



Notice of a public

Decision Session - Executive Member for Culture, Leisure and Communities

To: Councillor Smalley (Executive Member)

Date: Tuesday, 6 September 2022

Time: 10.00 am

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 **4:00 pm** on **Thursday, 8 September 2022**.

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

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm** on **Friday, 2 September 2022**.

1. **Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interests or other registerable interests he might have in respect of business on this agenda, if he has not already done so in advance on the Register of Interests.

- 2. Minutes** (Pages 1 - 2)
To approve and sign the minutes of the Decision Session held on 7 June 2022.

- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting. The deadline for registering at this meeting is at **5.00pm on Friday, 2 September 2022.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed on demand at www.york.gov.uk/webcasts. During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Heworth Without Multi-Use Games Area** (Pages 3 - 18)
This report proposes a consultation on options for a Multi-Use Games Area (MUGA) within the Heworth Without Ward.
- 5. Urgent Business**
Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democratic Services officer:

Fiona Young

Tel: 01904 552023 / 01904 551088

Email: democratic.services@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

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)

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Culture, Leisure and Communities
Date	7 June 2022
Present	Councillor Smalley (Executive Member)
In Attendance	Paul Cliff, The Shared Head of Adult Learning and Skills (York and North Yorkshire) and Charlie Croft, Assistant Director of Customer and Communities

1. Declarations of Interest (10:02am)

The Executive Member was asked to declare, at this point in the meeting, any disclosable pecuniary interests or other registerable interests he might have in respect of business on the agenda, if he had not already done so in advance on the Register of Interests. None were declared.

2. Minutes (10:03am)

Resolved: That the minutes of the Decision Session held on 19 April 2022 be approved and signed by the Executive Member as a correct record.

3. Public Participation (10:04am)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

4. Multiply Investment Plan (10:04am)

The Executive Member considered a report that set out the basis for York's approach to the Multiply strand of the UK Shared Prosperity Fund, in collaboration with North Yorkshire County Council (NYCC), so that an investment plan could be drawn up for submission to the Department for Education (DfE).

The Shared Head of Adult Learning and Skills (York and North Yorkshire) and the Assistant Director of Customer and Communities stated that:

- The overall objective of Multiply was to increase the levels of maths (GCSE equivalent) in the adult population across the UK.
- York had been awarded £741,000 over a three-year period, commencing from September 2022.
- The funding was to be allocated and used based on an evaluation of need and was to be returned in the form of an investment plan to the DfE by 30 June 2022.
- It could be possible to decouple York's investment plan from North Yorkshire County Council but the administrative elements of the funding could not exceed 10%, therefore it was more effective and efficient to work collaboratively.
- Engagement with hard to reach communities and individuals who were currently in work, on low wages or with low levels of qualifications would be through large employers and community touch points, these were areas where individuals naturally came together.
- The investment plan had to demonstrate how the funding would be used most effectively for the greatest benefit to the region, its economy, its residents and communities.

During the responses to questions, the Executive Member was informed that the creation of the new unitary authority, North Yorkshire Council, would not affect the Prosperity Fund.

Resolved:

- (i) That in principle the submission of the investment plan, as set out in the Annex to the report, be approved.
- (ii) That authority be delegated to the Director of Customer and Communities to agree the final version of the plan for sign off by the Chief Operating Officer for submission to the Department for Education (DfE) by 30 June 2022.

Reason: To facilitate the finalisation of an agreed plan that will then release funds for the project.

Cllr Smalley, Executive Member

[The meeting started at 10.02am and finished at 10.12am].



**Decision Session – Executive Member for
Culture, Leisure and Communities**

6 September 2022

Report of the Director of Customer and Communities

Heworth Without Multi-Use Games Area**Summary**

1. This report proposes a consultation on options for a Multi-Use Games Area (MUGA) within the Heworth Without Ward.

Recommendation

2. The Executive Member is asked to give delegated authority to the Director of Customer and Communities:
 - to undertake public consultation on where the MUGA should be sited;
 - to apply for planning permission for the new scheme on the preferred site as necessary;
 - to appoint the contractor to undertake the works, in accordance with the council's contract procedure rules, and subject to the project being deliverable within the available budget and planning permission being received.

Reason: To secure the spending of the Section 106 contribution from the Hungate Development for the purposes of a MUGA in the Heworth Without Ward and to help meet the demand for increased sports facilities for children and young people in the area.

Background Information

3. Pursuant to a Section 106 Agreement dated 21 April 2017 (as varied by Deeds of Variations dated 26 October 2017, 20 December 2017 and 11 October 2019) relating to the Hungate Development ("the Section 106 Agreement"), the Council secured the Open Space Contribution part of which is to be used to build a MUGA in the Heworth Without Ward. The other named schemes are Burnholme Sports Centre and Hull Road Park Buildings. This was discussed and minuted at Planning Committee held on 18 April 2019.

4. For the new facility, we have looked at suitable community sites within the Heworth Without Ward that could support the installation of a MUGA.
5. The MUGA will be free-to-access for children and young people.

Options

6. It is proposed to offer the following options in a public consultation on where the MUGA could best be sited:
 - a. To build a MUGA on the existing grass football pitch in Stray Road Play Area;
 - b. To build a MUGA on the existing Hempland Field;
 - c. To build a MUGA on another site within Heworth Without Ward, to be suggested by consultees, that is in line with the Section 106 agreement.

Consultation

7. This paper asks for permission to undertake consultation regarding the options listed above.
8. Discussion has taken place with Heworth Without Parish Council in drawing up the above options.

Implications

9. **Finance:** The Council received a payment for Hungate Block F of £69k and to date have spent £25k on Burnholme Sports Centre refurbishment for changing rooms. This leaves a balance of £44k available to use to fund this project.
10. The final cost of the project will depend on which option is chosen. A detailed budget will be developed once a decision has been made to ensure that the project remains deliverable within the funds available at that time, with any balance funded from local ward funding, subject to available budgets, affordability and associated approvals.
11. Depending on the option chosen ongoing maintenance costs will fall either to the Parish Council (Stray Road Play Area) or to CYC (Hempland Field) where they already maintain the site. If a different site is selected, then these costs will need to be factored in when looking at the overall costs of the project.

12. **Equalities:** A draft equality impact assessment highlights a number of issues that need to be addressed through this process.
13. Consideration needs to be given regarding access for disabled people, particularly for those with a physical disability in terms of access. This will be discussed with the council's incoming Access Officer / Consultant.
14. Throughout the project, opportunities will be taken to improve the ecological impact of the scheme and to maximise the local benefits of the scheme for the surrounding community.
15. **Legal:** Any changes to the Section 106 Agreement would need to be agreed by all parties to the Agreement and formally executed as a Deed of Variation.
16. The land comprising the grass football pitch in the Stray Road Play Area is owned by the Council. It is leased to Heworth Without Parish Council on a 21-year lease from 1 February 2001. The parish council are currently holding over pending completion of a new lease.
17. The land at Hempland Field is owned by the Council and according to the records we have, there are no restrictions on title, relating to its use.
18. There are no additional HR, IT, Crime and Disorder or other implications arising directly from this report.

Council Plan

19. The Heworth Without MUGA will support the following aims of the Council Plan:
 - Good Health and Wellbeing
 - A Better Start for Children and Young People
 - Safe Communities and Culture for All

Risk Management

20. Project risks include:

Risk	Mitigations
The options agreed upon do not fall within the scope of paragraph 5.3.3(b) of Schedule 2 of the Section 106 Agreement which deal with the apportionment and application of the Open Space Contribution	CYC are currently negotiating a Deed of Variation with the parties to the Section 106 Agreement to incorporate various amendments. Should CYC wish to propose amendments to paragraph 5.3.3(b) of Schedule 2, we expect that it would not be problematic to the Owner and Mortgagees in light of the insignificant impact it has on their obligations.
The project fails to be granted planning approval.	Through this process we will be consulting the citizens of the area to get their views on the best option moving forward.
The final costs are not within the budget made available here.	Officers will work with the potential contractors to ensure that the project meets the brief and reflects the available resources. There is scope within the project brief for value engineering within the scheme and to bring this in line with the budget available.

21. In compliance with the Council's risk management strategy the main risks that have been identified in this report are those which could lead to the inability to meet business objectives and failure to meet stakeholders' expectations, which could in turn damage the Council's image and reputation. Measured in terms of impact and likelihood, the risk score has been assessed at "Low". This means that the risk level is acceptable and that regular active monitoring of progress against delivery of the scheme will be required.

Annex:

- Draft Equality Impact Assessment Heworth Without Multi-Use Games Area

Contact Details

Authors:	Chief Officer Responsible for the report:		
Paul Ramskill Community Sports Development Manager	Pauline Stuchfield Director – Customer and Communities		
	Report Approved	√	Date 22/8/2022
Wards Affected:	Heworth Without Ward		
For further information please contact the authors of the report			

Background Papers:

Planning Committee 18th April 2019

[Agenda for Planning Committee on Thursday, 18 April 2019, 4.30 pm \(york.gov.uk\)](http://york.gov.uk)

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City of York Council
Draft Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Customer and Communities		
Service Area:	Sport and Active Leisure		
Name of the proposal:	Heworth Without Multi-Use Games Area		
Lead officer:	Paul Ramskill		
Date assessment completed:	18 August 2022		
Names of those who contributed to the assessment:			
Name	Job title	Organisation	Area of expertise
Pauline Stuchfield	Director Customer and Communities	City of York Council	Council Director
Charlie Croft	Assistant Director Customer and Communities	City of York Council	Communities Lead
Cllr. N. Ayre	Heworth Without Ward Councillor	City of York Council	Ward Member

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>To undertake an Equality Impact Assessment on the instatement of a Multi-Use Games Area within the Heworth Without Ward.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>None.</p>
1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>Heworth Without Parish Council – Responding on the interests of the local community / parishioners. Heworth Without Councillor – Responding to the instatement of a community facility and on the interests of local community.</p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The outcome of this project is to instate a multi-use games area within the Heworth Without Ward that is managed and maintained with appropriate access for children and young people.</p>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
Source of data/supporting evidence	Reason for using	
Heworth Without Parish Council Spring 2021 newsletter that was distributed to all residents within Heworth Without Parish in March 2021.	The Parish Council asked a number of questions, the responses to which will be used to help shape this project.	
Strategic participation rates / playing pitch strategy and Sport England’s Accessible Sports Facilities Formerly known as Access for Disabled People Design Guidance Note Updated 2010	Planning related and evidence documents.	

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge	Action to deal with this	
Community consultation as part of the planning process.	We will undertake further community consultation throughout the planning process to get the best facility possible within the available budget.	

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The site will be used by children and young people.	+	H
Disability	<p>Sport England’s Accessible Sports Facilities Formerly known as Access for Disabled People Design Guidance Note Updated 2010 notes that artificial grass surfaces ‘are generally unpopular with players because they are considered to be ‘hard work’’, it should be noted here that not all disabilities are of a physical nature, but this will be considered in the final decision on the type of surface used as an artificial grass pitch will not be as accessible as a tarmac facility. We would be looking to make sure a path was installed to get participants onto the MUGA. Where the above considerations regarding opportunities for disabled people cannot be met, we believe the local leisure centre Burnholme Sports Centre being an accessible community sports facilities supports disability sport activities. This will be discussed with the council’s incoming Access Officer / Consultant.</p>	+	M
Gender			

Gender Reassignment			
Marriage and civil partnership			
Pregnancy and maternity	The site will be a safe place for physical activity to take place.	+	M
Race			
Religion and belief			
Sexual orientation			
Other Socio-economic groups including:	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer			
Low income groups	By instating a multi-use games area that is open at key times for children and young people to use has been taken into consideration within the options and will be free to access. Impact of Covid, less funds available, reduction in participation rates. Extracurricular activity and the support of their educational attainment.	+	H
Veterans, Armed Forces Community			
Other			

Impact on human rights:			
List any human rights impacted.	None.		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
Based on this equality impact assessment we believe it will have a positive impact on the local community.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination, it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal at this stage	As discussed above the adverse impact noted is against the access for disabled people, particularly for those with a physical disability. We would be looking to make sure a path was installed to secure access for disabled participants onto the MUGA. Where the above considerations regarding opportunities for disabled people cannot be met, we believe the local leisure centre Burnholme Sports Centre being an accessible community sports facilities supports disability sport activities. This will be discussed with the council's incoming Access Officer / Consultant.

8.1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
<p>As part of the planning application process, we will undertake further community consultation. We will keep the equality impact assessment live throughout the process and continue to monitor the impact against the protected characteristics. Once the facility has been built, we will be able to assess those that are using the site against the protected characteristics.</p>	

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
Community Consultation.	Further community consultation as part of the planning process.	Community Sports Officer, Community Officers and Ward Members.	Autumn 2022.

Step 8 - Monitor, review and improve