
Meeting	Cabinet
Date	7 January 2014
Present	Councillors Alexander (Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams
In attendance	Councillors Taylor and Warters

83. **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.

Cllr Simpson-Laing declared a personal non-prejudicial interest in relation to agenda item 6 (Community Stadium Update) as her daughter was a member of York City Athletics Club.

Cllr Levene declared a personal non-prejudicial interest in relation to agenda item 11 (Business Rate Discount Policy) as his employer, Social Enterprise Yorkshire and the Humber, had a number of members who were affected by the policy.

84. **Exclusion of Press and Public**

Resolved: That it was agreed to exclude the press and public from the meeting during consideration of Annex 2 to agenda item 12 (Disposal of and Investment in Council Assets) on the grounds that it contained information relating to the financial or business affairs of particular persons (including the authority holding that information). Such information is considered 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).

85. Minutes

Resolved: That the minutes of the last Cabinet meeting held on 3 December 2013 be approved and signed by the Chair as a correct record.

86. Public Participation

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme, and that two Member of Council had requested to speak on items, details of which are set out below:

General Comments

Gwen Swinburn spoke to request the addition of wording on agendas to confirm that members of the public were now able to film, record and tweet during public meetings of the City of York Council.

5. Forward Plan

Cllr Warters expressed concern at the slippage of the Draft Local Flood Risk Management Strategy report on the Council's Forward Plan.

6. Community Stadium Update

Gwen Swinburn questioned whether state aid rules, in respect of this scheme, would be compromised by this project.

8. Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Guidance

Cllr Warters spoke to raise concerns regarding the frequency of updating the database in connection with dwellings registered as Houses in Multiple Occupation. Particularly as these figures had been used when granting further planning applications.

12. Disposal of and Investment in Council Assets

Gwen Swinburn, expressed her concern at the lack of transparency in respect of the availability of background

information/documents in relation to the disposal and investment of properties referred to in this report.

Denise Craghill, spoke on behalf of the York Green Party, to request Members to reconsider the bidding process for the Reynard's Garage site taking account of the sites heritage and housing value. She asked Members to consider public opinion and publicise the scoring of bids.

Cllr Taylor made reference to his understanding that advanced negotiations were in progress, in relation to the Reynard's site, for use as an air museum. He reiterated the earlier speaker's comments that further thought was required regarding the sites use, particularly as the building was important to York and its history.

87. Forward Plan

Members received and noted details of those items on the Forward Plan for the next two Cabinet meetings, at the time the agenda was published.

88. Community Stadium Update

Consideration was given to a report which provided an update on progress of the Community Stadium, including details of the stadium's design, increased base capacity, the procurement timetable at paragraph 25, together with delivery risks, which had also been considered by the Council's Audit and Governance Committee. A delivery plan for the athletics facility at the University of York was also provided at Annex A of the report.

It was confirmed that, once a preferred bidder had been identified, a more detailed paper would be presented to Cabinet, later in the year.

It was noted that, following submission of bids for the project, final proposals were being prepared by two of these bidders with final dialogue relating to detailed design, commercial and operational arrangements, due to end in March, prior to receipt of competitive bids.

Details of the review undertaken with clubs and the design team regarding stadium capacity and funding from the Football

Stadium Improvement Fund were reported. This had led to changes in the design criteria for the stadium which were reported in detail at paragraphs 17 to 21 of the report. Officers confirmed that much had been learnt from the bidding process which would ensure that the best stadium for the city was obtained with the capital available. It was highlighted that a robust risk management process was in place with regular updates being considered by the Project Board.

Members confirmed that any change in stadium size would require planning approval, part of which would include any required highway mitigation measures. Reference was made to the timescales which, although lengthy owing to the project size and complexity were progressing well.

Following further discussion it was

Resolved: That Cabinet agree:

- (i) To note progress on the project and procurement to date, particularly that:
 - The project is proceeding into the final procurement stage within the existing financial parameters.
 - The changes made to the estimated project timetable and key milestones.
 - Match-day agreements and leases for the project partners will be finalised and that these will all be subject to the overall project contract.
 - A detailed report is presented to Cabinet prior to contract award setting out the results of the procurement and the financial implications.¹
- (ii) That tenders will be sought that encourage cost effective design solutions for the stadium that:

- Meets current Football League and Rugby Football League entry requirements.
 - Removes any 'built-in' expansion requirement.
 - Results in a well balanced and attractive stadium bowl.
 - As an option, considers the use of some terracing as a means of increasing the base capacity.
 - Makes provision within the design to increase the capacity as an all seat solution if the Football Stadium Improvement funding can be legally secured and / or promotion to the Football League 'Championship' is achieved at a later date.
 - Demonstrates an all seat capacity of 10,000 can be achieved at a later stage, within the stadium footprint. ².
- (iii) The new Athletics track being delivered at Heslington West Campus as set out in the report, including the payment of a grant of £31,000 for the delivery of a community athletics programme. ³.
- (iv) To note the risks highlighted and agree that the Project Board continue to manage the project risks.

Reason: To ensure the effective delivery of this procurement exercise and that it remains within the financial parameters set.

Action Required

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| 1. Schedule item on Forward Plan to report on results of procurement and financial implications. | TA, CC |
| 2. Seek tenders in line with agreed requirements. | TA, CC |
| 3. Implement delivery of the track and the payment of a grant for the community athletics programme. | TA, CC |

89. Neighbourhood Planning

Members considered a report which requested approval of the formal application by Copmanthorpe Parish Council to allow the Copmanthorpe Neighbourhood Plan to progress, including the Plan boundary.

It was noted that several other Parish Councils had also shown interest in producing Neighbourhood Plans and consideration was given to the resources, officer input and financial implications arising from their production.

Consideration was also given to the estimated timetable, based on the experience of other Local Authorities, it was noted that the Copmanthorpe Plan would be influenced by progress on the York Local Plan.

Consideration was then given to the following options:

Option 1a – approve the application for a Copmanthorpe Neighbourhood Plan, including the proposed boundary (as at Annex A of the report);

Option 1b – approve the application subject to amendments to the Neighbourhood Plan boundary;

Option 1c – reject the application.

Resolved: That Cabinet approve the Copmanthorpe Parish Council's application for a Copmanthorpe Neighbourhood Plan, including the proposed boundary as set out at Option 1a of the report.¹

Reason: To allow Copmanthorpe Parish Council to proceed with the preparation of their Neighbourhood Plan.

Action Required

1. Inform Parish Council of formal approval of their application and that CYC will support progression. RM

90. Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Review

Consideration was given to a report which presented Members with details of the review of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (SPD). The review had looked at whether the approach the authority was taking was working, the impact on stakeholders, data collection and best practice elsewhere.

The paper had been considered by the Local Plan Working Group at its meeting on 9 December 2013 when a number of amendments had been agreed, as set out in the amended report at Annex E.

It was noted that extensive consultation had been undertaken as part of the review and the Cabinet Member expressed his appreciation to all respondents.

The Cabinet Member referred to staff resources and HMO turn over which had an effect on updating the HMO database and the need to be able to provide up to date information in relation to planning appeals. Reference was also made to the impact on student families which had been highlighted and to the quality of HMO accommodation which it was proposed to address by way of a flexible C3/C4 permission and with the introduction of an accreditation scheme.

Other Members expressed their support for the revised scheme and following consideration of the following options:

Option 1: Approve the proposed amendments to the SPD as shown at Annex E

Option 2: Make no changes to the SPD

Option 3: Request officers to undertake further work, it was

Resolved: That Cabinet agree to:

- i) Note the contents of the report;
- ii) Approve the proposed amendments to the Supplementary Planning Document at Annex E of the report;

- iii) Delegate to the Director of City and Environmental Services, in consultation with the Cabinet Member for Transport, Planning and Sustainability, the making of the amendments to the SPD and the republishing of the SPD. ¹

Reason: So that the SPD be fit for purpose and can continue to be used effectively for Development Management purposes to support the emerging Local Plan and the Article 4 Direction which came into force on 20 April 2012.

Action Required

1. Republish SPD and proceed to use for Development Management Purposes following consultation and the making of final amendments. MG

91. Review of the York Financial Assistance Scheme

Consideration was given to a report which provided Members with an update on the operation of the York Financial Assistance Scheme (YFAS), which included consultation feedback and recommendations to enhance the present scheme. The scheme provided emergency and community assistance based on eligibility criteria and individual circumstances.

The scheme had been established from April 2013, following the transfer of government funding to the local authority, details of which were set in paragraphs 2 to 10 of the report.

Following an examination of the spend against budget and an analysis of feedback, the lowest cost option, in terms of alternative service delivery models considered, required the Council to work closely across departments to ensure referrals were made and funding opportunities maximised.

The Cabinet Member expressed concern regarding future funding which he understood would be by way of the General Fund rather than a ring fenced grant. Concern was also expressed at the number of claims now being received and the need to assist those in crisis without them becoming dependent on the assistance.

Resolved: That, following consultation feedback, Cabinet agree to:

- (i) The full administration of the Financial Assistance Scheme remaining within the Council's Benefits Service with a strengthening of advice, referrals and researching of other sources of funding.
1.
- (ii) The Financial Inclusion Steering Group having overall control over the general distribution of the fund and the commissioning of other organisations as necessary to target specific initiatives.
- (iii) Reports to Cabinet from the FISG to be produced every year in June (Annual Report) and November (Interim Report) to update progress on financial inclusion activities with particular emphasis on the York Financial Assistance Scheme.

Reason: To ensure ongoing improvements so there is no gap in provision of urgent financial resources available to our most vulnerable residents at times of crisis or other difficulty. To mitigate the impacts of wide ranging welfare benefits changes. To meet the priorities set down in the Council Plan and Financial Inclusion Strategy.

Action Required

- 1. Continue administration of the Scheme by the Benefits Service.
- 2. Schedule reports on the Forward Plan in June and November each year.

JM

JM

92. Discretionary Rate Relief Awards 2014 - 2016

Consideration was given to a report which provided Cabinet with details of a new application received for Discretionary Rate Relief (DRR) for the period 1 April 2014 to 31 March 2016. Details of the Council's existing DRR commitments against the available budget were set out at Annex A of the report.

The new application for DRR for 2014 had been received from the Steiner School, a registered charity and not for profit organisation, which currently received 80% mandatory relief. As a non-local authority school Members were asked to consider whether this could set a precedent for applications from other fee paying schools and Government funded academies.

It was confirmed that as from April 2014 all new awards would take account of budget availability and consideration of applications against Council priorities.

Following further discussion it was

Resolved: That Cabinet agree to reject the application for discretionary rate relief for 2014 received from the Steiner School, as it could set a precedent for future applications. ¹.

Reason: To provide a transparent process for awarding discretionary rate relief as approved by Cabinet in February 2013.

Action Required

1. Inform the applicant of the outcome of the meeting.

DW

93. Business Rate Discount Policy

Members considered a report which provided Cabinet with an updated business rate discount policy for approval. The revised policy used the following three ambitions to target discounts:

- Supporting Young Business in Economic Growth Sectors
- Bringing empty listed buildings back into use and
- Significant business relocations to York

The policy built upon that approved by Cabinet in February 2013 to present a consistent approach across the Leeds City Region for businesses who may wish to make an application.

Resolved: That Cabinet approve the revised business rate discount policy attached to the report at Annex A. ¹.

Reason: To provide a policy to deal with any requests for business rate discounts.

Action Required

1. Implement revised policy.

DW

94. Disposal of and Investment in Council Assets

Consideration was given to a report which set out details of progress made on a number of asset management projects, involving the disposal of surplus assets, to assist in the delivery of key Council project priorities together with the acquisition of the remaining freehold part of Stonebow House. The proposed disposals related to:

- Clementhorpe Maltings, Lower Darnborough Street
- The former Manor School site
- 17/21 Piccadilly
- Land adjacent to A59/A1237 Roundabout

It was noted that one of the key principles for the asset review of all Council property and land was to identify opportunities to generate capital receipts by rationalising and sharing the occupation of properties, thereby reducing the number of properties the Council owned and occupied.

The Leader acknowledged earlier comments and confirmed that no final decision had yet been made in relation to the site at 17/21 Piccadilly. However, he confirmed that it was the responsibility of the Council to ensure that it received best value from disposals.

Members also referred to speaker's earlier comments confirming that the dereliction of the building on Piccadilly was a major concern to residents however it was hoped that the history and heritage of the site would be reflected in any future development.

Resolved: That Cabinet:

- (i) Approves the sale of Clementhorpe Maltings and land adjoining the A59/A1237 roundabout for the capital receipts detailed in confidential Annex 2. ^{1.}
- (ii) Approves the acquisition of the remainder of the freehold for Stonebow House for £62,250. ^{1.}
- (iii) Approve the sale of the Former Manor School off market to ABF Ltd with delegation of the conclusion of negotiations to the Director of Customer and Business Support Services in consultation with the Cabinet Member for Finance Performance and Customer Services subject to the provision of adequate supporting valuations. ^{2.}
- (iv) Delegate the final evaluation and selection of a purchaser for 17-21 Piccadilly to the Director of Customer and Business Support Services in consultation with the Cabinet Member for Finance Performance and Customer Services subject to the provision of adequate supporting valuations. ^{3.}

Reason: To support the economic development of the city and create jobs and provide capital receipts to fund the Council's capital programme.

Action Required

- 1. Proceed with the sales and acquisition of these properties. PC
- 2. Proceed with sale subject to delegation of conclusion of negotiations to Director of CBSS and Cabinet Member. PC
- 3. To note final evaluation and selection of purchaser for this property delegated to Director of CBSS and Cabinet Member. PC

Cllr J Alexander, Chair

[The meeting started at 5.00 pm and finished at 6.40 pm].