

## DIRECTOR DECISION

<b>Decision:</b> To sign the Collaboration Agreement for the Retrofit One Stop Shop York (ROSSY) project			
<b>Decision Date:</b> 06/03/2024			
<b>Type of Decision:</b> Director Key		Non-Key	YES
<b>Portfolio Area that decision relates to:</b>			
Leader (inc Corporate Services, Policy, Strategy & Partnerships)		Environment and Climate Emergency	X
Economy & Transport	X	Finance, Performance, Major Projects & Equalities	
Children, Young People and Education		Children, Young People & Education	X
Health, Wellbeing and Adults Social Care		Housing, Planning & Safer Communities	X
<b>Background / Decision Summary:</b>			
<p>1. Funding of £3.37m has been awarded by Innovate UK for development of a Retrofit One Stop Shop for York (ROSSY) project, with City of York Council as lead partner and delivery for 21 months from March 2024. This project is predominantly designed to develop demand for domestic retrofit, complementing the supply-side measures in CSI York.</p> <p>2. A report was submitted to Executive on 20 February for approval and delegation to the Corporate Director of Place, in consultation with the Chief Finance Officer and the Director of Governance (or their delegated officers), to enable swift implementation of the project and for the signing or contracts and collaboration agreements.</p> <p><a href="https://democracy.york.gov.uk/documents/g13936/Decisions%20Tuesday%2020-Feb-2024%2017.30%20Executive.pdf?T=2">https://democracy.york.gov.uk/documents/g13936/Decisions%20Tuesday%2020-Feb-2024%2017.30%20Executive.pdf?T=2</a></p> <p>3. Since the meeting on 20 February a collaboration agreement, drawn up in consultation with City of York Council legal services, has been circulated and signed by all ROSSY partner organisations, including.</p> <ul style="list-style-type: none"> <li>• THE YORK AND NORTH YORKSHIRE COMBINED AUTHORITY whose offices are at County Hall, Racecourse Lane, Northallerton, DL7 8AH (YNYCA)</li> </ul>			

- THE UNIVERSITY OF YORK, a body incorporated in England and Wales by Royal Charter with registration number RC000679 whose principal offices are at Heslington, York, YO10 5DD, England (UoY)
- ABUNDANCE INVESTMENT LIMITED, a company registered in England under number 07049166, whose registered office is at Hamilton House, Mabledon Place, London, WC1H 9BB (Abundance)
- BRIGHTSPARKS AGENCY LIMITED, a company registered in England under number 09181544, whose registered office is at 55 Manor Drive, North Yorkshire, North YO26 5RY (Brightsparks)
- ENERGY SYSTEMS CATAPULT LIMITED, a company registered in England and Wales under number 08705784, whose registered office is at Cannon House 7th Floor, 18 Priory Queensway, Birmingham, West Midlands, B4 6BS (ESC)
- YORK COMMUNITY ENERGY CBS LIMITED, a company registered in England and Wales under number RS008575, whose registered office is at York CVS, 15 Priory Street, York, YO1 6ET (YCE)

Having now been signed by all partners, the collaboration agreement now requires signing by City of York Council in line with the Executive decision of 20 February 2024, this being delegated to the Corporate Director of Place, in consultation with the Chief Finance Officer and the Director of Governance (or their delegated officers).

**Options Considered:**

4. No other option is considered appropriate, since failing to sign the collaboration agreement would result in a delay to the start of the ROSSY project or failure of the project. Agreement has already been made by Executive for the acceptance of the funding.

**Options Rejected:**

5. N/A.

**Consultation Process:**

6. Legal and procurement have been consulted as part of the process for the Executive decision on 20 February. Further consultation has been undertaken with legal services on the wording of the collaboration agreement.

## **Implications:**

### **Finance: All funding is from external sources**

CYC has been awarded a revenue grant of £146k from Innovate UK, with a further £188k to be provided for the delivery of two demonstrator retrofit houses. This forms part of a £3.37m grant awarded by Innovate to eight partners including CYC to develop a Retrofit One Stop Shop for York (ROSSY). CYC will be the lead partner. Delivery is for 21 months from February 2024. Each partner has a separate grant with Innovate UK. Grants to the other partners are paid direct and CYC are not financially responsible for their outturn, hence reducing the risk to CYC.

(Comments taken from decision document of 20 February and amended to include update to additional £188k for retrofit works to be undertaken to two council properties to form demonstrator houses).

### **Human Resources (HR):**

Any posts created within the council as a result of this project will be established, graded and evaluated in accordance with existing Council policies.

(Comments taken from decision document of 20 February).

### **Legal:**

With regards to the delivery of the ROSSY projects, the Council can accept external grant funding and award grant funding to any third party subject to:

- Part E of the Council's Financial Regulations under Appendix 10a of the Council's Constitution ("Council's Financial Regs"); and
- Rule 4 of the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution ("Council's CPRs")
- the Subsidy Control Act 2022 (the "2022 Act")

Any external funding agreements for funding received by the Council or for the award of funding by the Council to third parties must comply with the Council's CPRs, the Council's Financial Regs, and (where applicable) the 2022 Act.

The Council is required to assess any proposed financial assistance provided to itself, and any assistance it intends to give to others, to ensure that it is consistent with the 2022 Act and any application must only be submitted and/or granted if consistent with the principles in the 2022 Act.

The Council and Innovate UK are satisfied that any UKSPF funding awarded to the Council will not constitute a controlled subsidy as defined in the 2022

Act. Other partners have obtained and will continue to obtain their own independent legal advice on this point. Further subsidy control assessments for any grant awards by the Council to any of its partners for these projects using the UKSPF funding may be required in due course in consultation with Legal Services. There are also transparency and disclosure requirements under the 2022 Act which will need to be complied with.

Any grant funding agreements entered into will have no procurement law implications under the Council's CPRs and (where applicable) the Procurement Regs as long as the Council does not elect to award grant agreements to any of its partners for these projects where the sole purpose for doing so would be to avoid conducting a competitive tender process in accordance with the Council's CPRs and (where applicable) the Procurement Regs.

Any agreements entered into by the Council (and any subsequent amendments and/or extensions thereto) using the UKSPF funding, whether these are collaborative arrangements with our partners or with suppliers for delivery of specific services, supplies and/or works for these projects, must be reviewed, negotiated, and concluded in consultation with Legal Services to ensure compliance with the Council's CPRs, the Councils Financial Regs, and (where applicable) the Procurement Regs.

(Comments taken from decision document of 20 February).

### **Procurement:**

Whilst there are no direct Procurement implications, should any match funding be required by the council, Procurement must be consulted to determine the best route and to fairly achieve value for money. Should any agreements be required, both procurement and Legal Services must be consulted prior to assist in advice and drafting.

(Comments taken from decision document of 20 February).

### **Data Protection and Privacy:**

As there is no new personal data, special categories of personal data or criminal offence data being processed for this report, there is no requirement to complete a DPIA. This is evidenced by completion of DPIA screening questions - reference – AD-03094. Any future projects involving the collecting or processing of personal data will require a DPIA.

(Comments taken from decision document of 20 February).

Crime & Disorder		Equalities		Highways	
Human Resources		Legal	X	ICT	
Financial		Affordability		Property	
Climate Change	X	Health		Other	
Environment		Human Rights			

**Implications Contact:**

**Level of Risk: Acceptable**

**Wards Affected:**

All Wards	X	Fishergate		Holgate		Rural West York	
Acomb		Fulford & Heslington		Hull Road		Strensall	
Bishopthorpe		Guildhall		Huntington & New Earswick		Westfield	
Clifton		Haxby & Wigginton		Micklegate		Wheldrake	
Copmanthorpe		Heworth		Osbalwick & Derwent			
Dringhouses & Woodthorpe		Heworth Without		Rawcliffe & Clifton			

**Comments/Observations**

**Decision: Approval granted to sign the Collaboration Agreement for the Retrofit One Stop Shop York (ROSSY) project**

**Decision Made by:** Neil Ferris

**Contact Details:** Corporate Director of Place

**Tel No:** 01904 551448

**Email:** Neil.Ferris@york.gov.uk

**On behalf of:** As above

**To be implemented by:** Ant Dean

**On Completion – Signed off by:**

**Date:** 06.03.24



**Neil Ferris  
Corporate Director of Place**