

Meeting	Executive
Date	27 July 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller
Other Members participating in the meeting	Councillors Craghill and Looker

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## **28. 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 they may have in respect of business on the agenda.

Councillor Waller declared a personal interest in Item 6 (Community Stadium and Leisure Facilities) as he was Chair of Energise Sports Centre.

## **29. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of:-

Annex B to Agenda Item 6 on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. This information is classed as exempt under paragraph 5 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

Annex 3 to Agenda Item 7 on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local

Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

**30. Public Participation**

It was reported that there had been 1 registration to speak at the meeting under the Council's Public Participation Scheme, in respect of the following item:

Community Stadium & Leisure Facilities Report

Fiona Evans spoke as the Leader of the Yearsley Pool Action Group. She welcomed the report and thanked officers and the Executive for their work and support. She added that whilst the proposed arrangements would have to be reviewed in 7 years, they were the best mechanism to secure the long term future of the pool, which was a unique facility that had served York for over a century.

**31. Minutes**

Resolved: That the minutes of the Executive meeting held on 29 June 2017 be approved and then signed by the Chair as a correct record.

**32. Forward Plan**

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

**33. Community Stadium & Leisure Facilities Report**

Members considered a report which provided an update on the progress of the Community Stadium and Leisure Facilities Project since the last report brought to Executive in March 2017 and set out proposals to move forward with construction.

The Executive Member for Culture, Leisure & Tourism thanked offices, partners, the Yearsley Pool Action Group as well as the football and rugby clubs for their work in moving the project forward. He highlighted the scheme's leisure, sport and health offer which would include a range of facilities, such as a county

standard athletics track and purpose built NHS facility and stated that it would be a valuable asset to the City.

In response to Member questions, it was noted that that GLL had carried out the tender exercise and that whilst market forces and competition, in conjunction with the prestige of the scheme, had driven down costs, there was no reduction in quality and the builders shortlisted were reputable and had delivered similar projects.

With regards to Yearsley Swimming Pool, it was noted that funding to meet the costs of continuing to operate the pool from 2024/25 would be subject to further approval. The potential for a revenue surplus in later years was highlighted and the overall budget position would be reviewed after the 7 year period, with a decision taken at that time.

It was noted that whilst the NHS were still to formally sign and confirm the facilities they wished to operate, they had committed to enter into the lease arrangements.

An additional recommendation requesting approval of the pension arrangements as set out in Paragraphs 78-79 of the report was proposed and agreed.

Resolved: That the Executive:

- a. Approves that the operation of Yearsley Swimming Pool (“YSP”) by GLL under the Design, Build, Operate and Maintain Contract (“DBOM Contract”) be included for the full Contract Period, as per the details set out at paragraphs 26 – 30 of this report;
- b. Agrees that the Project proceeds to Financial Close to enable construction of the NSLC scheme to commence and operation by GLL of the NSLC and the city’s wider leisure facilities;
- c. Agrees that the Deputy Chief Executive, in conjunction with the Leader and Executive Member for Culture, Leisure & Tourism be authorised to complete all final negotiations and arrange execution of all legal documents relating to the Project at Financial Close, providing the

Project remains within the overall budget;

- d. Agrees that the Deputy Chief Executive, in consultation with the Leader and the Executive Member for Culture, Leisure & Tourism be authorised to agree to underwrite the cost of required Building Contractor early construction design work and sub-contractor orders ahead of Financial Close to achieve the Project timetable, estimated at a value of £0.5m. These costs form part of the NSLC Construction Cost and are payable post Financial Close already but would be payable should Financial Close not be achieved, as per the details set out under table 5 of this report;
- e. Notes the financial position of the Project and that the Project can proceed within the approved capital budget parameters that Council agreed in March 2016;
- f. Notes as set out at paragraphs 55 – 58 of this report that the project is forecast to be within approved revenue budget set out in the March 2016 Executive Report;
- g. Notes the latest position of the Project Community Partners, as set out at paragraphs 31 – 39 of this report;
- h. Notes the current indicative Project timetable for delivery of the NSLC, as set out at table 5 of this report;
- i. Notes the updated areas of Project risk at paragraphs 70 to 76 of this report, alongside the update on the legal implications since the March 2016 Executive Report that are detailed at confidential Annex B to this report.
- j. Approves the pension arrangements as set out in Paragraphs 78-79 of the report.

Reason: To progress with the Project and enter into all necessary legal agreements at Financial Close to

deliver the NSLC and operation by GLL of the NSLC and the city's wider leisure facilities.

#### **34. Acquisition of Freehold Interest of Swinegate Court**

Members considered a report which presented the due diligence undertaken to support the strategic acquisition of a city centre property portfolio as agreed by Executive on 13 July 2017, and to confirm the location of the asset and the final business case. The budget for the acquisition was recommended to full council on 20 July 2017.

The opportunity for the Council to set policy in respect of leaseholder requirements and influence the balance and diversity of offer was highlighted.

Resolved: Following full Council approval on 20 July 2017 of a capital budget of £15 million to make a strategic acquisition of a mixed commercial portfolio in York city centre, the Executive agree to:-

- (i) Delegate to the Director of Customer and Corporate Services authority to complete the acquisition of the freehold of Swinegate Court provided that the findings of the due diligence process do not undermine the purpose of the acquisition; and
- (ii) Authorise the funding of the acquisition of the asset referred to in (i) above and all related costs from the capital budget of £15 million, as agreed by full Council on 20 July 2017.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 6.20 pm].