared.

## **21. Minutes**

Resolved: That the minutes of the Decision Session held on 23 November 2016 be approved and signed by the Executive Member as a correct record.

## **22. Public Participation**

Councillor Warters had registered to speak at the meeting under the Council's Public Participation Scheme in respect of the Asset of Community Value (ACV) application for Osbaldwick School playing fields (agenda item 5). Councillor Warters urged the Council, as landowner, to give reassurance to the community by listing the playing fields as an ACV. He drew attention to issues that may arise if the school gained academy status and stated that the application met many of the criteria for ACV listing.

The Executive Member stated that Councillor Stuart Barnes had registered to speak at the meeting in respect of agenda item 4 (Petition regarding Former Manor School Playing Fields). Councillor Barnes was, however, now unable to be present but had submitted written representation which had been noted. *[A copy of the written representation is included with the online agenda papers for the meeting].*

### **23. Petition regarding Former Manor School Playing Fields**

The Executive Member considered a report which acknowledged receipt of a petition concerning the future use of the former Manor School playing fields and which outlined the Council's position concerning the current situation and future proposals for this site.

The Executive Member stated that he had noted the comments that had been made and would raise these with the Executive. He was, however, being asked only to note receipt of the petition at this stage.

Resolved: That the petition be received and the contents of the report noted.

Reason: To show that the Council is listening to residents.

### **24. Applications for Community Right to Bid under the Localism Act 2011**

The Executive Member considered a report which presented applications to list the following as Assets of Community Value (ACV), for consideration by the Council:

- The Grey Horse Inn, Main Street, Elvington, YO14 4AA
- Osbaldwick Primary School Playing Fields, The Leyes, York, YO10 3PR

The Executive Member noted that the application in respect of the Grey Horse Inn had been submitted by Elvington Parish Council. The application met the basic criteria for listing and no objection had been raised by the owner or occupier.

It was noted that the freehold of Osbaldwick Primary School playing fields was owned by City of York Council and the nomination had been made by Osbaldwick Parish Council.

The Executive Member stated that he had noted the issues raised by Councillor Warters. He stated that he had sought legal guidance from officers as to whether the application for ACV listing had been met and it was their view that this was not the case. Officers confirmed that consideration had been given to three appeals which had come before the First Tier Tribunal concerning school playing fields and, where the use of the

playing fields was solely educational, the criteria for listing was not met. The Executive Member also noted that there were specific statutory procedures protecting school playing fields and that these would apply even if a school had academy status.

- Resolved:
- (i) That the application to list the Grey Horse Inn, Elvington as an asset of community value be approved.
  - (ii) That the application to list Osbaldwick Primary School playing fields as an Asset of Community Value be rejected.

- Reasons:
- (i) The application meets the required criteria. By approving the application the Council is meeting the legislative requirements of the Localism Act 2011 and promoting community access to community facilities.
  - (ii) The application does not meet the definition of an Asset of Community Value as set out in the legislation.

Councillor Steward – Executive Member

[The meeting started at 4.45pm and finished at 5.00pm].