

Meeting	Executive
Date	16 March 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker

123. 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. No additional interests were declared.

124. Exclusion of Press and Public

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

- Annexes 7a and 7b to Agenda Item 15 (Development of the Guildhall Complex)
- Annex A to Agenda Item 16 (Community Stadium and Leisure Facilities Report)
- Annex 2 to Agenda Item 17 (Update on the Re-Provision of the Ordnance Lane Temporary Homeless Accommodation)

on the grounds that they contain 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).

125. Minutes

Resolved: That the minutes of the Executive meetings held on 26 January and 9 February 2017 be approved and then signed by the Chair as a correct record.

126. Public Participation

It was reported that there had been 3 registrations to speak at the meeting under the Council's Public Participation Scheme and that 1 Member of Council had also requested to speak. The registrations were in respect of the following items:

Community Stadium and Leisure Facilities

Fiona Evans spoke on behalf of the Yearsley Pool Action Group. She outlined the Group's role in the Yearsley Pool Review and the detailed and wide ranging discussions that had taken place in order to identify an affordable long term operating model to preserve community access and the high service standards at the facility. She asked the Executive to adopt the option proposed in the report to ensure the long term future of a unique and valuable pool.

Additional Primary School Places for Micklegate

Jonny Crawshaw spoke as a parent and member of the community. He welcomed the proposed expansion of Scarcroft Primary School, but questioned whether the plans for a small multi use games area (MUGA) on the site included the levelling of the sloping playground and laying of a multi use surface. He added that it was vital that there was a full and meaningful consultation as to the siting of the full sized MUGA at the Millthorpe School site and asked that it be made available to all parts of the community with hire fees in line with other similar council facilities.

The Development of the Guildhall Complex

Brian Watson, Honorary Alderman, raised concerns as to the proposed development of the Guildhall Complex, both in terms of cost and public access, as well as the number of days available for civic use and opportunities to promote the City. He referred to the Civic Trust withdrawing from the project and raised concerns as to the size of the potential drinking venue. He added that the proposed working group should be made up of independent persons.

With regards to the Community Stadium, he questioned whether GLL would be abiding by the Council's budget.

General Remit of the Committee – Highway Works by Utility Companies

Councillor Warters raised concerns as to the co-ordination and inspection of utility works on the highway network. He questioned the recording of defects and asked for an urgent review of operations of the Streetworks inspection team, with a view to aligning with the highways maintenance section.

Councillor Warters also questioned whether additional funds had been requested for remedial works following broadband roll out, given that it was a government initiative and asked if utility companies were required to re-turf grass verges after excavations.

127. 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.

128. City of York Safeguarding Children Board Annual Report 2015/16

Members considered a report which presented the City of York Safeguarding Children Board's Annual Report for 2015/16.

The Chair of York's Safeguarding Children's Board outlined that the Board was one of only 2 in the country to be named as

outstanding in a recent external inspection by OFSTED. He referred to the hard work of front line staff as well as parents and carers in making York a safe city. Members in turn thanked the Chair for his achievements and work with the Board.

Resolved: That the Executive receive the Annual Report of the Independent Chair of the City of York Safeguarding Children Board.

Reason: For members to have the opportunity to reflect on the key messages and priorities when considering plans.

129. Additional Primary School Places for Micklegate

Members considered a report which provided the Executive with an update on the plans to add additional school places to Scarcroft Primary School after their decision to approve the use of basic need funding to remodel the interior of the school.

It was noted that this had been a complex piece of work which had benefited from significant levels of community engagement. It was confirmed that if the additional expenditure from Basic Need funding was agreed, a mini multi use games area would be created through the removal of car park spaces at the Scarcroft site.

Resolved: That the Executive agree to:

- (i) The expenditure of an estimated £225k of Basic Need funding to enable Scarcroft Primary School to increase by 0.5 form of entry (15 pupils per year group) to a 2 form of entry (60 pupils per year group). The funding will cover the cost of making internal refurbishment to the school building to add additional classroom space and other required facilities.
- (ii) £26k of additional expenditure from Basic Need funding to increase the amount of playing area on the school site (removal of car park spaces).

- (iii) £1m of basic need funding for a full size multi use games area (MUGA) to be located on the Millthorpe Secondary School site with additional parking spaces. The South Bank Multi Academy Trust has agreed to consult with the local community to determine the most appropriate place to locate these additional facilities on the school site. The Academy Trust has also agreed that during the school day the MUGA would be available for use by a number of schools in the area including Scarcroft Primary.¹

Reason: To enable the council to meet its statutory duties to provide sufficient school places, it supports the proposed changes to Scarcroft Primary school's building and the need to create additional outdoor play space. As from the 1 April 2016 Scarcroft Primary School became part of the South Bank Multi Academy Trust. This means that although the council remains responsible for ensuring there are enough school places in its area it will be the South Bank Multi-Academy Trust Board who have requested approval for the increase in the size of the school through the Regional Schools Commissioner.

Action Required

1. Action the use of Basic Need funding as set out in the report JS

130. Play Provision Scrutiny Review Final Report

Members considered a report which presented the final report arising from the Play Provision Scrutiny Review.

The Executive welcomed and accepted the findings of the review and thanked the Chair of the Task Group for undertaking the review. It was requested that the Best Practice Guide be developed as quickly as possible, given that playground capital investment had been agreed and schemes would be taken forward.

Resolved: That the Executive agree:

- (i) That a Best Practice Guide be introduced for Members containing a range of information (including those detailed in paragraph 40ii of the report), to be used when committing ward funds to the future development of community spaces schemes which incorporate play provision.
- (ii) The Best Practice Guide be used to support Members when new open spaces improvement schemes come forward. For example the proposed playground capital investment schemes in 2017 (see paragraph 40vi of the report)
- (iii) An appropriate Member training package be introduced to provide members with the necessary skills to effectively engage with children and young people in their local wards.¹

Reason: To take the recommendations from the Scrutiny Task Group forward in order to facilitate future improvements to the neighbourhood working model.

Action Required

1. Implement the agreed recommendations arising from the Play Provision Scrutiny Review CC

131. Ward Funding Scrutiny Review Final Report

Members considered a report which presented the final report arising from the Ward Funding Scrutiny Review.

In presenting the report, the Chair of the Task Group highlighted that there had not been a large response to the review's survey. However, feedback indicated that whilst councillors recognised the potential benefits of having funds to spend locally, the structures in place to do this were hard to navigate.

The Deputy Leader and Executive Member for Economic Development & Community Engagement thanked the Task Group for their work and welcomed the review findings. Whilst the recommendations were agreed in principle, the following amendments were proposed to Recommendation (i) and 3(v).

Recommendation (i) - whilst the value of training was recognised, it was not felt that mandatory training was appropriate in this area. Members would be actively encouraged to engage in any training opportunities available and Political Groups would be instrumental in facilitating this.

Recommendation 3 (v) - Executive endorsed the principle of additional staff resource being provided in the Communities and Equalities Team (CET), but the nature and level of this resource should be identified and agreed on a Ward by Ward basis. Ward Councillors to liaise with community officers to identify the resources required.

Following discussion as to the most appropriate allocation of ward resource and support to councillors, the importance of community infrastructure and community engagement were acknowledged and the aforementioned changes were agreed.

It was noted that Members would receive information further to the meeting as to the availability of the findings of the recent internal audit of ward funding¹.

Resolved: The Executive agree:-

- (i) That Members be actively encouraged to engage in any training opportunities available and the Political Groups be instrumental in facilitating this².
- (ii) That a set of standards be agreed to formalise the working arrangements between the Communities and Equalities Team (CET) and other CYC teams, eg Highways, in order to better manage the flow of information and manage councillor expectations, and speed up the progression of ward funded schemes.
- (iii) That appropriate changes be made to the internal processes to address the Veritau

findings and scrutiny review findings, including:-

- Improving communication and publicity of ward committee meetings;
 - Replacing the downloadable application form with an online application form, and providing guidance on the frequency that individual wards make their funding decisions, and how long it will take to receive the funding once an application has been approved etc;
 - Introducing a form to monitor the implementation and effectiveness of ward funded projects; and
 - A 'live' system be introduced with the capability to detail successful applications, pending applications, and the balance of available funding
- (iv) All case studies, fact sheets and other training materials be stored in a central depository made accessible to all councillors.
- (v) To endorse the principle of additional staff resource being provided in CET. The nature and level of this resource to be identified and agreed on a Ward by Ward basis. Ward Councillors to liaise with community officers to identify the resources required².
- (vi) That CET continue to provide a range of support in a range of ways to suit individual councillors' preferences and identify future improvements where feasible.
- (vii) That the Political Groups provide peer support to their ward members to enable them to progress schemes in their wards.
- (viii) The Scrutiny Committee to receive a future update on implementation progress of the model in order to assess any outstanding issues³.

Reason: To take the recommendations from the Scrutiny Task Group forward in order to facilitate future improvements to the neighbourhood working model.

Action Required

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| 1. Confirm availability of the internal audit of ward funding report | AD |
| 2. Note the amendments agreed to Recommendations (i) & 3(v) | CC |
| 3. Implement the recommendations arising from the Ward Funding Scrutiny Review as agreed by the Executive (noting the aforementioned amendments to (i) and 3 (v)) | CC |

132. Oakhaven Extra Care Facility: the sale of land to facilitate the development

Members considered a report which sought Member agreement to the appointment of the preferred bidder for the provision of an Extra Care facility at Oakhaven in Acomb.

Resolved: That the Executive agree to:

- a) Note the appointment of Ashley House plc as the developer and operator of the Extra Care facility at Oakhaven and the securing of nomination rights to 20 affordable rented and 5 discount sale apartments for 80 years.
- b) Sell to Ashley House plc the 0.87 acres of land at Oakhaven on Acomb Road which will be used for the development of the Extra Care facility.¹

Reason: To progress to deliver the Extra Care facility at Oakhaven as part of the Older Persons' Accommodation Programme.

Action Required

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| 1. Proceed with the sale of land as set out in the report | RW |
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133. Burnholme: the sale of land to facilitate the development of a Care Home; agreement to management arrangements for the Community & Library facilities; disposal of the Tang Hall Library site

Members considered a report which provided details of the appointment of the preferred bidder for the construction and provision of Care Home services on the Burnholme site in the Heworth ward. Members were asked to agree to the sale of the land associated with this appointment as well as the management arrangements for the Community and Library facilities.

Resolved: That the Executive agree:

- a) To note the appointment of Ashley House working with HC-One Care Group as the developer and operator of the care home on the Burnholme site and the partner in a contract to provide 25 care beds for up to fifteen years at an agreed price.
- b) To grant Ashley House a long lease of the 1.13 acres of land at Burnholme which will be used for the development of the care home for a term of 125 years in return for the Council receiving payment of a premium of £500,000.
- c) That the Council enter into a head lease with Explore York Libraries and Archives Mutual Limited for the management of community and library facilities at Burnholme on substantially the terms outlined within the report.¹
- d) To sell the Tang Hall Library land on Fifth Avenue for development or alternatively for the Council to undertake development of the land for housing and the funds released by this sale or development are used to support the provision of community, library and sports facilities on the Burnholme Site.²

Reason: To progress to deliver the Burnholme Health & Wellbeing Campus including the delivery of a Care Home as part of the Older Persons' Accommodation Programme.

Action Required

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| 1. Draw up agreed leases for Ashley House and Explore York Libraries and Archives Mutual Ltd | RW |
| 2. Proceed with the sale of land or alternatively undertake land development as set out in the report | RW |

134. Delivering One Planet Council

Members considered a report which provided an update on how the council was working towards becoming a One Planet Council, including the new One Planet Council Policy and Action Plan, delivery of the new Carbon Management Plan, 'Better Decision Making' tool and information on the proposed approach to internal communications.

An amendment was proposed and subsequently agreed to Recommendation 6(ii and iii), which delegated to the Director of Economy and Place, in conjunction with the Executive Member for the Environment, the making of any revision to the 'Better Decision Making' tool, as required, rather than following a 6 month pilot period, as well as the roll-out of the tool for other council decisions.

It was highlighted that the One Planet Council programme encompassed social and economic as well as environmental legislative requirements.

Resolved: That the Executive agree to:

- (i) Approve the use of the One Planet Council Framework and the associated Action Plan (Annex 1 of the report).¹
- (ii) Approve the 'Better Decision Making' tool (Annex 2) for all new proposals going before the Executive (subject to the limitations set out in paragraph 28 of the report).²

- (iii) Delegate to the Director of Economy and Place, in conjunction with the Executive Member for the Environment, the making of any revision to the 'Better Decision Making' tool, as well as the roll-out of the tool for other council decisions.³
- (iv) Note the use of the proposed One Planet Council Communication Plan (Annex 3 of the report).

- Reason:
- (i) In order to embed sustainability and resilience into council decision-making processes and work towards 'One Planet Living', as set out in the Council Plan (2015–19).
 - (ii) The tool is a fundamental practical step to embedding the One Planet principles into decision-making processes across the Council.
 - (iii) To validate the proposed changes and enable the One Planet Council Programme to move forward.
 - (iv) To raise staff awareness of One Planet Council and gain the support of employees from across the Council.

Action Required

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| 1. Implement the One Planet Council Framework and Action Plan | MG |
| 2. Roll out the use of the 'Better Decision Making' tool | MG |
| 3. Note the delegation of powers in relation to revisions to the decision making tools agreed | MG |

135. Strategic Partnership opportunities with the Homes and Communities Agency for the Accelerated Delivery of Housing

Members considered a report which outlined opportunities for closer working with the Homes and Communities Agency to deliver the City's Housing needs.

It was noted that this was a innovative and ambitious strategy and would be one of the first such partnerships in the Country. It sought to address key housing challenges in York and would provide opportunities to increase the speed of delivery and a more varied tenure mix to bridge the affordability gap.

With regards to embedding sustainability, opportunities to develop the supply chain and skills were highlighted and the need to ensure an appropriate balance with sufficient open public space was acknowledged.

Resolved: That the Executive agree:

- (i) To enter into a Memorandum of Understanding (MoU) to establish a strategic partnership for housing development and investment with the Homes & Communities Agency.¹
- (ii) That a detailed business case for council-led housing development, including project management, governance, funding arrangements and risk assessments be presented for Executive approval in the summer of 2017.²
- (iii) That the council will explore partnership and funding opportunities to deliver accelerated housing on public land.
- (iv) That as part of the development of business cases the council will engage with health and education partners to explore the local impacts of housing development on other strategic services.
- (v) To note that the financial plan for the council requires that an additional £1m of annual revenue is generated from Council-owned property and land by 2020 and using budgets already held for this purpose, establish a project team who will develop proposals for housing development.

- (vi) To note that work has begun to develop proposals for housing on the Burnholme and Lowfield sites [in accordance with Executive decisions of 19th May 2016 and 8th December 2016] and agree that work begins to develop the business case for the development of homes on the Askham Bar site, the former Clifton Without School site and the Manor school site.³
- (vii) To note the good progress made in delivering new affordable housing via Housing Revenue Account Investment and agree that this will continue, subject to individual consent for investment in accordance with Financial Regulations.

Reason: To progress with the building of much needed new homes in York.

Action Required

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| 1. Draw up the MOU as agreed | TC |
| 2. Add report regarding the detailed business case to the Council's Forward Plan | TC |
| 3. Develop the business case for the development of homes on the sites agreed | TC |

136. The Development of the Guildhall Complex

[See also Part B minutes]

Members considered a report which outlined proposals to develop the Guildhall complex.

It was noted that the business case sought to deliver a secure future for one of the City's most historically significant buildings and ensure its ongoing council and civic use in an affordable way.

It was confirmed that following planning approval, a further recommendation had been added to make a further listed building consent application to add a second lift into the south range to enable disabled access to both sides of the complex.

Resolved: That Executive agree to:

- (i) The detailed business case for the regeneration of the Guildhall as set out in this report.
- (ii) Accept the terms of the Local Growth Fund (LGF) grant of £2.347m, from the Leeds City Region Local Enterprise Partnership (LCR LEP).¹
- (iii) Make a further listed building consent application to add a second lift into the south range to enable disabled access to both sides of the complex.²
- (iv) The award of a 25 year lease to a restaurant operator for the new build north annex riverside restaurant following a competitive marketing exercise.
- (v) Put in place arrangements for CYC to manage and operate the serviced office and business club, Guildhall space and to procure an operator for the cafe provision for the Guildhall complex.
- (vi) Procure a construction contractor and to commence the construction of the Guildhall project in accordance with the Planning and LBC approvals and business case.³
- (vii) The Mansion House, Guildhall and Common Hall Yard Management Plan to establish how the shared elements of the scheme will facilitate the operation of the Guildhall complex and the effective occupation of the Mansion House by the Civic Party.
- (viii) Form a cross party working group, working with Civic and Democratic Services to make recommendations to the Executive on refining the Management Plan before completion of the development and to keep the plan under review in operation.⁴

- Reason:
- (i) To ensure the future viability and effective re-use of the Guildhall as one of the City's most significant historic buildings, through the creation a vibrant business and civic venue, with supporting commercial development on the riverside.
 - (ii) To ensure that the complex is as accessible as possible for disabled users.
 - (iii) To ensure that the income generated by the Guildhall complex will fund the regeneration costs and will attract the high levels of use necessary to secure future viability, and manage the financial risk to the council.
 - (iv) To ensure that the Guildhall will attract the high levels of use necessary to secure the future viability of the complex; deliver wider economic benefits to the city; manage the financial risk to the council and ensure the continuing civic use of the Guildhall.
 - (v) To ensure the regeneration of the Guildhall complex and manage the financial risk to the council of developing a historic building.
 - (vi) To satisfy the planning conditions and to ensure that the status of the Lord Mayoralty is enhanced, with safe and effective management and use of the public space and amenity for the Civic Party in the Mansion House.
 - (vii) To ensure that the status of the Lord Mayoralty is enhanced, with safe and effective management and use of the public space and amenity for the Civic Party in the Mansion House.

Action Required

1. Implement the acceptance of the LGF grant from the LCR LEP as outlined in the report TC, DW
2. Proceed with the listed building consent TC, DW

- application as set out in the report
3. Proceed with management arrangements, procurement exercises and lease agreement as agreed TC, DW
4. Form a cross party working group and report back to Executive on the Management Plan TC, DW

137. Community Stadium and Leisure Facilities Report

Members considered a report which provided the findings and recommendations following the conclusion of the Yearsley Review. The report also provided an update on the progress of the wider Community Stadium and Leisure Facilities Project since the last report brought to Executive in December 2016.

The significant work undertaken by Greenwich Leisure Ltd, the Yearsley Pool Action Group and the Leisure Management Team in exploring the options was highlighted. It was noted that the recommended option offered reasonable financial revenue savings per year with little impact to the operational facility. Whilst there would be a 10% reduction in service, hours would be retained to accommodate peak times and aquatic clubs would be able to operate and develop.

With regards to the stadium, it was noted that the judicial review had been successful and the process was found to be fair.

Resolved: That the Executive agree to:

- a) Note the work of the Review which was to secure a long-term future for Yearsley Swimming Pool (YSP).
- b) Approve Option A-4 which will allow Greenwich Leisure Ltd (GLL) to continue to operate YSP for 91 hours per week under the Design, Build, Operate and Maintain contract (DBOM Contract) until 2024/25. (Details of Option A-4 are set out at paragraphs 22 – 24 of the report).¹
- c) Acknowledge the £300k New Homes Bonus budget allocation previously approved by Members at the 2015/16 Budget Council, will

be used from 2019/20 to 2023/24 financial years, to maintain the operation of YSP.

- d) Acknowledge that a decision on the continued operation by GLL of YSP and the funding considerations for YSP from 2024/25 onwards can only be made at the point of considering the overall financial position of the DBOM Contract for the full Project. A further report will be brought to Executive detailing the final financial position of the full Project prior to Financial Close later in the year (Final Executive Report).²
- e) Approve for the Director of Economy and Place to have delegated powers to agree terms with Nestle to formalise access and use of the adjacent Nestle car park which is used by YSP customers.³

Reason: To agree the long-term management arrangements for Yearsley Swimming Pool following the opening of the New Leisure Facility to be delivered as part of the proposed New Stadium and Leisure Complex (“NSLC”) at Monks Cross.

Action Required

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| 1. Implement Option A4 as outlined within the report | AL |
| 2. Add report detailing the final financial position to the Council's Forward Plan | AL |
| 3. Note delegations to agree terms with Nestle | AL |

138. Update on the Re-Provision of the Ordnance Lane Temporary Homeless Accommodation

[See also Part B minutes]

Members considered a report which provided an update on the proposals for the re-provision of the temporary homelessness accommodation at Ordnance Lane, York.

It was noted that Option 1 as proposed provided an unique opportunity to consolidate and bring together a range of

services. It was also confirmed that there would be consultation as part of the planning process.

Resolved: That the Executive agree to:

- (i) Subject to Council agreement of recommendation (i) [see Part B minutes], on the completion of the construction works at James House, agree to the disposal of 92 Holgate Road at market value to the highest bidder, with the proceeds used towards the costs of the James House purchase and conversion.¹
- (ii) Write off abortive costs relating to the Ordnance Lane scheme of £420k to the Housing Revenue Account funded from the HRA Investment Reserve.²

- Reason:
- (i) To enable the re-provision of the council's temporary homeless accommodation at Ordnance Lane, Holgate Road, Crombie House and Acomb Road to a single service based at James House.
 - (ii) In order to account for the abortive costs incurred on the project to date.

Action Required

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| 1. Subject to Council agreement, proceed with the disposal of 92 Holgate Road and purchase of James House | TB |
| 2. Action the write off costs relating to the scheme as agreed | TB |

139. Shareholder Committee – Appointment of Replacement Representative

As a Committee of the Executive, Members were asked to consider the appointment of Councillor Gillies to replace Councillor Steward as one of the representatives on the Council's new Shareholder Committee.

Resolved: That the Executive approve the appointment of Councillor Gillies to replace Councillor Steward as one of the representatives on the Council's new Shareholder Committee.¹

Reason: In order to make appropriate appointments to the Shareholder Committee for the current municipal year.

Action Required

1. Action appointment

CT

PART B - MATTERS REFERRED TO COUNCIL

140. The Development of the Guildhall Complex

[See also Part A minutes]

Members considered a report which outlined proposals to develop the Guildhall complex.

Following discussion it was:-

Recommended: That Council approve a total capital budget of £12.780m with prudential borrowing of £8.683m to fund the construction works to develop the Guildhall complex.¹

Reason: To ensure the future viability and effective re-use of the Guildhall as one of the City's most significant historic buildings, through the creation a vibrant business and civic venue, with supporting commercial development on the riverside.

Action Required

Refer to Council

CT

141. Update on the Re-Provision of the Ordnance Lane Temporary Homeless Accommodation

[See also Part A minutes]

Members considered a report which provided an update on the proposals for the re-provision of the temporary homelessness accommodation at Ordnance Lane, York.

Following discussion it was:-

Recommended: That Council approve a revised overall budget of £10.5m from the Housing Revenue Account for the purchase (subject to contract) and conversion of James House as a permanent replacement for the council's current temporary homeless accommodation at Ordnance Lane.¹

Reason: To enable the re-provision of the council's temporary homeless accommodation at Ordnance Lane, Holgate Road, Crombie House and Acomb Road to a single service based at James House.

Action Required
Refer to Council

CT

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 8.40 pm].