

Meeting	Executive
Date	29 November 2018
Present	Councillors Gillies (Chair), Aspden, Ayre, Brooks, Dew, K Myers, Runciman and Waller
In Attendance	Councillors Kramm (substituting for Cllr D'Agorne) and Looker

Part A - Matters Dealt With Under Delegated Powers

62. 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, that they might have in the business on the agenda. No additional interests were declared.

63. Minutes

Resolved: That the minutes of the Executive meeting held on 18 October 2018 be approved and then signed by the Chair as a correct record.

64. Public Participation

It was reported that there had been 7 registrations to speak at the meeting under the Council's Public Participation Scheme.

Richard Clark spoke on Agenda Item 5 (York Central Enterprise Zone Investment Case), as a local resident and retired housing regeneration professional. He expressed the view that the council should take more control of the development, as their contribution and risk was greater than that of the other partners, and that only 7% of the housing provision on the site would be truly affordable.

Tamsin Hart-Jones spoke on Agenda Item 5 on behalf of York Central Partnership (YCP). She fully supported the recommendations in the report, noting that all the YCP partners

had committed resources to the project and some of these were at risk.

Lyn Langford spoke on Agenda Item 5 on behalf of York Central Action and as a Holgate resident. She voiced concern that the proposals had been brought forward prematurely, before issues relating to traffic congestion, pollution and affordable housing had been properly addressed.

Dr Jamie Wood spoke on Agenda Item 6 (York Station Front Proposed Improvements – Public Engagements), on behalf of York Cycle Campaign. He expressed concern that the removal of a segregated cycle path from the scheme plan would cause danger to cyclists and asked Executive to consider re-instating the path.

John Bibby spoke on Agenda Item 6, on behalf of York Bus Forum (YBF). He referred to the YBF's alternative proposals and comments contained in the documents circulated to Members at the meeting and urged Executive to approve the demolition of Queen Street Bridge and defer the remaining proposals pending consideration of these alternatives.

Alan Robinson spoke on Agenda Item 6, supporting the YBF's alternative proposals on the basis that they would provide the best possible 'future proofed' bus exchange for passengers, closely integrated with the railway station.

Hon. Alderman Brian Watson spoke on Agenda Item 13 (Lord Mayoralty 2019-20). He objected to any change being made to the existing points system, which he considered fair and stable, but wanted the Executive to consider the accumulation of points for Independent Members.

65. 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 was published.

66. York Central Enterprise Zone Investment Case

[See also under Part B]

The Corporate Director of Economy & Place, the Director of Customer & Corporate Services and the Assistant Director for Regeneration & Asset Management presented a report which set out the investment case for the York Central Enterprise Zone and recommended the creation of a capital budget to fund the infrastructure costs for York Central and allow development to proceed.

Details of funding approvals to date, plus actual and forecast expenditure in the current financial year, were set out in paragraphs 13 to 18 of the report. A detailed appraisal had now been undertaken of the abnormal infrastructure costs which had inhibited the ability of the market to deliver the scheme in the past; this had determined a cost of £155m, as indicated in Table 3 at paragraph 20. The proposed funding sources for this sum, including a £35m contribution from the council, were outlined in Table 4 at paragraph 24 and detailed in paragraphs 25 to 35.

In response to questions from Members and matters raised under Public Participation, Officers confirmed that:

- The report proposed establishing an overarching budget for the infrastructure; a further report on spending proposals would be brought to Executive in January 2019.
- The proposals would be subject to planning consent and approval of funding bids in February / March 2019.
- It was planned to contract with construction partners in July 2019, with construction to begin in the 3rd quarter of the year.
- Matters relating to affordable housing would form part of the planning process.
- All the YCP partners had invested heavily in the development; the January report would explain how these investments would be treated.

Members expressed approval for the proposals in terms of moving the project forward. Having noted the comments made under Public Participation, it was

Resolved: (i) That £1m of additional business rates income from the 2018/19 business rates pilot be allocated to the Venture Fund.

(ii) That approval be given to use up to £3m of the Venture Fund to finance early years deficits on the revenue costs of borrowing related to the £35m City of York Council contribution, to be repaid from future Enterprise Zone receipts.

(iii) That prudential borrowing of £35m be agreed, financed from future retained business rates as part of the York Central Enterprise Zone, plus in early years the use of Venture Fund referred to in (ii) above.

Reason: To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding.

67. York Station Front Proposed Improvements - Report on Public Engagements

The Assistant Director of Transport, Highways & Improvement and the Major Transport Projects Manager presented a report which set out progress to date on the scheme to improve York Station Front, along with proposals to submit a full planning application and proceed with work on the detailed scheme.

The scheme, funded from the West Yorkshire + Transport Fund administered by the West Yorkshire Combined Authority (WYCA), had now reached the 'Activity 4 – Full Business Case' stage in the governance process. The York Station Front masterplan public and stakeholder engagement process had taken place between 11 June and 8 July 2018, as detailed in paragraphs 6 to 16 of the report, resulting in a total of 1,486 responses from stakeholders and members of the public.

A summary of the main themes arising from the consultation and officers' responses to these was provided in paragraphs 22 to 29. Themes included: the traffic impact of demolishing Queen Street bridge, the need for a dedicated bus interchange, the suitability of taxi and cycle provision, and the impact on existing buildings such as York RI.

Resolved: (i) That it be confirmed that the public and stakeholder process has been carried out appropriately and that the Statement of Community Involvement (SOCl) be endorsed.

Reason: To enable the submission of a full planning application and to proceed to detailed design.

(ii) That approval be given to instruct the design team to incorporate design changes informed by responses received in the public consultation.

Reason: To enable the design team to submit a full planning application and proceed to detailed scheme design.

(iii) That the submission of a full planning application based on the amended masterplan informed by the SOCl be approved.

Reason: In order to gain planning permission for the scheme.

(iv) That approval be given for the project team to pursue land acquisition negotiations with partners, stakeholders and third party landowners and that authority for land purchase be delegated to the Corporate Director of Economy & Place, in consultation with the Leader and Deputy Leader.

Reason: To enable Queen Street Bridge to be demolished and the scheme to be constructed as designed.

(v) That engagement with statutory undertakers to design and deliver a detailed scheme of utility diversionary work be continued, using existing budget allocations.

Reason: To enable the removal of Queen Street Bridge and the construction of the scheme.

68. Rugby League World Cup 2021

The Interim Corporate Director, Children, Education & Communities presented a report which asked Executive to agree the council's financial contribution to York's bid to be a host city for the Rugby League World Cup 2021.

York was currently a 'Candidate City' within the bidding process. The bid, submitted by a consortium consisting of the two universities, GLL, York City Knights and Make it York, with the council as lead partner, was for York to host one pool and one semi-final of the Women's World Cup (7 games in total) and to host four women's teams and one men's team in the city.

The bid included a financial contribution from the council of £200k, made up of £150k in cash and £50k to market and promote the event. It was proposed that the first £108k be funded from the balance of the Leeds City Region Business Rates Pool allocated to support cultural and sporting events in the city, with the remaining £92k to come from funds available in the revenue contingency.

Resolved: (i) That the level of the council's financial contribution be agreed as £200k, as set out in paragraph 9 of the report.

(ii) That approval be given to use the Leeds City Region Business Rates Pool funding allocated to support cultural and sporting events in the city to fund the first £108k.

(iii) That the remaining £92k be funded from the revenue contingency budget in 2018/19.

(iv) That officers be authorised to enter into a Hosting Agreement based on the terms of the bid, as set out in paragraph 21.

Reason: So that York has the opportunity to host matches and teams as part of the 2021 finals of the Rugby League World Cup, bringing the benefits listed in paragraph 2 of the report.

69. Older Persons' Accommodation Programme - A Further Phase

The Older Persons' Accommodation Programme Manager presented a report which gave an update on the provision of Older Persons' Accommodation across the city and asked Executive to agree the direction of the next phase of the programme. An error in the second line of paragraph 5 of the

report was corrected; the reference to '18 beds' per 100 residents should read '7 beds'.

Work on the programme to date had focused on nursing, residential and extra care accommodation. The next phase would review the council's independent living stock, ensuring it was fit for purpose and seeking opportunities to increase provision and enable facilities to serve the surrounding communities.

It was proposed that this phase include engagement with advocacy groups, residents, housing providers and estate agents to establish how people in York wished to live in their later years and the type of accommodation that would best support this. A timetable for these activities was included in the work plan attached as Annex 1 to the report.

Resolved: (i) That the information in the report, and the challenges and direction for the future of the programme, be noted.

(ii) That the need to engage with residents and stakeholders to shape the future direction for Older Persons' Accommodation in the city be agreed.

(iii) That the next phase of the work programme, from December 18 onwards, be agreed and that further reports be brought to Executive from February 2019 as the programme develops.

Reason: To ensure that the provision of Older Persons' Accommodation in the city meets the needs and expectations of residents, and to inform future council investment in this accommodation.

70. The Inclusion Review and the Special Needs Capital Grant

The Interim Corporate Director, Children, Education & Communities presented a report which provided an update on work taking place to review processes and provision for children with special educational needs and / or disabilities (SEND).

The number of children with SEND was growing and requests for statutory assessment had also increased in the past five years, in particular for children and young people with autism

and social, emotional and mental health needs (SEMH). As a result, the council had embarked on an Inclusion Review, to identify areas where provision should be developed to meet need. The recommendations from Phase 2 of the review were attached as Annex 1 to the report.

Over the next 3 years, York had been allocated £590k from the government's Special Provision Capital Grant to fund additional provision for children and young people with SEND; this was in addition to capital resources of £525k allocated by the council. A number of capital projects had been identified for support from the SEND Capital Scheme, including:

- Developing additional special school and mainstream provision for children with complex autism;
- Developing Social, Emotional, Mental Health (SEMH) provision at the Danesgate Community;
- Work to develop more local provision for young people aged 19 to 25.

Approval was sought for the use of this funding, as detailed in the report.

Members expressed their thanks to the Interim Director for her work on the review over recent months, and to Applefields and Hob Moor Oaks Special Schools and the Danesgate Community.

Resolved: (i) That the progress of the Inclusion Review, and the actions being taken to meet additional need and manage the pressures on the High Needs funding block of the dedicated schools grant, be noted.

(ii) That the progress of the capital plan being developed through the Inclusion Review be noted.

Reason: To confirm that Members are aware of the action already being taken in this area.

(iii) That the capital projects outlined in the report, which form part of the SEND scheme in the Children's Services approved capital programme, be approved, noting that these will be partly funded from the Department for Education Special Education Provision Capital Grant, with additional resources coming from the basic need grant.

Reason: So that work can be undertaken to develop provision to meet the needs identified by the review.

71. **2018/19 Finance and Performance Monitor 2**

The Corporate Director of Customer & Corporate Services presented a report which set out the council's overall finance and performance position for the period 1 July to 30 September 2018, together with an overview of any emerging issues.

The financial pressures facing the council were projected at £619k, broadly in line with previous years at this stage, and it was still anticipated that the council would out-turn within the approved budget. Details of forecast variations within individual directorates and corporate budgets were set out in paragraphs 7 to 29 of the report. Funding available from the Leeds City Region Business Rates Pool included an anticipated £2m from business rates income and the award of £1,395k for three schemes, as detailed in paragraphs 30 to 32.

Details of performance under the individual areas in the Performance Framework of the Local Plan were set out in paragraphs 37 to 104. Key statutory services in particular continued to perform well, having seen investment in recent years.

Resolved: (i) That the finance and performance information in the report be noted.

(ii) That the allocation of funding from the Leeds City Region Business Rates Pool set out in paragraph 30 be approved.

(iii) That £125k be allocated from the waste reserve to provide additional resilience within the waste service over the winter months by providing a budget so that staff can be retained over the period prior to the recommencement of garden waste collections in April.

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

72. Capital Programme - Monitor 2 2018/19

[See also under Part B]

The Corporate Director of Customer & Corporate Services presented a report which set out the projected out-turn position of the council's capital programme for 2018/19, along with requests to re-profile budgets to or from current and future years.

A net decrease of £1.377m on the current approved programme was reported, resulting in a revised programme of £122.243m. Variances against each portfolio area were set out in the table at paragraph 6 and detailed in paragraphs 8 to 46. The full revised programme for 2018/19-2022/23 was detailed in Annex A.

Approval was sought for specific proposals set out under two of the portfolio headings, as follows:

Housing & Community Safety

- To appoint Hobson Porter as the preferred bidder to build a 29 apartment extension to the Marjorie Waite Court extra care scheme (paragraph 31);
- To sell the vacant HRA owned property at 49 East Mount Rd, should it prove unsuitable for use as accommodation for looked after young people (paragraphs 35-36).

Children, Education & Communities

- To delegate authority to officers to appoint a constructor for the Centre of Excellence for Disabled Children and new apartments at Lincoln Court (paragraphs 16 to 19).

Resolved: (i) That the 2018/19 revised budget, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2018/19-2022/23, as set out in Table 2 at paragraph 47 and detailed in Annex A, be noted.

(iii) That the award of the works contract at Marjorie Waite Court (paragraph 31) be approved.

(iv) That approval be given to dispose of 49 East Mount Road to the highest bidder, with the receipts earmarked to support the Housing Revenue Account investment programme, as set out in paragraphs 35-

36, subject to the property not being suitable for Childrens' Services requirements.

(v) That authority be delegated to the Corporate Directors of Health, Housing & Adult Social Care and Children, Education & Communities to appoint a construction contractor for the Centre of Excellence for Disabled Children and Lincoln Court, following design and cost submissions, assuming they are within the approved budget detailed in paragraphs 17-19.

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

73. Treasury Management Mid Year Review and Prudential Indicators 2018/19

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which provided a mid-year update on Treasury Management activities for the period 1 April to 30 September 2018.

The report, prepared in compliance with CIPFA's Code of Practice on Treasury Management, provided: an economic update for the first part of the 2018/19 financial year; a review of the Treasury Management Strategy Statement and Annual Investment Strategy; the prudential indicators; reviews of the council's investment portfolio and borrowing strategy; and a review of compliance with the Treasury and Prudential Limits.

In accordance with the revised Codes issued by CIPFA in December 2017, a report setting out the council's Capital Strategy would be taken to Full Council in February 2019 alongside the budget reports.

Resolved: (i) That the Treasury Management activities to date in 2018/19 be noted.

(ii) That the Prudential Indicators set out in Annex A, and the council's compliance with all indicators, be noted.

Reason: In accordance with legal requirements, and to ensure the continued performance of the council's Treasury Management function.

74. Lord Mayoralty 2019-20

The Assistant Director, Legal & Governance presented a report which asked Executive to consider the points system for the annual nomination of the Lord Mayor and to confirm that the political group with the most points be invited to nominate the Lord Mayor for the 2019/2020 Municipal Year.

The points accumulated by each group under the existing system were set out in paragraph 4 of the report. The Conservative Group currently had the largest number of points, at 48, and would therefore qualify for the Lord Mayoralty in 2019/20. The new Socialist Independent Group had been formed after the Annual Council meeting in May 2018 so had not yet gained any points.

As the next local elections would be held in May 2019, before the start of the new Civic Year, an amendment was suggested to the current requirement for a Member to have served 5 years before being nominated as Lord Mayor.

Having noted the comments made on this item under Public Participation, it was

Resolved: (i) That the points system for the annual nomination of the Lord Mayor be altered slightly to enable Members who have served 4 years and are then re-elected for a further 4 years in May 2019 to be eligible for nomination as Lord Mayor for 2019/20.

(ii) That the Conservative Group be invited to nominate the Lord Mayor for 2019/2020, in line with the revised accumulated points system.

Reason: To ensure that the council adopts an appropriate method by which to nominate Lord Mayors for office, and in view of the local elections being held before the start of the next Civic Year.

75. Maladministration Finding

The Assistant Director, Legal & Governance presented a report which complied with the statutory duty to report to Members the Local Government Ombudsman and Social Care Ombudsman's finding that the council had been guilty of maladministration by not providing appropriate supervision for the parents of a child in its care in hospital and for not responding quickly enough to the parents' complaint.

This item had been added to the agenda under the council's urgent procedures, as a 'non-key decision' that had been on the Forward Plan for less than 28 days in advance of the decision date. The reason for the urgency was the need to ensure receipt of the Ombudsman's report within the statutory timescale.

The full report of the Ombudsman was attached as Annex A. It was confirmed that the council had accepted, and was complying with, the recommendations in that report.

Resolved: That the report be received and noted and that the steps already taken in response to the case be approved.

Reason: In accordance with legal requirements.

Part B - Matters Referred to Council

76. York Central Enterprise Zone Investment Case

[See also under Part A]

The Corporate Director of Economy & Place, the Director of Customer & Corporate Services and the Assistant Director for Regeneration & Asset Management presented a report which set out the investment case for the York Central Enterprise Zone and recommended the creation of a capital budget to fund the infrastructure costs for York Central and allow development to proceed.

Details of funding approvals to date, plus actual and forecast expenditure in the current financial year, were set out in paragraphs 13 to 18 of the report. A detailed appraisal had now

been undertaken of the abnormal infrastructure costs which had inhibited the ability of the market to deliver the scheme in the past; this had determined a cost of £155m, as indicated in Table 3 at paragraph 20. The proposed funding sources for this sum, including a £35m contribution from the council, were outlined in Table 4 at paragraph 24 and detailed in paragraphs 25 to 35.

In response to questions from Members and matters raised under Public Participation, Officers confirmed that:

- The report proposed establishing an overarching budget for the infrastructure; a further report on spending proposals would be brought to Executive in January 2019.
- The proposals would be subject to planning consent and approval of funding bids in February / March 2019.
- It was planned to contract with construction partners in July 2019, with construction to begin in the 3rd quarter of the year.
- Matters relating to affordable housing would form part of the planning process.
- All the YCP partners had invested heavily in the development; the January report would explain how these investments would be treated.

Members expressed approval for the proposals in terms of moving the project forward. Having noted the comments made under Public Participation, it was

Recommended: That Council approve a total capital budget of £155m, including an additional contribution from City of York Council of £35m, to deliver the enabling infrastructure and open up York Central for the delivery of the masterplan and for future allocation of this budget to be agreed by the Executive.

Reason: To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding.

77. Capital Programme - Monitor 2 2018/19

[See also under Part A]

The Corporate Director of Customer & Corporate Services presented a report which set out the projected out-turn position of the council's capital programme for 2018/19, along with requests to re-profile budgets to or from current and future years.

A net decrease of £1.377m on the current approved programme was reported, resulting in a revised programme of £122.243m. Variances against each portfolio area were set out in the table at paragraph 6 and detailed in paragraphs 8 to 46. The full revised programme for 2018/19-2022/23 was detailed in Annex A.

Approval was sought for specific proposals set out under two of the portfolio headings, as follows:

Housing & Community Safety

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- To sell the vacant HRA owned property at 49 East Mount Rd, should it prove unsuitable for use as accommodation for looked after young people (paragraphs 35-36).

Children, Education & Communities

- To delegate authority to officers to appoint a constructor for the Centre of Excellence for Disabled Children and new apartments at Lincoln Court (paragraphs 16 to 19).

Recommended: That Council approve the adjustments resulting in a decrease of £122.243m in the 2018/19 budget, as detailed in the report and in Annex A.

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

Cllr I Gillies, Chair

[The meeting started at 5.30 pm and finished at 7.20 pm].