

Meeting	Executive
Date	24 November 2016
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Rawlings, Runciman, Steward and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillors Craghill, Derbyshire and Flinders

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## **Part A - Matters Dealt With Under Delegated Powers**

### **64. 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 Ayre declared a personal pecuniary interest in relation to agenda item 6 (Bootham Park Hospital Scrutiny Review Final Report) owing to his employment as an NHS Manager for North Yorkshire County Council and he left the meeting during the discussion and voting thereon.

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

Resolved: That the press and public be excluded from the meeting during consideration of Annexes 2 and 3 to agenda item 10 (York Central – Third Party Acquisitions) on the grounds that they contained information relating to the financial or business affairs of any particular person (including the authority holding that information). This information was 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).

## 66. Minutes

Resolved: That the minutes of the last Executive meeting held on 13 October 2016 be approved and signed by the Chair as a correct record.

## 67. Public Participation

It was reported that there had been five registrations to speak at the meeting under the Council's Public Participation Scheme and that three Member of Council had also requested to speak. The registrations were in respect of the following items:

### Funding Major Transport Projects – West Yorkshire Transport Fund

Paul Hepworth spoke on behalf of Cycling UK to highlight the reductions in investment in sustainable transport and, in particular, in the Cycling and Walking Investment Strategy. He expressed concern that the Local Enterprise Partnership's were not incentivised by Government to allocate funding to promote sustainable travel and requested that the WYCA funding should be used to widen travel choices and contribute to the Local Transport Plan.

### York Central – Consultation on Access Options

Annabel Jelley spoke on behalf of local residents and the Save Holgate Garden campaign group. She referred to Access Option C to the York Central site, opposite Chancery Rise, pointing out that the route would cut through a green garden space for which village green status had recently been applied. She confirmed support for full consultation with residents regarding all access options, referring to the detrimental impact of access close to homes and the impact on residents and the local community.

Ben Hall also spoke to express concern regarding the effect on local residents of an access road opposite to Chancery Rise in to the site. In particular the effect of pollution from vehicles adjacent to a play area. He asked that all options should be given equal consideration and the effect of each on the local community. Claire McMahon-Harvey also referred to the impact an access road at this point would have on the St Paul's Primary School, affecting air quality with additional traffic on Holgate Road. She also referred to the loss of a valuable amenity space for the local community at Holgate Garden.

Cllr Derbyshire requested that, when Officers undertook more detailed consideration of the access options, public views should be fully weighed alongside the five criteria listed in the report. Whilst residents supported the development, an access route opposite Chancery Rise would affect community green space and she requested that sufficient weight should be given to community impact.

#### Update on Land Assets at Piccadilly

Sam Leach, spoke as a Director of Spark:York in support of the granting of a three year tenancy, to their community interest group, to provide start up space for local businesses and street food on the vacant Piccadilly site. He confirmed that the project would provide local residents with affordable retail units and space for food, drink, retail art studios and work space to enhance the city offer.

Cllr Craghill, expressed her support for the temporary development of the Piccadilly site to support local enterprises and to regenerate the area for residents. In particular she supported the reinvestment of profits in community projects.

Cllr Flinders also expressed his support for the Piccadilly project which he felt would provide impetus for the Southern Gateway project and benefit the local community. He also supported the sharing of profits from the project and the benefit the development would provide for existing businesses in the area.

#### The Next Phase of the Older Persons' Accommodation Programme: Deciding the future of Willow House Older Persons' Home

Cllr Craghill expressed concern at the inclusion in the sale of Willow House Older Persons' Home of a green amenity space at the front of the home.

### **68. 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.

## 69. Bootham Park Hospital Scrutiny Review Final Report

Consideration was given to the final report of the Bootham Park Hospital Scrutiny Review, at Appendix 1 of the report. A review which had been undertaken following the hospital's closure further to an unannounced inspection of the psychiatric inpatient services by the Care Quality Commission in September 2015. The following recommendations had been put forward in the final report for Executive approval:

That NHS England should ensure that:

- i. The NHS nominated a named person to be responsible for the overall programme of sustained improvements to mental health services in York. That person to provide regular progress reports to the Council and meet the Committee when requested to review progress;
- ii. Specific details were provided of all mental health services currently provided or planned in the City of York area, with timescales for provision or replacement where appropriate;
- iii. Commissioning agents should sign up to an understanding that they were more proactive in engaging with people to avoid the sudden closure of health facilities.

That the Tees, Esk and Wear Valleys NHS Foundation Trust and the Vale of York Clinical Commissioning Group:

- iv. Carry out a full and robust consultation process ahead of the procurement of a new mental health unit in York and that details are shared with the Committee.

That the Care Quality Commission:

- iv. Should consider varying its internal processes so that there was a procedure for service transfers between providers, rather than treating them as a full deregistration and re-registration procedure.

The Health & Adult Social Care Policy & Scrutiny Committee also agreed that:

- i. The Final Report and its recommendations should be referred to the Executive and the Health & Wellbeing

Board for endorsement and consideration as appropriate, prior to forwarding them to NHS England.

- ii. Copies of the final report were sent to all the organisations mentioned in the recommendations in the paragraphs above.
- iii. Those organisations mentioned in the recommendations be asked to respond to the Health & Adult Social Care Policy & Scrutiny Committee within three months. <sup>1</sup>.

Councillor Cuthbertson, as Vice Chair of the Task Group, presented the report outlining the background to the review and the work undertaken both by the Group and John Ransford, an Independent Expert Adviser. He highlighted the NHS Learning and Assurance and Healthwatch reports and the subsequent NHS Action Plans and key observations arising from the summary of events and issues raised. He confirmed that whilst it appeared that all agencies had failed in some way, in the closure of the hospital, in patient services had now been reinstated in the city. He also expressed his thanks to John Ransford for his independent review work.

Members also expressed their thanks to the Task Group and all involved in the review for their comprehensive report and recommendations, which they felt provided future accountability for mental health services in the city.

**Resolved:** That the Executive endorse the recommendations set out in the final report of the Bootham Park Hospital Scrutiny Review as listed at paragraphs 10,11 and 12 (i to v) and the additional recommendations at paragraph (vi) (i to iii) of the cover report.

**Reason:** So Members are aware of the work undertaken by the Health & Adult Social Care Policy & Scrutiny Committee in relation to the closure of Bootham Park Hospital and the measures taken to re-establish services in York.

#### Action Required

1. Implement recommendations arising from Bootham Park Hospital final report.

SE, MF

## 70. Protection of Grass Verges Scrutiny Review Final Report

Members considered the final report of the Grass Verges Scrutiny Review which had been undertaken to examine concerns raised about damage by motor vehicles to grass verges across the city.

Councillor Fenton, as Task Group Chair, thanked the Committee, Task Group and Officers for their work on the review which had been set up with the aim of finding how the Council could work in partnership with residents to improve and protect grass verges from damage. Cllr Fenton referred to the objectives, information gathered and feedback received and outlined the under mentioned recommendations as a first step in alleviating the problems.

The Scrutiny Committee and Task Group had recommended that the Council:

- i. Continue to carry out its current policy to repair grass verges when reported as and when it deemed it appropriate. <sup>1</sup>.
- ii. Sets up a system to acknowledge and record complaints with a view to taking action against individuals and organisations where this was possible and practical. <sup>2</sup>.
- iii. Ensure that off-street parking provision was a consideration in the revised Local Plan. <sup>3</sup>.

Also in an effort to encourage drivers not to park on or drive over grass verges and reduce the amount of damage to verges across the city, EDAT and the Task Group recommended:

- iv. That the Director of City and Environmental Services:
  - Promoted via My Account the need for a verge crossover where front gardens had been made into hard standing areas and offered residents the facility to construct a vehicle access crossing point, at their own cost. <sup>4</sup>.
  - Offered reduced rates where a number of residents decided to proceed with construction of vehicle access crossing points or when other significant highways construction work was

taking place in their neighbourhood.<sup>5</sup>

- Arrange for an informative to be included in planning application documentation to reduce the risk of damage being caused to verges by contractor's vehicles during building work and if damage was caused during the course of any work it should be repaired on completion of the work and the verges reinstated to their original condition.<sup>6</sup>
- v. The Communications Team to produce a pro forma letter to further promote community and neighbourhood pride and advise that it costs council tax payers £35 per square metre to repair damaged verges, which can:
- Be made available to ward councillors for distribution to drivers and residents when a particular problem was identified or reported;<sup>7</sup>
  - Be circulated to residents online or by text message via the new My Account system;<sup>8</sup>
  - Form the basis of a poster to be displayed in local libraries, community centres, other public buildings and included in relevant council publications.<sup>9</sup>

Furthermore, the Task Group had recommended that the Director of City and Environmental Services:

- vi. reviewed, and where appropriate amended, the existing Council policy with regard to damage to grass verges and assessed staff resources required.<sup>10</sup>
- vii. produced a menu of options to be made available to ward councillors, ward committees and parish councils so that they:
  - had an idea of the cost of various interventions that could be funded through ward budgets, such as installation of parking bays or repairs to damaged verges;

- could focus on areas of greatest need dependent on a consensus of support from the local community and partner agencies. <sup>11.</sup>

Members welcomed the recommendations and partnership approach suggested, pointing out that this was also a problem in rural areas.

Officers confirmed that the recommendations were achievable and could be implemented at minimal cost. However the main issue was for residents to feel a sense of personal responsibility and pride in their neighbourhood.

Resolved: That the Executive endorse the recommendations set out in the final report of the Protection of Grass Verges Scrutiny Review as set out at paragraphs 5 to 7 (i to vii) of the cover report.

Reason: So the Council can help address ongoing issues for a number of residents in various wards in the city.

Action Required

1,4,5,6,10&11. Implement Task Group recommendations.	NF
2. Implement Task Group recommendation to set up acknowledgement system.	NF, PS
3. Ensure off-street parking provision is a consideration in the revised Local Plan.	MG
7 to 9. Implement Task Group recommendations in relation to advice regarding damaged verges.	AC

**71. York Central - Consultation on Access Options**

Members considered a report which set out proposals to fund the access route to the York Central site using the West Yorkshire Transport Fund (WYTF) and to undertake further consultation on the route of the proposed new access to the site.

Members were reminded of the significant work, over a number of years, to identify access options to unlock the York Central site and to the jointly funded Network Rail/CYC assessment of the site and spatial plan. It was also noted that the access route onto York Central, which included an access road, a bridge across the rail lines and the main road round the rear of the station would largely be funded from the WYTF, in order to provide certainty to the development of whole site.



Officers confirmed details of progress with partners to produce a master plan for the site and engagement with all interested parties via the York Central Community Forum. Officers also reported on the recommendations of the Corporate & Scrutiny Management Policy & Scrutiny (Calling-In) meeting, held earlier in the week. The meeting had considered the pre-decision call in of this matter to enable Members to input in the consultation, ensure that it engaged all Holgate residents and to gain assurance that all possible access options would be given equal consideration. Copies of the draft minutes of that meeting, were circulated for information and it was noted that following a wide ranging discussion the Scrutiny Committee had recommended:

- (i) high level, ongoing engagement across the City in relation to the access route for York Central be undertaken, with particular regard being given to residents most directly affected; and
- (ii) arrangements be made to ensure that any further consultation processes, in relation to the route and site, clarify the current status of Access Route E as being part of the package to unlock funding from the West Yorkshire Transport Fund (WYTF).

The Deputy Leader referred to his attendance at the Scrutiny meeting and reiterated that no decision had yet been taken on the access route to the site and that further specific consultation would be undertaken on all the access options. Following further discussion and consideration of the following options

Option A - route accesses the site from Water End to the North

Options B to E - accessing the site from Holgate Rd. Due to the high cost of each of the options, the identified need for public sector funding to support any redevelopment at York Central, and the fact that work to date indicated that development was serviceable and deliverable from a single additional point of access, there was an assumption that only one new route would be provided.

It was

Resolved: That Executive agree:

- (i) To take up the West Yorkshire Transport Fund (WYTF) funding allocated for York Central and to

confirm that the York Central access route will be part funded by CYC;

- (ii) To undertake further consultation on the access route for York Central as part of a future York Central planning strategy, with high level, ongoing engagement across the City in relation to the access route, with particular regard being given to residents most directly affected;
- (iii) Subject to the council agreeing to join the West Yorkshire Transport Fund, to agree to fund the access route definition and design outlined in the report from the £2.15 WYTF Gateway 1 allocation;
- (iv) To note the appointment of Development and Technical Advisors to develop a detailed planning strategy for the York Central Partners. <sup>1</sup>.

- Reason:
- (i) To ensure the delivery of York Central.
  - (ii) To ensure that a range of access options have been considered.
  - (iii) To enable timely progress on the York Central project.
  - (iv) To ensure that a development scheme for the York Central site can be delivered.

#### Action Required

1. Join the WYTF, take up funding and undertake full consultation on the access route.

TC, TC

## **72. York Central - Third Party Acquisitions**

The Executive considered a report which set out proposals to purchase the Unipart Rail site to the rear of the railway station, one of the third party properties on the York Central site required to assemble all the strategically important parts of the site under the ownership of the York Central Partners.

Members noted that the City of York Council were leading the land assembly strategy for York Central and that, owing to the need to reprovide the Unipart facility elsewhere, the purchase value of the site would be above the market value of the current site. Consideration was also given to the funding of the acquisition and

the risks involved which it was noted would be regularly reviewed by the project board.

Officers confirmed that confidential negotiations were currently taking place regarding site funding costs, details of which would be publically available following the sale.

Members expressed their support for the sale which would ensure that Unipart remained in the city and their agreement of the final purchase price set out in the report.

Resolved: That Executive agree to:

- (i) The purchase price of the Unipart site as set out in confidential Annex 2 in advance of any potential initiation of a Compulsory Purchase Order.
- (ii) Delegate to the Corporate Director of Economy and Place in consultation with the Corporate Director of Customer and Corporate Services and the Leader to share the purchase cost of the Unipart site with the Homes and Communities Agency on the basis set out in confidential Annex 2.
- (iii) Delegate to the Corporate Director of Economy and Place in consultation with the Corporate Director of Customer and Corporate Services and the Leader the authority to agree the application and terms for a further loan from the Leeds City Region Local Enterprise Partnership (LCR LEP) Local Growth Fund (LGF) to part fund the purchase as set out in confidential Annex 2.
- (iv) Agree that the LEP loans be considered as an element of the £10m budget approved to York Central and therefore the remaining balance of the Unipart acquisition be charged against this CYC approved budget prior to the finalisation of the York Central partnership agreement and funding strategy.<sup>1</sup>

Reason: To enable timely progress on the York Central project.

### Action Required

1. Proceed with the sale/loan on the terms set out in the report.

TC

### 73. **Update on Land Assets on Piccadilly**

Consideration was given to a report which examined the granting of a three year tenancy to provide a meanwhile development on the former Reynard's Garage site. This would provide a start-up space for social enterprises, new businesses and street food on a vacant city centre site, opening in spring 2017 to encourage footfall in the Piccadilly area.

It was noted that whilst the responsibility for securing funding and planning permission would rest with Spark:York, a Community Interest Company, the upfront investment required would be recovered through a rental agreement.

Officers confirmed that a report, which set out progress to date on the Southern Gateway project and opportunities to partner with other stakeholders would be considered by the Executive at their January 2017 meeting, in the meantime this scheme would assist in the promotion of the area.

Members welcomed the development and confirmed the support of the three Ward Members for the innovative use of the site.

Resolved: That Executive agree to:

- (i) Grant Spark:York a three year lease for the use of 17-21 Piccadilly from Spring 2017 to build and operate a shipping container development for start-ups and street food, subject to them:
  - Securing finance
  - Securing planning permission
- (ii) Note the use of the remaining capital demolition budget of £40k to provide utility services to site, the cost of which would be recovered through Spark:York's rent over the term of their tenancy.  
1.

Reason: (i) To allow the meanwhile use of 17-21 Piccadilly to drive the regeneration of the area in advance of the sites long term redevelopment.

- (ii) To provide the necessary utilities to the site to allow the meanwhile use to proceed.

Action Required

1. Grant the lease on the grounds stated together with the provision of utility services to the site. TC

**74. The Next Phase of the Older Persons' Accommodation Programme: Deciding the future of Willow House Older Persons' Home**

Consideration was given to a report which provided the Executive with the results of consultation undertaken with residents, relatives and staff of Willow House residential care home to explore the options to close the home, with current residents moving to alternative accommodation.

Members noted the criteria used in selecting Willow House for potential closure. It was also noted that the same approach to consultation had been undertaken as had been followed for other homes using 'Moving Home Safely' protocol.

Officers confirmed that consultation had also been undertaken with users of a learning disability 'drop in' resource and their carers who would also be relocated if approval were granted. In answer to earlier speakers comments, Officers also confirmed that the area of land adjacent to Walmgate Bar was in the ownership of the local authority and part of the Willow House site.

Members expressed their support for the level of consultation undertaken and improved provision for residents and staff.

Resolved: That the Executive agree to:

- (i) Note that the Older Persons' Accommodation Programme aimed to address the needs and aspirations of older people who required accommodation and care, both now and in the future, equipping York to meet their needs by delivering new Extra Care accommodation and good quality residential and nursing provision which met modern day standards.
- (ii) Note the outcome of the consultation undertaken with residents, family, carers and staff of Willow House to explore the option to close the home with

current residents moving to alternative accommodation.

- (iii) Close Willow House residential care home and, require that residents' moves to their new homes were carefully planned and managed in line with the Moving Homes Safely protocol.
- (iv) Sell the Willow House site and adjacent land, in total 3,092 m<sup>2</sup>, in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme. <sup>1</sup>.

Reason: In order to increase the supply of good quality accommodation with care for independent living together with new residential and nursing home provision to address the changing needs and aspirations amongst York's older population and ensuring that more could choose to live independently at home.

#### Action Required

1. Implement closure of OPH and sale of site and adjacent land.

RW

### **75. Capital Programme - Monitor 2 2016/17**

*[See also Part B minutes]*

Consideration was given to a report which set out the projected out turn position for the 2016/17 Capital Programme which included any adjustments and requests to re-profile budgets between years.

It was reported that the Capital Programme approved by Council in February 2016 and updated from later reports to the Executive was £100.146m and, with a decrease of £29.080m, reported in the current monitor, had resulted in a revised Capital Programme of £71.066m. The variances reported against each portfolio area together with a summary of the key exceptions and their implications on the programme were also highlighted.

As a result of the changes the revised 5 year capital programme was reported together with financing details of the programme to 2020/21 at table 3 and Annex A.

Resolved: That Executive:

- (i) Note the 2016/17 revised budget of £71.066m as set out in paragraph 6 and Table 1 of the report.
- (ii) Note the restated capital programme for 2016/17 – 2020/21 as set out in paragraph 40, Table 2 and detailed in Annex A.

Reason: To enable the effective management and monitoring of the Council's capital programme.

## **76. 2016/17 Finance and Performance Monitor 2**

Members considered a report which presented details of the Council's overall finance and performance position for the period 1 April to 30 September 2016 which assessed performance against budgets and included progress in delivering the Council's savings programme.

With the Council's net budget at £117.9k, it was noted that the financial pressures facing the Council were projected at £480k, an improvement of £717k from the £1,197k reported at Monitor 1. A financial overview of the forecast was reported on a directorate by directorate basis at Table 1 of the report.

Officers highlighted the continuing risks and pressures in particular in adult social care, however it was expected that with ongoing monitoring and mitigation that the Council would outturn within budget.

Resolved: That Executive note the current finance and performance information to 30 September 2016 and approve the strategic set of indicators.

Reason: To ensure expenditure is kept within the approved budget.

## **77. Treasury Management Mid Year Review and Prudential Indicators 2016/17**

Members considered a report which provided an update on treasury management activities for the period 1 April to 30 September 2016, to ensure that the Council was implementing best practice in accordance with the Local Government Act 2003 (revised).

Information was presented on the current economic background and its effect on the Annual Investment Strategy and Investment Portfolio at paragraphs 4 to 28 of the report.

To ensure that the Council had operated within the treasury limits and Prudential Indicators (PI's) details of the monitoring of and compliance with the PI's were reported at paragraphs 29 and 30 and Annex A.

Resolved: That, in accordance with the Local Government Act 2003 (revised), Executive agree to note the:

- (i) Treasury Management activities to date in 2016/17;
- (ii) Prudential Indicators set out at Annex A of the report and note the compliance with all indicators.

Reason: To ensure the continued performance of the Council's Treasury Management function.

## **Part B - Matters Referred To Council**

### **78. Funding Major Transport Projects – West Yorkshire Transport Fund**

Consideration was given to a report which set out proposals to formally join the West Yorkshire Transport Fund to enable Capital Funds to be released to undertake delivery of two strategic major Transport Projects, roundabout improvements on York Outer Ring Road and York Central Access Road and Station Gateway.

Members noted the latest position on the York schemes included in the Fund together with the key risks surrounding the Council's payments into the fund and the mitigating measures proposed.

Officers confirmed that, if agreed, the recommendations would be considered at the Combined Authority meeting on 1 December and by Council on 15 December for final determination. In answer to Members questions Officers confirmed that the priority of the York scheme's had been based on deliverability by 2020/21 and that modelling work on each project was publically available.

Members welcomed the financing as the most affordable way of funding the major investment in the Outer Ring Road and York Central.



Following further discussion it was

Recommended: That Council agree to:

- (i) Formally join the West Yorkshire Transport Fund.
- (ii) Accept the financial liability that arises from joining the fund and to note that future increases in the levy would represent as unavoidable additional cost in future budgets. Although the precise figures could not be determined at this stage it would be within the parameters identified in the report which estimated an increase from the budgeted contribution of £500k per annum to £1m to £1.5m per annum in 2025.
- (iii) Delegate to the Deputy Chief Executive/Director of Customer and Corporate Services the finalisation of the legal agreement in consultation with the Leader of the Council, the Deputy Leader of the Council and the Finance Portfolio holder.<sup>1</sup>

- Reason:
- (i) To ensure the delivery of the York Outer Ring Road improvements and York Central Access Road and Station Gateway schemes.
  - (ii) To ensure proper financial planning within the authority.
  - (iii) To ensure that York's position is fully protected in line with the principles set out in the report.

Action Required

1. Refer to Council.

JP

**79. Capital Programme - Monitor 2 2016/17**

*[See also Part A minutes]*

Consideration was given to a report which set out the projected out turn position for the 2016/17 Capital Programme which included any adjustments and requests to re-profile budgets between years.

It was reported that the Capital Programme approved by Council in February 2016 and updated from later reports to the Executive was £100.146m and, with a decrease of £29.080m reported in the current monitor had resulted in a revised Capital Programme of £71.066m.

Members noted an increase of £110k had been made to the Harewood Whin transfer station scheme to reflect a loan to Yorwaste, to replace the current contribution of £1m, currently approved in the capital programme. Officers also drew Members attention to the decrease detailed in the monitor resulting in the revised 2016/17 capital programme as set out in Table 1 of the report.

Recommended: That Council:

- (i) Agree to make adjustments resulting in a decrease in the 2016/17 programme of £29.080m as detailed in the report and contained in Annex A.
- (ii) Approve the loan of £1.110m the Council will provide to Yorwaste, as set out in paragraphs 23 – 29 of the report, to be funded from the Waste reserve and note that this will have no impact on the Council's overall borrowing levels. <sup>1</sup>.

Reason: To enable the effective management and monitoring of the Council's capital programme.

Action Required

1. Refer to Council.

JP

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.50 pm].