

**Notice of meeting of
Cabinet**

To: Councillors Alexander (Chair), Crisp, Fraser, Gunnell, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams

Date: Tuesday, 15 May 2012

Time: 5.30 pm

Venue: Burnholme Social Club and Institute, Burnholme Drive, York YO31 OLL

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 14 May 2012, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 17 May 2012, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following annexes to reports:

Annex B to Agenda Item 7 (Implementing the Review of the City of York Council's Residential Care Homes for Older People) and Annex 3 to Agenda Item 8 (Oliver House Elderly Persons Home - Options for the future use of the Property) on the grounds that they contain information relating to the financial or business affairs of particular persons. 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).

3. Minutes (Pages 3 - 24)

To approve and sign the minutes of the last Cabinet meeting held on 3 April 2012.

4. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or a matter within the Cabinet's remit can do so. The deadline for registering is **5:00 pm on Monday 14 May 2012.**

5. Forward Plan (Pages 25 - 28)

To receive details of those items that are listed on the Forward Plan for the next two Cabinet meetings.

6. Secondary Education Provision on the East side of the city and the Future of Burnholme Community College (Pages 29 - 86)

This report describes the future provision of secondary education on the east side of the city and in particular Burnholme Community College. Responses to public consultation regarding the future of the College, the arguments for and against its retention together with the conclusion that the educational interests of children and young people in the city would be best served by a phased closure of the College are all detailed in the report.

7. Implementing the Review of the City of York Council's Residential Care Homes for Older People (Pages 87 - 128)

This report provides financial model options following the decision to proceed with the development of the three sites to replace the council's existing Elderly Persons' Homes. The report also seeks approval in principle including borrowing requirements and decisions on the way forward over the next four years.

8. Oliver House Elderly Persons Home - Options for the future use of the Property (Pages 129 - 152)

This report seeks the Cabinets decision as to the future use of the former Elderly Persons Home (EPH) at Oliver House, which is becoming available as part of the EPH review.

9. Exploring Opportunities for the Future of the Guildhall (Pages 153 - 208)

This report provides Cabinet with a summary of the recent options appraisal and heritage significance / views analysis study undertaken for the Guildhall complex. It requests members to confirm their support for running a Royal Institute of British Architects RIBA Open Ideas Competition exercise to stimulate ideas to explore the opportunities afforded by this unique setting.

10. Developing a Thriving Voluntary Sector in the City of York (Pages 209 - 216)

This report outlines progress towards the production of a Voluntary Sector Strategy for the City of York. The report summarises developments so far and details forthcoming consultation events leading to the development of the final strategy.

11. Police Reform and Social Responsibility Act 2011 - Police and Crime Commissioner - Update (Pages 217 - 240)

This report outlines the changes in legislation leading to policing and community safety being overseen by a Police and Crime Commissioner, supported by a Police and Crime Panel for each police force area.

12. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	CABINET
DATE	3 APRIL 2012
PRESENT	COUNCILLORS ALEXANDER (CHAIR), CRISP, FRASER, GUNNELL, MERRETT, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS
IN ATTENDANCE	COUNCILLORS BARNES, CUTHBERTSON, D'AGORNE, FITZPATRICK, GALVIN, REID, SCOTT AND WARTERS
APOLOGIES	COUNCILLOR LOOKER

119. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

The following Members declared personal, non-prejudicial interests in respect of agenda items in so far as they related to staffing matters:

- Cllr Crisp, as a member of the retired section of Unison
- Cllr Williams, as a member of Unison and Unite
- Cllr Gunnell, as a member of Unison
- Cllr Alexander, as a member of GMB
- Cllr Simpson-Laing, as a member of Unison
- Cllr Fraser as a member of the retired sections of Unison and Unite (TGWU/ACTS).

Councillor Merrett declared a personal non prejudicial interest in respect of Agenda item 6 (Water End/Clifton Green Junction) as a member of the York Cycle Campaign and Honorary Member of the CTC.

Councillor Williams also declared a personal non prejudicial interest in relation to Agenda item 8 (Review of Admission Arrangements and School Travel Policies) as a member of the National Secular Society who campaigned against provision of free transport on a denominational basis.

Councillor Simpson-Laing also declared a personal non prejudicial interest in relation to Agenda item 11 (Low Emission Strategy Update) as she lived adjacent to roads included in the new Air Quality Management areas in Leeman Road.

120. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of Annex 1 to Agenda item 15 (York Central Project Update) on the grounds that it contains information relating to the financial or business affairs of particular persons. 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).

121. MINUTES

RESOLVED: That the minutes of the last Cabinet meeting held on 6 March 2012 be approved and signed by the Chair as a correct record.

122. PUBLIC PARTICIPATION/OTHER SPEAKERS

It was reported that there had been thirteen registrations to speak at the meeting under the Council's Public Participation Scheme and that seven Members of Council had also requested to speak.

The following spoke in respect of Agenda item 6 – Water End/Clifton Green Junction: Options for Reinstating a Separate Left Turn Lane on the Water End Approach:

Virginia Shaw spoke as a pedal cyclist who regularly used this route pointing out that, prior to the alterations, this junction had been identified as a priority for work to ensure the safety of cyclists . She expressed concern that the consultation options had not included 'leave in present form' and she made a plea for members to let commonsense prevail and leave the junction alone.

Matt Wilson-Boddy, representing York Youth Council, expressed surprise at proposed changes at the junction, as he felt these would undermine the Council's credibility. Responses to the consultation were they felt insufficient to allow further changes, particularly as maintaining the present layout had not been offered as an option. Reference was made to the council's cycle campaign to further changes being inconsistent with the authority's hierarchy of road users.

Bernie Cullen, representing Bike Rescue, pointed out that one of the key council priorities was to protect vulnerable people and that any change to the road layout would not support this. Cycling was supported especially if it took residents out of cars and improved congestion giving cyclists the right to safe passage.

Peter Fay spoke as a user of the Water End route, both as a cyclist and a motorist. He confirmed that the new arrangements had encouraged him to cycle but the proposed changes in both Options 1 and 2 would be a retrograde step removing protection for cyclists. He therefore requested members to leave the present arrangements as any change would encourage him to revert to car use once again.

Paul Hepworth spoke as a representative of the CTC referring to the increased risk to cyclists if changes were made at Water End. He referred to a safety audit carried out at a redesigned junction in London which had been disregarded and which was now under investigation by the Police following an accident. He questioned the short term gains and costs involved to revise a government funded scheme and requested members to defer a decision pending receipt of legal advice.

June Tranmer spoke in relation to safety issues as a cyclist and the victim of two accidents as she felt there were now increased risks on York's roads. She pointed out that, as a resident of Clifton and regular user of the Water End junction, since the redesign she felt much safer and requested the Cabinet to leave the junction alone.

Jim Begley, spoke on behalf of residents of Westminster Road and The Avenue pointing out that neither of the proposed options put forward in the officers report would assist local residents with the issue of traffic using their roads as a rat run to avoid the junction. He referred to a recent traffic survey

undertaken by residents which had shown 1600 vehicles using the roads over a 12 hour period. This was no longer a peak flow problem and he urged members to put measures in place to overcome residents concerns with a point closure of the roads.

Andrew Pringle spoke as a resident of Westminster Road of 13 years and the impact changes at this junction had made to local residents. Although the works had been of value to cyclists he questioned the percentage of non cyclists who had been encouraged to cycle in comparison with the money invested. Failures of the scheme included congestion, pollution, noise, speed of vehicles and the increased use of residential roads and he reiterated the request for point closure.

Cllr D'Agorne spoke as the former cycle champion and a member of the cross party Councillor Call for Action in respect of this issue. He referred to the work undertaken to form this crucial section of the orbital cycle route to encourage cycling and to the proposed options which would break this link. A further request was made to leave the junction unchanged and to note the results of the consultation.

Cllr Reid reiterated the Lib/Dem comments in relation to this report, particularly that the consultation had not offered the option of No Change to the existing layout however the majority of responses, almost 60%, had favoured this. The Safety Audit findings had clearly shown that to alter the junction would be wrong and increase risks to pedestrians and cyclists. The emergency services had also agreed with these findings and in view of this the decision should be taken to leave the junction as it is.

Cllr Warters referred to this issue as an important point of principal, particularly as the present administration had as a manifesto pledge supported the reinstatement of the left turn lane at this junction. Members should therefore support Option 1 in the report.

Cllr Scott spoke of the history of this junction and work undertaken. He pointed out that it was incorrect to state that the financial implications were low as works had already been over budget and issues of reputational damage had not been mentioned. He confirmed his support for reinstatement of the left hand lane

Cllr Warters also spoke in relation to Agenda item 10 (Economic Infrastructure Fund – Governance and Initial Funding Decisions). He pointed out that on a number of occasions he had made requests for funding to be made available for the complete re-construction of the highway on Tranby Avenue, Osbaldwick, without success. He then submitted a request in writing for the release of £500k from the economic infrastructure fund to carry out these works which would support the York Economic Strategy Ambition 4, Get York Moving.

The following spoke in respect of Agenda item 14 – Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Planning Outcomes:

Harry Telfer spoke on behalf of the Badger Hill Residents Community Group, circulating a plan which gave example calculations to demonstrate the unintentional consequential effects of the clustering of HMO's. It was suggested, that lowering the threshold to 10% rather than 20% was justified as the majority of consultees felt that 20% was too high.

Cllr Warters confirmed his comments and that of Osbaldwick Parish Council as set out on pages 294 to 297 of the report. He went on to reiterate his opposition to the threshold approach at either street or neighbourhood level, particularly as York had chosen an extremely high threshold of 20%. Reference was made to the high number of students in comparison to the accommodation provided on campus and to the proposals which would lead to the 'filling up' adjacent residential areas with student HMO's.

Cllr Barnes spoke as the Councillor of a ward on which these proposals would have most impact. He expressed support for a combination of the thresholds which he felt would provide a better approach, providing balance in neighbouring streets. Although HMO's were an important part of the housing stock, he supported mixed communities rather than establishing ghettos. The proposals should however be clearly communicated to residents to ensure they had a clear understanding of the issues.

The following spoke in respect of the urgent business at Agenda item 17 – Beckfield Lane Household Recycling Site:

Professor Downes spoke in support of the retention of the recycling site which had been well used for over 30 years. He referred to safety issues raised as a reason for closure when the site already had an excellent safety record. Closure of this facility which result in less recycling and additional vehicle journey's to other sites. He requested members to note residents views and support its retention.

Trevor Scott reiterated his support for the earlier speakers comments. He referred to the increased distance skip lorries would have to travel from Hazel Court rather than Beckfield Lane to Harewood Whin increasing pollution and recycling costs. The Beckfield Lane facility was well used and should remain open.

Rueben Mayne spoke in respect of the recently published officer report, which set out further information regarding the decision made for the closure of Beckfield Lane Household Waste Recycling centre as part of the budget proposals. He pointed out that the savings figures were gross rather than net and that increased fly tipping and landfill tax would also require inclusion in costings. Local residents took pride in their community and this would be undermined with the closure of this facility. He therefore asked members to note residents support for the centre's retention provided by the number of signatories of the petition.

Peter Ashton spoke as a Beckfield Lane resident and signatory of the petition. He referred to the popular facility which local residents were able to visit without a vehicle using wheelbarrows and wheelie bins. Mention was made of the assistance provided by the excellent staff on site, the support of immediate neighbours and to the detrimental effect closure of the site would have on residents in the west of the city.

Cllr Reid spoke in support of the motion and petition presented to council, and the e-petition for retention of the facility. She referred residents strength of feeling for the sites retention when the alternative meant a drive across the city. Reference was made to the lack of detail in the report, particularly financial, and to the comparatively small saving closure of the site would provide. Additional points included the increase in transport costs from Hazel Court and skips at the Towthorpe site were no more accessible for residents than at this site. A request was

made to defer further consideration of this report pending consideration at Council.

Cllr Warters expressed support for reference of this motion and petition to a special council meeting to enable further consideration of the matter. He requested members to reconsider the closure of this site and acknowledge the views of local residents.

Cllr Galvin also asked members to listen to local residents and support the retention of a well used community facility on the west side of York. He pointed out that there had been no personal injury accident reported at the site since its opening and that fly tipping in the area would increase leading to future costs for the authority.

Cllr Cuthbertson expressed concern at the late publication of the officer report dealing with this site. Concern was also expressed at the length of the Cabinet agenda which included a number of important issues for the city which he felt could not be seriously considered in the time available.

123. FORWARD PLAN

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

It was noted that an update report on the Police and Crime Commissioners together with details regarding consultation on the closure of Burnholme Community College would also be considered at the Cabinet meeting in May.

124. WATER END/CLIFTON GREEN JUNCTION: OPTIONS FOR REINSTATING A SEPARATE LEFT TURN TRAFFIC LANE ON THE WATER END APPROACH

Consideration was give to a report which presented the findings of the consultation exercise undertaken with local residents and interest groups on two of the reinstatement options in respect of the Water End/Clifton Green junction.

The plan at Annex A of the report set out the current layout at the junction implemented in 2009 to assist in the completion of the Orbital Cycle Route around the city. Since implementation

however there had been complaints about increased traffic congestion at Water End following which, numerous layouts had been investigated with only two being approved for public consultation. Plans for these two options were set out at Annexes B and C and described at Annexes D and E of the report.

Details on feedback from the consultation was set out at paragraphs 9 to 15 and an analysis of the options at paragraphs 18 to 23 of the report. Public consultation had shown a clear preference for option 1, which the Cabinet Member had been recommended to consider when balanced against other consultation responses and the safety audit findings.

The Cabinet Member referred to the various issues raised, including the number of conflicting uses which required accommodating at the junction. However, in line with his Group's election pledge and as the majority of residents supported Option 1 he felt that this would provide a better balance for all road users. He confirmed that, following reinstatement works this would however be kept under review.

In answer to points raised by earlier speakers and consultation responses the Council's Monitoring Officer explained the authority's statutory duties in respect of gross breach of care and corporate manslaughter in relation to any works at the junction.

RESOLVED: That Cabinet approve reinstatement Option 1, as set out at Annex B of the report, subject to future review of the junctions safety record and any changes in cycle take up.¹

REASON: To address the issue around traffic congestion caused by the external layout at the Water End junction.

Action Required

1. Implement reinstatement and undertake future review of safety record and cycle take up.

MD, JP

125. MINUTES OF WORKING GROUPS

Members received a report which presented the minutes of meetings of the Equality Advisory Group (EAG) held on 20

February 2012 and the Local Development Framework Working Group (LDFWG) held on 5 March 2012, attached as Annexes A and B to the report, respectively.

Members were invited to consider the advice offered by the working groups in their capacity as advisory bodies to the Cabinet, and in particular the recommendations of the LDFWG in respect of the Strategic Housing Market Assessment at Annex B (minute 26) and the York Central and Former British Sugar Sites – Update on Transport and Access Approach also at Annex B (minute 27).

The relevant Cabinet Members presented the minutes of their meetings and confirmed that issues raised would be noted and if applicable addressed at their next meeting.

RESOLVED: (i) That the minutes at Annexes A and B to the report be noted.

(ii) That the specific recommendations of the LDF Working Group made at their meeting on 5 March 2012, as set out in paragraphs 6 and 7 of the report, be approved.

REASON: To fulfil the requirements of the council's Constitution in relation to the role of Working Groups.

126. REVIEW OF ADMISSION ARRANGEMENTS & SCHOOL TRAVEL POLICIES

Consideration was given to a report which presented information gathered in support of the review of admission arrangements and school travel plan policies by the Learning and Culture Overview and Scrutiny Committee.

Details of the background to the review and information received to inform the Committee's work was set out at paragraphs 2 to 9, and the conclusions at paragraphs 13 to 16 of the report.

Councillor Reid, as Chair of the Scrutiny Committee, presented the report, outlining their findings, explaining the reasons for the review and their recommendations.

The Committee's final report was set out at Annex A including the following recommendations:

- That no changes be made to the Local Authority's oversubscription criteria and that
- A phased withdrawal of free denominational transport should take place from 1 September 2013 together with the introduction of concessionary fares on transport provided by the Local Authority.

Councillor Reid expressed her thanks to officers and the scrutiny committee for their work in producing the final report and following further discussion it was

- RESOLVED:
- i) That the contents of the final report on the Review of Admission Arrangements and School Travel Policies be noted.
 - ii) That the recommendations of the Scrutiny Committee, at paragraph 16 of the cover report, be approved.¹

REASON: To fully inform the Cabinet of the outcome of the review.

Action Required

1. Implement phased withdrawal of transport and introduction of concessionary fares from September 2013.

ME

127. DELIVERING THE COUNCIL PLAN - THE WORKFORCE STRATEGY AND THE PROCUREMENT AND COMMISSIONING STRATEGY

Consideration was given to a report which presented strategies for the workforce, procurement and commissioning. It was reported that these strategies were central to support the delivery of the Council Plan.

The Workforce Strategy 2012-2015 replaced the council's first Workforce Plan 2010-12 which had focussed on the future size and shape of the authority's staffing resource. It was confirmed that the council's approach to procurement had developed significantly however the strategy had not been refreshed for a number of years. Details of the background work and

consultation undertaken in relation to both of these documents was set out in the report.

It was confirmed that a full strategy delivery plan was being developed which would be electronically available in April.

The Cabinet Member referred to the work undertaken in relation to each of the strategies, in particular procurement which was crucial to the achievement of savings and to delivery of services.

RESOLVED: That Cabinet agree:

- i) The Workforce Strategy for 2012-2015 as set out at Annex 1 of the report and
- ii) The Procurement and Commissioning Strategy 2012-2014, as set out at Annex 4 of the report.

- REASON:
- i) To ensure the delivery of the core capabilities that support the Council Plan and continue to develop the workforce so that they can meet the needs of the organisation now and in the future.
 - ii) To ensure the delivery of the core capabilities that support the Council Plan and improve the social economic and environmental outcomes and the level of savings derived from all council procurement and commissioning activity.

128. ECONOMIC INFRASTRUCTURE FUND - GOVERNANCE AND INITIAL FUNDING DECISIONS

Cabinet considered proposals for the investment and governance of the economic infrastructure fund (EIF) for the City of York Council.

This strategic investment fund of £28.5m over 5 years would be used to unlock progress towards the council priority of creating jobs, and growing the economy and would be administered in coordination with the Delivery and Innovation Fund. It was intended to use the Fund strategically to gain both public and

private investment with the final decision on funding resting with the Cabinet.

Further information on the Funds principles, objectives, ambitions and criteria were set out at paragraphs 14 to 18 with details of future officer support, composition of the Fund and sources of funding, options on governance and consultation undertaken at paragraphs 32 to 53.

The Leader outlined details of the fund which would facilitate economic growth and explained how bids would be received. Following concerns raised in respect of officer support for the fund, referenced in paragraph 34, he requested an amendment to the recommendation to commit funding to this post for an initial 18 month period.

RESOLVED: That Cabinet

- i) Approve the proposed objectives, priorities and governance for the Economic Infrastructure Fund.
- ii) Note progress to develop business cases for projects to support the Reinvigorate York theme and the scoping of the opportunity to open the Economic Inclusion theme to external parties.
- iii) Approve £430k as recommended for officer capacity to deliver the Fund over 5 years, with commitment of funding for 18 months in the first instance subject to review of the external funding generated, prior to continuation.¹

REASON: To support the Council Plan priorities of creating jobs and growing the economy and investing in the city's economic future.

Action Required

1. Proceed with development of Fund as outlined. IF, KS

129. LOW EMISSION STRATEGY UPDATE

Consideration was given to the draft Low Emission Strategy (LES) consultation document set out at Annex A of the report. The document incorporated a package of measures aimed at improving vehicle efficiency and accelerating the take up of low emission fuels and technologies.

This provided an overview of all the actions the authority were currently and intended to take to reduce emissions of local air pollutants and carbon dioxide in the city. The report highlighted the link between nitrogen dioxide, mainly a traffic pollutant, and respiratory illnesses which resulted in a high number premature deaths in the city. Further information on the proposed consultation and how the strategy would contribute to the council's priorities were outlined in the report.

The Cabinet Member outlined the background to the strategy and to the importance of reversing the trend, particularly in view of the related health issues.

Consideration was then given to the following options:

(a) To approve the content of the draft consultation LES as summarised in Annex A (executive summary), Annex B (summary of LES measures) of this report, and provided in detail within the full version of the draft LES circulated electronically with this report. To allow officers to proceed directly to the public consultation as detailed in paragraphs 20 to 25 of this report.

(b) To request revisions to the draft consultation LES as summarised in Annex A (executive summary), Annex B (summary of LES measures) of the report, and provided in detail within the full version of the draft LES circulated electronically with this report. To request officers to bring the revised LES to the Cabinet, prior to public consultation.

RESOLVED: That Cabinet agree

- i) Option (a) to approve the content of the draft consultation Low Emission Strategy as summarised in Annex A (executive summary) and Annex B (summary of LES measures) of the

report, and provided in detail within the full version of the draft LES circulated electronically with the report.

- ii) To allow officers to proceed directly to public consultation as detailed in paragraphs 20 to 25 of the report. ¹.

REASON: To allow public consultation on the draft consultation LES to be completed by the end of May 2012 allowing a final version of the LES to be brought to the Cabinet for approval in September 2012. This will allow the drawing up of a revised low emission based AQAP3 to commence as soon as possible maximising the chances of York attracting low emission vehicles, technologies and jobs to the city and achieving targets for both local air quality and CO₂.

Action Required

1. Proceed with public consultation on LES.

EB

**130. FORMER BRITISH SUGAR/MANOR SCHOOL
SUPPLEMENTARY PLANNING DOCUMENT**

Consideration was given to a report which outlined the work carried out on the preparation of a draft Supplementary Planning Document (SPD) for the former British Sugar/Manor School site.

Information on the background to the preparation of the document and consultations undertaken and responses received were detailed. Consideration had been given to all comments received and details of the main changes proposed to the SPD were outlined at paragraphs 8 to 21 of the report. It was confirmed that it was important that a planning framework for the area was in place, as soon as possible, in order to provide up to date specific planning guidance with clear direction given on planning issues and considerations relevant to this site, prior to the submission of any planning application.

The Cabinet Member confirmed that the document reflected the consultation responses and incorporated new access routes,

however it was noted that there would be a need to ensure that impacts on adjoining residential areas were minimised.

Consideration was then given to the following options:

Option 1: To note the consultation findings and agree the revised draft SPD for use of the document for development management purposes.

Option 2: To request further changes are made to the draft SPD.

RESOLVED: That Cabinet agree

- i) Option 1 to note the consultation findings and agree the revised draft Supplementary Planning Document at Annex 2 of the report to be used for development management purposes.¹
- ii) To delegate to the Director of City Strategy in consultation with the Cabinet Member for City Strategy the making of any incidental changes to the draft document that are necessary as a result of the recommendations of the report.²

- REASON:
- i) To provide robust planning guidance to assess the acceptability of emerging development proposals and future planning applications for the area.
 - ii) To enable any recommended changes to be incorporated within the draft SPD.

Action Required

- 1. Proceed with use of document for development management purposes. SH, AW
- 2. Amend document as outlined and delegated. SH, AW

131. CASTLE PICCADILLY -CONDITIONAL CONCESSION AGREEMENT

The Cabinet considered a report which updated them on the progress of the Castle Piccadilly project since July 2009. It was confirmed that the procurement competition had now concluded,

Heads of Terms had been negotiated and that the council would shortly proceed with a contract award notice and settlement of a development agreement.

Taking the project forward would involve consultation with stakeholders to develop the master plan for the area and any subsequent planning applications.

Following discussion the options then considered were:

- i) To conclude the procurement concession competition and proceed to issuing an award notice. To conclude the Condition Concession Agreement and report back to Members for approval.
- ii) To discontinue the award process.

RESOLVED: That Cabinet agree to

- i) Approve the issuing of the Award Notice.^{1.}
- ii) Delegate to the Director of Customer and Business Support Services the conclusion of the negotiations of the Conditional Concession Agreement with a further report being brought back to members following approval of the Agreement.^{2.}

REASON: To enable the Council to meet its aims and objectives including the successful delivery of this scheme.

Action Required

- 1. Issue Notice. DG
- 2. Conclude negotiations and add item to Forward Plan for report back. IF

132. CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION OUTCOMES

Consideration was given to a report which updated members on the outcomes of recent consultation on the draft Supplementary

Planning Document to Control the Concentration of Houses in Multiple Occupation.

Further information in respect of consultation undertaken and comments received on the draft document were set out at paragraphs 5 to 18 and at Annex 1. Details of the proposals for a combined approach of both a neighbourhood and street level analysis of HMO's to determine HMO planning applications was presented in paragraphs 19 to 26 of the report and incorporated in the draft document at Annex 2.

The Cabinet Member referred to lengthy consultation and research undertaken during the preparation of this SPD. This had now resulted in a document which would provide a planning basis for consideration of any planning applications for HMO's. Reference was also made to support given to this document at a recent meeting of the Local Development Framework Working Group. Suggestions made at the meeting had included keeping the scheme under review and consideration given to super output areas however these would be examined in more detail during any future review.

Consideration was given to the following:

Option 1: To approve the SPD at Annex 2 for Development Management purposes as a material consideration when determining of HMO planning applications.

Option 2: To approve a revised SPD with an alternative approach to assessing concentrations of HMOs

RESOLVED: That Cabinet

- i) Approve the draft Supplementary Planning Document at Annex 2 of the report, to be used for Development Management purposes in accordance with Option 1, subject to review of the schemes operation in 12 months and ¹.
- ii) Delegate to the Director of City Strategy in consultation with the Cabinet Member for City Strategy the making of any changes to the SPD that are necessary as a result of the LDF Working Group. ².

REASON: So that the SPD can be approved for use for Development Management purposes to support the emerging LDF Core Strategy and the Article 4 Direction coming into force on 20 April 2012.

Action Required

1. Proceed to use document for development management purposes and review operation in 12 months. MG
2. As delegated arrange for amendment of document. DG

133. YORK CENTRAL PROJECT UPDATE

Consideration was given to a report which set out details of recent and ongoing progress on the York Central development site and outlined a proposed way forward.

Further information and background on this 35 hectare brown field site were detailed at paragraphs 2 to 4, with details of the current position and programme of proposed works set out in paragraphs 5 to 18 and Annex 2 of the report. Information on the potential for a Tax Increment Finance scheme to be developed had been explored by consultants, with further details set out in paragraphs 11 and 12 and in confidential Annex 1.

The proposed options were

- Option 1: To endorse the proposed approach and the work-streams identified
- Option 2: To recommend an alternative approach is pursued.
- Option 3: To discontinue the pursuit of the delivery of the York Central development in light of the issues raised.

The Leader expressed his appreciation for the cross party support received from the working group members on a site which was important to the city's future.

RESOLVED: That the current and proposed work streams outlined in the report annex together with the overall programme to date be received and noted.

REASON: To continue to facilitate and deliver the development of the strategically important York Central site.

134. RECRUITMENT TO THE ROLES OF DIRECTOR OF PUBLIC HEALTH AND WELLBEING AND DIRECTOR OF CITY AND ENVIRONMENTAL SERVICES

Cabinet received a report which outlined the requirements of the Health and Social Care Bill in relation to the appointment of a Director of Public Health and Wellbeing for York. Details of the structural options available for the permanent appointment together with the transition arrangements for public health personnel were also set out.

It was confirmed that a member of the Council's Management Team who had been due to take over the new role of Director of City and Environmental Services on 1 April 2012, had tendered his resignation, and was due to leave the Council in June 2012.

From 1 April 2013 the Authority would be required to appoint a Director of Public Health and take on critical new functions in Public Health, draft guidance on the process had been issued by the Department of Health.

Consideration was given to the following three options available to the council to fulfil the new statutory duties:

- i) Appoint a joint Director of Public Health with North Yorkshire County Council (NYCC).
- ii) Appoint a Director of Public Health for the City of York Council (CYC).
- iii) Appoint a Director of Public Health jointly with the Vale of York Clinical Commissioning Group (VYCCG).

Following discussion it was

RESOLVED: That Cabinet agree to:

- i) The joint appointment of the Director of Public Health and Wellbeing with the Vale of York Clinical Commissioning Group as outlined in paragraph 10 at option iii) of the report.

- ii) The structural position of the Director of Public Health & Wellbeing under an existing Director at Assistant Director level as outlined at option (ii), paragraph 13 of the report.
- iii) Note the secondment of the Director of Public Health & Wellbeing upon appointment to 31 March 2013;
- iv) Commencement of the recruitment of Director of Public Health and Wellbeing in line with the plan at Annex C and panel as outlined in paragraph 15 of the report. ¹.
- v) Note the proposed management of the transition of the Public Health Team.
- vi) Approve the recruitment to the position of the Director of City & Environmental Services using an external organisation to complete the search and select processes on behalf of the council. ².

REASON: To ensure that arrangements are in place in respect of appointments to these posts.

Action Required

1/2. Commence recruitment for both posts.

PS

135. URGENT BUSINESS: BECKFIELD LANE HOUSEHOLD WASTE RECYCLING SITE

Consideration was given to report prepared in response to a motion, presented to Council on 29 March 2012, regarding the budget decision made regarding the closure of the Beckfield Lane Household Waste Recycling Centre (the report had been included in the republished agenda on 3 April and hard copies were circulated at the meeting).

The following motion had been presented to Council by Councillor Reid:

“Council notes the significant improvement in the proportion of waste that has been recycled under the previous Liberal Democrat administration, from 12% in 2003 to 45% in 2011.

Council supports the principle that waste collection and recycling should be convenient and fair to residents across the city.

In light of the fact that the Budget 2012/13 has deleted the provision of a Recycling and Reuse Centre in the west of the city, Council requests that the Cabinet halts the closure plan for Beckfield Lane Household Waste Recycling Centre.

Council also supports the principle of the provision of a free receptacle for the collection of waste to all residents across the city requests that the provision of free black bin bags should continue to all areas of the city where wheeled bins are not in use.”

It was reported that a petition calling for the tip to remain open had also been received at the same Council meeting and, as it was believed to have more than 1000 signatories, the petition would trigger a debate at a future Council meeting.

The Leader referred to lengthy Cabinet budget discussions undertaken prior to these decisions being taken and to the lack of financial information put forward in support of any change in decision. He confirmed that an extraordinary council meeting would be called to enable further consideration of the matter to be undertaken.

It was confirmed that the options available to members at the meeting were:

Option 1 – consider the evidence from the motion and petition and confirm the decision made through the budget process for the closure of Beckfield Lane Household Waste Recycling Centre; or

Option 2 – consider the evidence from the motion and petition and recommend a change in the budget decision and seek alternative funding cuts to offset it.

However it was recommended that Option 1 was approved as the motion presented no additional evidence to amend the decision made at Budget Council.

RESOLVED: That Cabinet note the motion and petition to Council, which provided no further information with regard to the decision made at budget Council, and agree Option 1 set out in the

report, confirming the decision to close the Beckfield Lane Household Waste Recycling Centre.

REASON: To enable the implementation of the Budget Council decision.

CLLR J ALEXANDER, Chair
[The meeting started at 5.30 pm and finished at 7.50 pm].

Cabinet Meeting: 15 May 2012

FORWARD PLAN (as at 13 April 2012)

Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 12 June 2012 (provisional date)

Title & Description	Author	Portfolio Holder
<p>Delivering the Council Plan Core Capabilities – Three Strategies Purpose of Report: To sign off three strategies which are instrumental to the delivery of the Council Plan core capabilities. These are the Customer Strategy, Innovation Strategy and Asset Management Strategy.</p> <p>Members are asked to agree the strategies.</p>	Tracey Carter	Cabinet Member for Corporate Services
<p>Minutes of Working Groups Purpose of Report: This report presents the minutes of recent meetings of the Young People's Working Group, the Local Development Framework Working Group and the Equality Advisory Group and asks Members to consider the advice given by the groups in their capacity as advisory bodies to the Cabinet.</p> <p>Members are asked to: Note the minutes and decide whether they wish to approve the specific recommendations made by the Working Groups, and/or respond to any of the advice offered by the Working Groups.</p>	Jayne Carr	Cabinet Leader

Table 2: Items scheduled on the Forward Plan for the Cabinet Meeting on 3 July 2012 (provisional date)

Title & Description	Author	Portfolio Holder
<p>Equality Act 2010 - Implementing the public sector duties in City of York Council</p> <p>Purpose of the report: The public sector duties in the Equality Act 2010 support public bodies to improve quality of life outcomes in their areas. They came into effect in April and September 2011. The report will summarise the duties as outlined in legislation and how the government and the Equality and Human Rights Commission expect us to meet them. It will outline proposals for action to meet the duties and also minimum standards for these actions.</p> <p>Cabinet will be requested to consider and approve the actions proposed in the report.</p> <p>This item was slipped to the February meeting to allow more time to develop an action plan for excellence for the Equalities Framework for Local Government. It was then slipped to the April meeting to coincide with setting equality outcomes for the Council. The item has now been slipped to the July meeting to take account of the output of stage two of the Fairness Commission.</p> <p>This item has been slipped to the July meeting to take account of the output of stage two of the Fairness Commission.</p>	Charlie Croft/Evie Chandler	Cabinet Member for Leisure, Culture and Social Inclusion

Table 3: Items slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Alternative Delivery Models for Cultural Services</p> <p>Purpose of report: This report asks the Cabinet for permission to further develop a proposal for an alternative delivery model for cultural services.</p> <p>The report will ask the Cabinet to note the initial feasibility work undertaken; Agree to the proposal being further developed; Agree a consultation plan on the proposal.</p> <p><i>This report was slipped to the April meeting to allow time for public consultation and then to the June meeting to allow further time for public consultation.</i></p>	Charlie Croft	Cabinet Member for Leisure Culture and Social Inclusion	6 Dec 2011	5 Sept 2012	This report has been slipped to the September meeting to allow more time to consider the implication of the review of learning & skills strategy.
<p>Reinvigorate – York</p> <p>Purpose of Report: A request from the Reinvigorate Steering Board for Members to approve £200k of short-term funding from the wider £3.2M, Reinvigorate York fund, in order to maintain and improve public spaces in the city centre - as set out in the report and including replacement and refurbishment of street lights,</p>	Derek Gauld	Cabinet Member for City Strategy	15 May 2012	-	Cabinet is no longer required to consider this report.

<p>floodlights, bollards, bins and street seating, and widening/ re-paving Station Rise footway.</p> <p>Members are asked to approve funding for £200k of improvements to public spaces in the city centre. The funding will be made available and spent in 2012/13 as part of the wider Reinvigorate York Initiative and be sourced from the Economic Infrastructure Fund (EIF).</p>					
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Cabinet**15 May 2012**

Report of the Cabinet Member for Education, Children and Young People

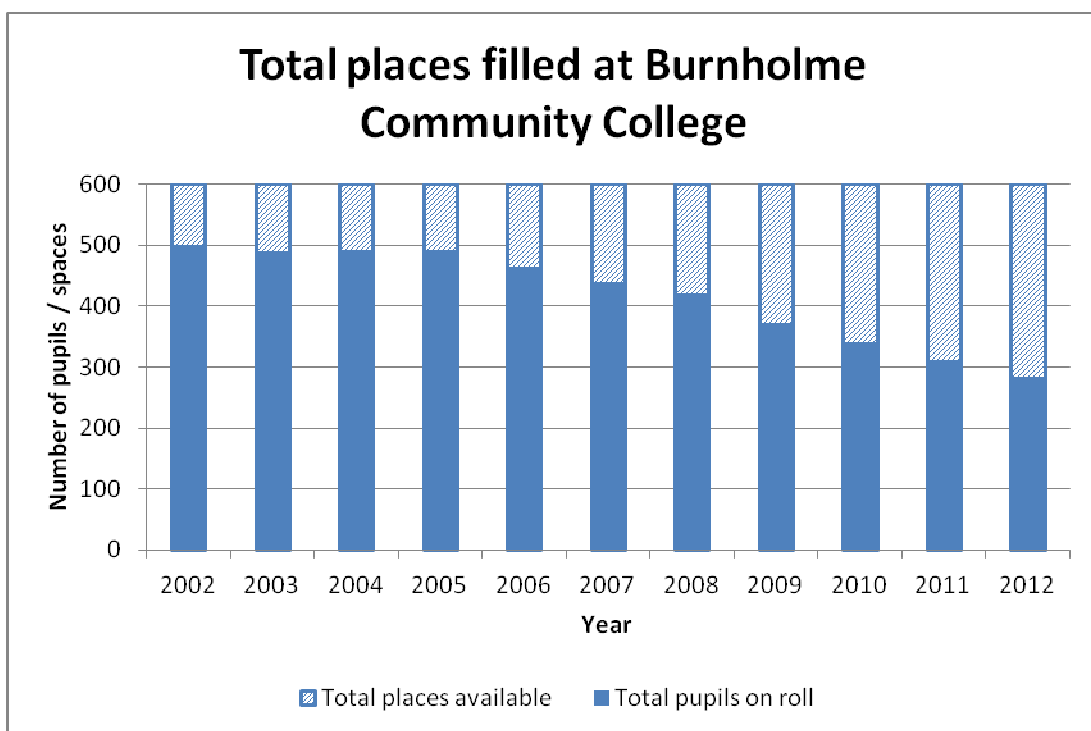
Secondary Education Provision on the East side of the city and the Future of Burnholme Community College**Summary**

1. This report describes a complex and challenging set of issues regarding the future provision of secondary education on the east side of the city and in particular at Burnholme Community College.
2. The report provides Cabinet with details of the response to the recent public consultation concerning the future of Burnholme Community College.
3. The report considers the arguments for and against maintaining Burnholme Community College, particularly in light of the projected future demand for secondary school places in the city. The report considers the educational and financial implications of continuing to maintain a secondary school with less than 300 students.
4. The report concludes that the educational interests of children and young people in the city are best served by a phased closure of Burnholme Community College.
5. The report sets out proposals for transitional arrangements that seek to ensure that the best possible quality of education is maintained during a phased closure period and that guarantee students (currently in Year 7 and 8) a choice of several alternative schools when they transfer schools at the end of Year 9.
6. The report recommends that the local authority (LA) should now publish a statutory notice proposing the phased closure of Burnholme Community College, followed by a six-week representation period, after which the LA will consider all further observations and comments received and decide whether to proceed with the proposals.

Background

7. Burnholme Community College (BCC) was judged as being a good school by Ofsted in 2009, and it has enjoyed strong and loyal support from families that have chosen the college for their children.
8. The catchment area includes some of the most deprived areas of the city. Out of ten mainstream secondary schools, the college has the highest proportion of children entitled to free school meals (24%), compared to the city-wide average of 9% of all secondary aged students.
9. BCC currently has 286 students, including eight students with a statement of Special Educational Need and 32 students who currently receive additional support. BCC also hosts a satellite provision for a group of students and staff from Applefields School, and provides a base for various community facilities including Hempland Kids Club, Burnholme Day Nursery and sports provision including the Multi Use Games Area (MUGA). BCC is adjacent to Derwenthorpe which, when complete, could generate an estimated 80 secondary aged students.
10. The future of BCC was last publicly debated in 2009 when the governing body proposed a plan to increase the number of students applying for places. The plan was supported by both City of York Council and the other schools in the city. It described how the college would try to attract more students to start in Year 7 in an attempt to improve its financial position and enable it to provide a full curriculum choice. Regrettably, and despite the best efforts of the governing body and the staff, the numbers have not risen to the levels predicted in the plan.
11. The school funding system works on the basis that funding follows students into the schools that they attend. In order to keep BCC operating effectively, City of York Council, with the agreement of other schools, has been providing it with a larger share of the city's schools' budget than the student numbers alone would justify. This made sense in the short-term to support the 2009 plan, but would become increasingly unfair in the longer-term as it takes money away from other schools in the city. The significant financial implications of falling student numbers are detailed later in the report.

12. The LA launched a public consultation regarding the future of BCC in March 2012. This was predicated on the low number of pupils at the school, the increasing number of surplus places, and the increasing level of financial subsidy required from other secondary schools.
13. LAs are required to keep surplus capacity under review and to ensure an appropriate balance between supply and demand so that resources are used effectively.
14. The chart below shows that the number of students at BCC has been falling steadily for seven years.



15. The college can accommodate 600 students, but was predicted to only have 270 pupils in September 2012. Over time, smaller Year 7 groups have entered the college as larger Year 11 groups have left.
16. The college can accommodate 120 students in each year group. This means that up to 120 students could start secondary school at the college in Year 7 every September.

17. The table below shows the student numbers in each year group at the school.

Year Group (Current 11/12)	Student numbers at Jan 12
Year 7	48
Year 8	66
Year 9	51
Year 10	57
Year 11	64

18. Declining student numbers impacts upon the school in several ways. It will receive less funding, usually resulting in a reduction in the number of staff. It then becomes increasingly difficult to maintain a full curriculum and to offer a range of options, or to organise subject teaching in ability groups where that is appropriate. Students' wider school experiences, as a result, become increasingly restricted. There is also a challenge to maintain specialist teaching in subject areas resulting in pupils being taught by non-subject specialists. A smaller school provides limited opportunities for promotion making it harder to retain ambitious staff.
19. The decline in student numbers continued in 2012 with only 35 of the 133 children living in the catchment area, and due to start secondary school in September, applying for a place at BCC. Five children living outside the catchment area also applied for a place. The governing body decided that, given the low numbers and the inevitable challenge of providing a full curriculum offer, it was not in the best educational interests of pupils to admit such a small year group. All these children have since been offered, and have accepted, alternative places at schools of their choosing: Archbishop Holgate's (29), Huntington (4), Joseph Rowntree (4), Millthorpe (1) Fulford (1) and Canon Lee (1).

Options

20. The consultation document noted that, in considering the challenges faced by BCC, the LA and the governing body have considered a range of options other than closure, including:

- keeping BCC open by increasing the funding provided
 - merging BCC with another secondary school to create a split-site school
 - merging BCC with one or more local primary schools to create a 'through-school' for children aged four to 16 years
 - converting BCC into a new 'academy'
21. These alternatives do not appear to offer a credible way forward as:
- the economic climate facing the authority and the city's schools is increasingly challenging, and the forthcoming national changes to school funding will limit the ability of the council to subsidise small schools. This is considered in more detail later
 - there is no enthusiasm amongst the school community for a merger option, largely due to the underlying issues of student numbers and the reduced funding available for schools nationally
 - the government would be highly unlikely to approve the creation of a new academy because of falling student numbers and the level of surplus places, the pressing financial position BCC and the fact that there is already an academy in the area
22. The consultation document asked for people's views regarding these and any other options that should be explored and responses are considered below.

Public Consultation – Summary

23. The governing body organised a well attended public meeting at BCC on 22 February 2012 to explain the need for the public consultation. The formal consultation began on 1 March 2012 and closed on 20 April 2012. The consultation document described the reasons for the consultation, the options already considered, and set out the proposals and their potential implications.
24. One thousand paper copies of the consultation document and questionnaire were distributed to students, parents and staff at BCC and neighbouring schools and libraries. A further 1000 copies were provided to the Burnholme Parents Action Group at their request. The consultation paper and questionnaire were also promoted on-line on the council's website.

25. The council received 174 online responses and 124 paper responses. Annex 1 provides an analysis of the questionnaire responses received. The cabinet member has been provided with a copy of all submissions.
26. The council also received an e-petition supporting BCC (205 signatures) and a separate paper petition (1996 signatures) organised by the Burnholme Parents Action Group.
27. Within BCC the student council has debated the proposed closure, and discussed potential transition plans. Twenty-two students have also completed the questionnaire.
28. Governing bodies were also invited to respond to the consultation and submissions were received from Hempland Primary, Applefields, Fulford, Huntington, Millthorpe and Archbishop Holgate's Schools and are included in Annex 2. Individual governors of various schools also contributed via the questionnaire. Also included in Annex 2 is a response from Cllr Warters as city councillor and on behalf of Osbaldwick and Merton Parish Councils and Meadlands area residents association.
29. Hempland Kids Club has submitted a comprehensive pack including 72 individual letters in support of the club and the service it provides. The club is based in a separate building, at the front of the college, formerly occupied by the Youth Service. The Kids Club is a non-profit making registered charity with 170 children registered to the club.
30. The council also received various requests for further information from individuals and via elected members and local MP's. Where available this information has been provided. The issues have also been debated in the local media and on local radio. Officers have met with various parents and other interested parties to discuss the proposals in more detail. The Cabinet Member has also received correspondence from parents and members of the local community.

Issues Raised During the Consultation Process

31. The responses received inevitably reflect a wide diversity of views and the perspectives of different stakeholders. This report seeks to highlight and address the general messages and major issues that were raised most frequently. It is recognised that it is not

possible to capture the subtlety and complexity of all of the contributions to the debate. The summary below is structured to reflect the questionnaire. More analysis is included in Annex 1.

Exploring Other Options

32. Those opposed to closure advanced a variety of different arguments. There was a general concern about the disruption to children's education in the short term. Many valued the fact that BCC was a small community school where staff know all students, arguing that it was therefore better placed to provide a personalised high quality education, particularly given the levels of socio-economic deprivation in parts of the catchment area.
33. Some argued passionately that BCC has particularly strong links with the community that should be preserved at all costs, and which justifies subsidy from other schools. In contrast, others have acknowledged the declining numbers and accepted that the authority needed to remove surplus capacity in order to make more cost effective provision of secondary education. These important issues are returned to later.
34. A total of 95 commented about exploring other options. The argument that BCC should be maintained in order to help in meeting projected future demand for secondary school places was put forward in various debates during the consultation. This was also referred to by 30 people completing the questionnaire. This is clearly an important consideration for elected members and this is returned to later in the report.
35. Another important point that emerged during the consultation was whether or not the full costs of closure had been considered when compared to the costs of maintaining BCC in future years. The impact on other school budgets of maintaining Burnholme has also featured in the consultation. Estimated closure costs, and the alternative costs and implications of maintaining the college, are also considered later in the report.
36. Ninety-six respondents called for changes to school catchment areas or for a reduction in the size of other secondary schools. Others felt that BCC needed to be better promoted in order to attract more pupils. Some argued that the council should simply direct children in the catchment area to attend the college,

regardless of parental preference (this would not be within the law).

37. A number of detailed submissions suggested that a more creative approach was needed for using part of the existing Burnholme site to generate funding to bolster the financial viability of the school. Some suggested reducing the size of the existing school estate, and encouraging complementary uses of the site, such as running training or community facilities that could help reduce the running costs of the school. Others highlighted the important and successful links with Applefields School and suggested providing more satellite provision and developing more education opportunities for 19-25 year olds with learning difficulties and disabilities.
38. Some of the comments received about promoting the school, and looking for other partners to use the site, had been previously explored by the governing body in the preparation of the Business Plan in 2009.
39. No detailed suggestions were received suggesting alternative school mergers or alternative structural solutions.

Proposal for Years 9-11 to complete GCSE's at the College

40. The majority of respondents (56.4%) were fully supportive of the proposal that BCC should remain open until 2014 in order for students in current years 9, 10 and 11 to complete their GCSE's. A total of 29.9% commented on various concerns, most notably about a possible reduction in the quality of teaching during this period and the numbers of staff that may seek to leave the college before it closes.
41. This is clearly a key concern and the authority and other schools are working closely with the governing body on a range of measures to ensure that, in the event of closure, the leadership of the school is secure, and the school is able to retain high calibre staff. To secure staff in key posts those identified as essential to remain in post until any closure takes place would be offered a retention package. This would consist of a retention lump sum payment, payable at the point of closure, as well as them being guaranteed a further period of continued employment for 12 months after the date of any closure in order to facilitate their permanent redeployment elsewhere. The authority would work

with all schools in order to maximise opportunities for staff to ensure compulsory redundancies are avoided as far as possible.

Proposal for current Year 7 and 8 students to transfer to alternative schools at end of Year 9

42. A significant majority of the 169 respondents who commented on the proposals expressed concerns. Some reported concerns about the emotional impact on children transferring at the end of Year 9, others raised issues about potential disruption to teaching at BCC and also at the receiving schools. A small number recorded concerns about potential bullying of BCC students on arrival at new schools. Others felt that as other local schools were already full they would not wish to, or be able to, offer places to BCC students. Some respondents felt that students should transfer earlier.
43. During the consultation period many parents have sought clarification on how a phased closure might be managed in practice. The LA has been working closely with headteachers and governing bodies to develop a transition plan. The support of various governing bodies means that the LA would expect to guarantee students in Year 7 and 8 a choice of alternative schools, including those that are already popular with parents in the Burnholme catchment area.
44. Given the pattern of parental preferences the LA anticipates that, in the event of closure, many parents would choose Archbishop Holgate's CE school, which is the next closest school for many students (the average distance from home to school is 1.05 miles). The governing body of that school is also responsible for admission arrangements. The governing body has submitted a statement (included in Annex 2) that confirms that the school will offer places to any pupil in Year 7 or 8 wishing to transfer to the school as part of a managed phased closure.

Proposal to provide school uniform grants for students transferring schools

45. The majority of respondents (51.7%) supported this proposal. A small number argued that this represented a waste of money whilst others suggested that the provision of uniforms should be subject to means testing. The estimated cost of the proposal (£17k over 2 years) is included in the financial section of the report.

Proposal to provide free transport for students living over 2 miles from school

46. The current policy of the LA is that it will provide transport for pupils that have to travel over three miles to their catchment secondary school, or over two miles where children are entitled to transport benefit due to low household income. In order to support the transition of pupils transferring schools at the end of Year 9 the authority has proposed providing transport for all pupils where their journey exceeds two miles. The number this applies to will depend upon the choice of school and the resulting distance between home and school.
47. There were mixed responses to this proposal with around 44.6% being fully supportive and feeling that this offer was essential. Around 40.6% reported concerns. Some stated that all children should be offered free transport, some reported concerns about the distances to be travelled to other schools in the city whilst a small number of respondents considered that this represented a waste of money that should be used to keep the school open.
48. Analysis of the January 2012 census data for the students in current Years 7 and 8, living within the Burnholme catchment area, shows that the distance from home address to BCC ranged from 0.08m to 1.11m with an average distance of 0.50m. The table below illustrates the range and average distances, from home address, to some of the alternative schools that will be available to students.

School	Year Group	Distance (closest)	Distance (furthest)	Average Distance
Burnholme Community College	7 & 8	0.08	1.11	0.50
Archbishop Holgate's CE School	7 & 8	0.55	2.08	1.05
Huntington School	7 & 8	1.26	3.93	2.51
Joseph Rowntree School	7 & 8	1.89	4.56	3.05
Canon Lee School	7 & 8	1.95	3.23	2.66
Millthorpe School	7 & 8	0.98	3.37	2.26

49. In the event of closure, the LA will work with the schools and operators to ensure that transport options are available for students to attend the range of secondary schools allocated. This will be free for transferring students who live more than two miles away.

Proposal to include the BCC catchment area within that of Archbishop Holgate's School

50. This proposal saw 53.4% of respondents reporting concerns. 85 people were concerned that Archbishop Holgate's was already full and that accommodating more children would lead to overcrowding. Some people did not agree with having catchment areas at all and others argued that they weren't rigidly enforced. A smaller number (ten) expressed concerns about a catchment area being served by a faith school.
51. The governing body of Hemplands Primary School suggested that, in the event of closure, Huntington School should be considered as the catchment school for pupils living to the north of the area. The governing body of Huntington School suggested that; "we feel that it is important that this decision is discussed more widely before any agreement is made; however, we do think that there is some common sense merit to the proposal. We do think it important that those parents who do not wish their children to attend a faith school but live within the proposed new catchment for Archbishop Holgate's School have a secular alternative".
52. Chart 1 in Annex 3 details the number of projected numbers of students living in the catchment areas of Burnholme and Archbishop Holgate's schools and the projected demand for places at the school from within the catchment area. It is difficult to predict parental preferences going forward however, based on the available data, it would appear that merging the catchment areas would enable a neighbouring school to serve the Burnholme community. Currently 41.7% (301) of the secondary aged students living in the Burnholme catchment area attend Archbishop Holgate's School.
53. The governing body of Archbishop Holgate's School have considered this matter in detail, and have confirmed that, in the event of closure of Burnholme, that the school would wish to serve the entire catchment area. This is confirmed in the statement at

Annex 2. In order to meet the anticipated demand the school proposes to increase its annual admission limit from 162 to 216 in order to move from six to eight forms of entry (27 in each form). The school will require additional space to accommodate the two extra classes joining the school in each year.

54. It is recognised that another, less desirable, option would be to expect all children potentially displaced by a closure of Burnholme to travel to various schools, with surplus spaces, across the city. This option would inevitably reduce local choice for parents further. It would also fail to assist in meeting future demand as it rises in other areas of the city, and would increase transport costs.
55. The proposal of Archbishop Holgate's governing body to increase the capacity of the school may ease the concerns raised by some parents that the school was full and would not be able to accommodate more children. The LA recognises that some parents would prefer a school that was not a faith school and would therefore revise admission arrangements to ensure that they would be able to apply (as now) to any school, but would also guarantee a place at the nearest secular school with spaces. The council's standard school transport policy would continue to apply. Further discussions will be needed to ensure that proposed arrangements are in accordance with the new admissions code of practice.
56. The report now considers two major concerns highlighted during the consultation period; firstly the future demand for places and secondly the costs of closure compared to the costs of maintaining BCC.

Demographic Trends and the Future Demand for Secondary School Places

57. The consultation document acknowledged that secondary school numbers have declined over the last decade, a trend that will continue until 2014/15 when numbers will begin to rise again, reflecting a rise in the birth rate in recent years.
58. Some parents have challenged the data used by the LA and consider that the projections of growth in numbers are conservative. The authority bases its estimates on both Office of National Statistics 2010 birth data for the city and data drawn from

the annual primary school census. Chart 2 in Annex 3 details the actual and projected births in the city. The chart indicates how recently released (March 2012) data from the 2010 census has revised the 2008 birth rate projection downwards.

59. Chart 3 in Annex 3 illustrates the projected numbers of secondary aged children living in each of the city's catchment areas. The chart shows the total numbers expected to be living in the city through to 2020/21. The chart also shows the total number expected to be attending the city's secondary schools. This is complicated by the fact that some children living in the city attend schools in neighbouring authorities and children from North and East Yorkshire travel to attend schools in the city. Generally the city has seen a net outflow of students.
60. It is difficult to predict with accuracy what the demand for school places will be at individual schools over this period. General demand is subject to changes in the birth rate, in local housing developments, and by migration to and from the city. Local demand is also subject to parental preference, often influenced by Ofsted judgements, league tables and community perceptions. Clearly there will eventually be some potential additional students (an estimated 80 secondary aged students by 2018/2019) from the local Derwenthorpe development. It has also been recognised that there has been a significant increase in demand for university student housing in the east of the city, particularly along the Hull Road corridor, in Tang Hall and in Badger Hill. In some areas this has served to reduce the amount of family housing and consequently the demand for places at some schools.
61. Table 1 in the Annex 3 illustrates the relationship between catchment areas and the allocation of school places in the city. Table 2 shows the number on roll in each secondary school taken together with places available, whilst table 3 shows the distribution of over 860 surplus secondary school spaces in 2012, including 315 at BCC. These spaces will begin to reduce as larger cohorts move up from primary schools.
62. Analysis suggests that the demand for school places over the next ten years will be stronger in certain areas of the city. This is already evident in the South Bank area, in parts of the west of the city and in some villages. Other planned developments on sites such as Germany Beck, British Sugar and Terry's may increase

demand for places at Fulford, Manor and Millthorpe Schools in particular. However, recent trends in the choices made by parents suggest that it is unlikely that Burnholme would experience increase in demand for places in Year 7 before 2017/18. The benefits of this increase would then take several further years to filter through the school.

63. It has also been argued that the Local Development Framework assumes further residential development in the east of the city. The land to the East of Metcalfe Lane is identified within the LDF Core Strategy as an Area of Search for potential urban extension. Currently land within the identified Areas of Search will not be required for development until at least 2025/26 and potentially longer if further brownfield sites come forward for development over the Plan Period.
64. Officers considered view is that the timescales and major uncertainties around future demand for secondary placements in the Burnholme catchment area mean that this cannot be used as a compelling argument to override the educational and financial considerations. These will shortly be heightened by forthcoming national policy changes, as outlined below.

National Policy Implications

65. Firstly, the government is introducing new regulations governing school funding. This will result in different arrangements with less discretion available to local authorities to support small schools through a local formula. Any significant reduction in budget will have a consequent reduction in staffing and an inevitable impact on teaching and learning.
66. Secondly, there is an increasing focus from the DfE and Ofsted on school standards with direct intervention proposed at schools that fall below specific floor standards. The government has increased the floor standard for 5 A*–C grades including English and Maths at GCSE to 40%, and it is anticipated that it will increase again to 50% by 2015. With small cohorts, and with the prior attainment of pupils on entry below the national average, BCC will be increasingly at risk of falling below the government's floor standards. Annex 4 includes a summary comparison of Key Stage 4 performance in York secondary schools.

67. Thirdly, the Education Act 2011, The Academies Act 2010, and the new Admissions Code, all serve to promote the autonomy of individual schools and to create a more diverse range of schools including academies and free schools. The legislation encourages the expansion of popular and successful schools to meet parental demand. LAs are expected to secure a supply of strong school places but in a context of increasing school autonomy and with fewer powers to help balance supply and demand of school places.
68. There are therefore likely to be additional and significant pressures on BCC if it were to remain open, which cast doubt on its ability – regardless of the efforts of the staff team – to maintain the standards and the breadth of curriculum to which everyone would aspire.
69. Officers believe these educational and policy considerations alone support the case for closure, even before taking into account the financial considerations (including the costs of closure) which are considered below.

The Financial Implications of Maintaining or Closing Burnholme Community College

Financial Analysis

70. As described earlier, with an annual intake of only 40–50 pupils, the college is not financially viable without a high level of support from other schools. For comparison, in 2010 (latest year's comparable data) there were only nine other secondary schools in the country in non sparse urban areas with less than 250 pupils. Since 2010 five of these schools have been closed by their LA and a further two have been subject to closure proposals. The remaining two are both Voluntary Aided faith schools and are receiving significant charitable donations of several hundred thousand pounds per year.
71. In 2009 the LA demonstrated its support of the business plan for BCC by agreeing to write-off a £121k cumulative deficit in the BCC budget. Importantly, the Schools Forum also agreed to support BCC with a significant annual subsidy from the Dedicated Schools Grant (DSG), in effect, top-sliced from the budgets of other secondary schools in the city. Over the three financial years to 2011/12 additional funding of £862k has been provided to the

college. Since 2009 the college has been unable to attract the number of students that the business plan required in order to stay within the agreed budget.

72. To continue operating the college will require additional funding over and above the level of subsidy agreed in 2009. To maintain the college will require total annual funding averaging £8.5k per pupil per annum (and rising to £9.8k), compared to a cost of between £4.2k and £5.4k per pupil at other secondary schools (Annex 5). This equates to an additional subsidy of around £0.6m per annum on average to 2020/21 (including the existing local small schools factor).
73. Given reductions in public expenditure, schools across the city are facing significant budget pressures. In 2011/12 all but one of the city's maintained secondary schools have been managing in year deficit budgets, and the situation is not expected to get any easier in 2012/13 and beyond. Other schools are not in a position to increase the subsidy provided to BCC. Annex 6 summarises the additional funding that would be required from the DSG (and is taken from other school budgets) or from the General Fund as a LA top-up to the DSG.
74. An added complication is the DfE's proposed changes to the school funding system for 2013/14 (*School Funding Reform: Next steps towards a fairer system*). If implemented, these proposals could have a significant detrimental impact on BCC's funding level as they severely limit the LA's ability to support small secondary schools through the local funding formula. The proposals would also make it much more difficult for the LA to ask other schools to contribute to BCC by agreeing to a top slice of their budgets.
75. If the college were to close, funding would need to be set aside (from future savings) to meet the costs of a phased closure and to support other schools supporting the transition of students. Capital investment of £1.5m to £2m is anticipated to be required to support an increase in capacity at Archbishop Holgate's as the school moves from six to eight form entry. This will need to be funded by either the Education Funding Agency (EFA – the new national body responsible for funding academy schools) or through Prudential Borrowing by the LA, or by a combination of both. Annex 7 sets out the detail of these additional costs.

76. No assumptions on the future use of the BCC site have been made as part of this financial analysis. Any short-term or on-going financial implications following closure of the college are assumed to be cost neutral.
77. If the college were to close then the additional funding described at paragraph 72 would no longer be required. In addition, significant fixed costs of operating a stand alone secondary school, estimated at £587k pa, would also be saved. The net impact of all of this would be to produce a total saving over the period to 2020/21 of £5.4m that would be available for redistribution to other secondary schools in the city. These sums would be on top of the funding that would accompany the individual pupils as they were displaced from BCC to other schools (c£4.2k per pupil per year).
78. This redistributable sum will be available to support redeployment of staff to other schools for an additional year, following the closure of BCC. The amount required will be determined by the number of staff who do not secure alternative employment during the transition period. Assuming that between 50% and 75% of staff are redeployed for a further year following closure, this would amount to between £450k and £680k. Any remaining sum would then be available for reallocation to schools through the local funding formula.
79. Paragraphs 57-69 analyse the demographic trends and future demand for secondary school places. Future increases in demand for secondary school places are predicted but the analysis concludes that much of the increased demand will not be in the vicinity of BCC. This suggests that the majority of any investment across the city will need to be incurred regardless of a decision to close BCC. This investment would have to be met from a number of funding sources. Developers' contributions through S106 agreements would be available where new housing developments produced increased pupil numbers in excess of existing capacity in particular areas of the city. In addition the DfE makes capital resources available to LAs on an annual basis through the Basic Needs Allocation. This allocation is based partly on any increased demand for places in each LA area (for example, York has received £2.4m over the last two years through the Basic Needs Allocation to help manage the increased demand for primary places in particular 'hotspots' within the city).

Summary Financial Position

	2012-20 £m
Cost of Maintaining BCC	5.2
Implications of Closure	
Savings from Closure	7.9
Less Costs of Closure	(2.5)
Net Savings for Redistribution	5.4

80. In summary the analysis shows that from a purely financial perspective that there is a compelling case for closure of the college. If the college were to remain open then in the period to 2020/21 estimated additional funding (in excess of the local funding formula) totalling £5.2m would need to be allocated to it by continuing to top slice the budgets of other secondary schools in the city.
81. If a decision were made to close the college, and after allowing for the costs of closure, and making a prudent assumption that the LA would need to meet the cost of increasing capacity at Archbishop Holgate's School, then in the period to 2020/21 estimated net savings totalling £5.4m would be generated. Significant sums ranging from £96k to £136k per year per school would then be available for redistribution to other secondary schools compared to their current funding levels. These sums will be available to meet the costs of redeployment for staff in the first year following closure.
82. The majority of the capital costs associated with future increases in demand for secondary school places across the city would need to be incurred regardless of a decision to close or maintain BCC. However, the potential cost of replacing the 600 places removed by the closure of BCC, by investing incrementally at other schools where demand increases, is not considered excessive compared to the costs of keeping the college open and the savings generated from closure.

HR Implications

83. There are significant staffing implications associated with a school closure. BCC has been managing reductions in staffing as pupil

numbers have reduced year on year and further reductions would be required if BCC were to remain open. In the event of a phased closure being agreed, the LA is committed to balancing individual members of staff's employment and career choices with the needs of the school to retain key personnel in essential posts until BCC's final closure date, whilst meeting all of our statutory obligations as an employer. The LA has worked with the governing body, the trades unions and professional associations to agree a transition plan that seeks to maintain the staffing needed to ensure leadership of the schools and high quality teaching and learning through the period of the phased closure. In the event of closure the LA would work with other schools to maximise opportunities for staff and to minimise redundancy wherever possible.

Council Plan

84. The provision of secondary education is a key responsibility of the council, which is recognised as a high performing authority in this regard. Successful educational outcomes for young people from all of our communities contribute significantly to the delivery of the Council's priorities, for example, providing students with high quality education enables young people to contribute positively to the growth of the city's economy. Above all, the interests of young people have been uppermost throughout our consideration of this issue, given our stated ambition to make York the best place in England in which to grow up.

Other Implications

85. There are no specific Equalities, Legal, Crime and Disorder, Information technology, or Property implications arising.

Risk Management

86. If a phased closure is agreed then the process will require a strict project discipline that includes risk management. A board would be established to oversee the phased closure process and all transition arrangements for students and staff. The board would include senior representation from the closing and receiving schools.

Conclusions

87. Much has changed since 2009 when the future of BCC was last reviewed. The general economic climate has worsened considerably and significant reductions in public expenditure introduced. Although schools have seen some protection, it is clear that pressures on school budgets are increasing and many are having to make difficult decisions to balance their budgets.
88. The LA has a responsibility to ensure an appropriate balance between supply and demand of school places so that resources are used effectively.
89. This paper has described the challenges of balancing the supply and demand of school places given; the predicted increase in secondary school numbers, the pattern of parental preferences for school places of school in the east of the city, a national education policy that increasingly promotes the autonomy of individual institutions, all set against a backcloth of reducing capital and revenue budgets for LAs and schools.
90. The consultation process brought forward a wide variety of views on the future of Burnholme Community College. The report has sought to summarise the key arguments and issues that have been raised in recent months.
91. It would appear on balance that the interests of children and families across the city are best served by a phased closure. It is recognised that other secondary schools in the city will need to expand, over time, in order to meet local demand as it increases over the next ten years. This approach will serve to strengthen the position of the nine remaining secondary schools and academies across the city. Schools in the city are currently smaller than the average size of secondary school in England and Wales, and this is likely to remain the case even in the event of Burnholme closing.
92. A proposal to close a school is not made lightly. It is a difficult time for students, parents, staff and governors at Burnholme Community College. However, and importantly, headteachers and governing bodies across the city have shown their full commitment and support in ensuring that the quality of education of students is maintained throughout a phased closure period. The authority has worked with schools to ensure that transition plans will provide a genuine choice of alternative schools for parents and students.

The authority will continue to work closely with staff, trades unions and professional associations to provide the best possible support for staff. The authority remains committed to continuing financial support to Burnholme throughout the period of a phased closure if agreed.

93. In arriving at their decision, and in deciding whether or not to propose a phased closure, cabinet members are advised to consider:

- whether a school with an annual intake of 40-50 students can provide a broad and balanced secondary curriculum that meets the educational needs of all
- whether the school is financially viable given the level of subsidy needed to maintain the school
- the potential impact on other secondary schools in the event of providing the level of subsidy needed to maintain Burnholme Community College
- if it would be beneficial to maintain Burnholme Community College in order to meet a future demand for school places, given the issues and risks described in the report
- whether the transition arrangements proposed to support the phased closure will minimise disruption to student's education and learning
- whether the proposed catchment area and school admission arrangements are appropriate and equitable

Recommendations

Cabinet is recommended to:

- i. Agree to publish Public Notices in accordance with section 15(1) of the Education and Inspections Act 2006, to discontinue Burnholme Community College from 31 August 2014. This to be followed by a six week statutory representation period, after which the LA must consider any further observations and comments received and decide whether to proceed with the proposals summarised below:
 - It is proposed that Burnholme Community College will remain open until 2014 when students on the roll at the school in the current Year 9, Year 10 and Year 11 have completed their secondary education;

- It is proposed that current Year 8 students will continue their education at the Burnholme Community College until the summer of 2013, and will then transfer to other schools. This means that they will be in their new schools for their year 10 and 11. For students currently on roll at Burnholme Community College in Year 7, it is proposed that will stay at the school until the summer of 2014, and will then transfer to other schools for their Year 10 and 11. Detailed transition arrangements will be agreed between schools and in consultation with parents;
 - For students currently on roll at Burnholme Community College in Year 7 and Year 8, transport assistance will be provided if their new school is over two miles from their home residence once they have transferred in 2014 and 2013, respectively;
 - For families of transferring students to receive assistance at the transferring stages with the purchase of new school uniform as required at the receiving school;
 - With the agreement of the governing body of Archbishop Holgate's CE School, it is proposed that the existing catchment area of Burnholme Community College will be merged with the catchment area of Archbishop Holgate's CE School. Those seeking a non faith based school will be offered an alternative secular school.
- ii. To note that the LA will work closely with the governing body of Burnholme Community College and other schools to develop a comprehensive package of support for the school, and a detailed transition plan for students and staff, that seeks to ensure the best possible education throughout the phased closure.
- iii. To note that the LA will work with Applefields School and other secondary schools in order to relocate the satellite class that has been successfully established at Burnholme Community College.
- iv. To note that the LA, with the York Education Partnership, will continue to develop further proposals that address the projected demand for school places across the city over the next decade, arising from predicted housing development and from the increase in the birth-rate.

- v. To initiate a further specific consultation focussing upon the potential future use of the Burnholme site in the event of the closure of the school. The recent consultation on the future of Burnholme Community College has highlighted particular concerns about the future of highly valued community services that are based at the College, including the Kids Club, the Burnholme Day Nursery, and Sports Provision including sports fields and MUGA. The authority will wish to explore options that make best use of the site whilst maintaining community facilities wherever possible. It is recognised that these important issues and possible options will require wide consultation and detailed debate and consideration.

Contact Details

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Jill Hodges Assistant Director Adults, Children and Education	Report Approved	√	Date 03 May 2012
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	Cllr Janet Looker Cabinet Member for Education, Children and Young People		
	Report Approved		Date 25 April 2012
Specialist Implications Officer(s): Richard Hartle (Finance) – ext 4225 Jo Sheen (HR) - ext 4250			
Wards affected	All	√	
For further information please contact the authors of the report			

Annexes

Annex 1	Questionnaire	Questionnaire summary
		Questionnaire Survey Responses
Annex 2	Statements	Applefields School
		Archbishop Holgate's CE Academy
		Fulford School (Head)
		Hempland Primary
		Huntington School
		Millthorpe School
		Councillor Warters
Annex 3	Data	Chart 1 – Year 7 catchment population and catchment only demand for Archbishop CE Holgate's and Burnholme Schools (Combined)
		Chart 2 - Actual and projected births in the City of York (1987/88 - 2027/28)
		Chart 3 - Number of Year 7 - Year 11 pupils by catchment area of residence, and total Year 7 to Year 11 on roll in the city (2009/10 - 2020/21)
		Table 1 - Home catchment pupil retention for each CYC secondary catchment area
		Table 2 - Number on roll at York Schools and Academies by National Curriculum Year Group
		Table 3 - Spaces available at York Schools and Academies by National Curriculum Year Group
Annex 4	KS4	Comparison of Key Stage 4 Performance Data in York
Annex 5	Finance	Indicative Secondary School Funding – Per Pupil
Annex 6	Finance	Financial Subsidy Required in Future Years
Annex 7	Finance	Financial Analysis of Closure Proposal

Summary of Survey Responses

Total responses (Number)	298	Sent Out	Percentage Response Rate
Online	174	2000	6.20%
Postal	124		
Returns:	Number	%	
Parent or Carer of current BCC student	81	27.2%	
Parent or Carer of a student at another school	69	23.2%	
Current BCC student	22	7.4%	
Member of staff at BCC	21	7.0%	
Member of staff at another school	17	5.7%	
Governor of another school	12	4.0%	
BCC governor	2	0.7%	
Other	48	16.1%	
Exploring other options: 95 suggestions	Number	%	
Keep BCC open as increase in all pupil numbers will create demand	30	31.6%	Of the 95 suggestions, 30 suggested keeping Burnholme Community College open to address the predicted increase in pupil numbers on all schools. 12 suggested running a training or community facility on the site and 10 suggested removing all catchment areas across the city, allowing different sizes of schools to operate.
Create a Training centre / community facility	12	12.6%	
Proposal to finish their GCSEs at Burnholme College	%		
I'm fully supportive	56.4%		
I have concerns	29.9%		
Concerns about GCSE proposals: 118 in Total	Number	%	
Reduction in Staff Leaving	42	35.6%	Of the 118 concerns, 42 were worried about the possible reduction in the quality of teaching and 39 were worried about the number of Staff leaving the school.
Amount of Quality of teaching / Effect on GCSE grades	39	33.1%	
Proposal to transfer at end of year 9	%		
I have concerns	70.8%		
I'm fully supportive	11.4%		
Concerns about transfer proposals: 169 in Total	Number	%	
Emotional concerns	59	34.9%	Of the 169 concerns, 59 were about the emotional wellbeing of pupils and 40 were about the disruption to teaching, both at Burnholme Community College and the schools pupils transfer to.
Disruption to teaching at BCC and "new" schools / Effect on GCSE grades	40	23.7%	
Proposal to provide free school uniforms	%		
I'm fully supportive	51.7%		
I have concerns	28.2%		
Concerns about school uniform proposals: 115 in Total	Number	%	
Spend money on keeping BCC open	23	20.0%	Of the 115 concerns, 23 agree that free school uniforms are essential, although 22 think the money could be better spent. There were a range of comments included under Other.
Agree this is essential	22	19.1%	
Proposal to provide free transport in groups	%		
I'm fully supportive	44.6%		
I have concerns	40.6%		
Concerns about free school transport proposals: 156 in Total	Number	%	
Concern about children travelling long distances & timings due to after school clubs	23	14.7%	Of the 156 concerns, 23 are worried about children travelling long distances to school and are unsure how this would work with after school clubs. 22 felt the offer of free transport was essential, although some suggested all transferred pupils should be offered free school transport.
Waste of money	22	14.1%	
Option to include BCC in ABH catchment area	%		
I have concerns	53.4%		
I'm fully supportive	21.5%		
Concerns about including BCC in ABH catchment area: 183 in Total	Number	%	
ABH already full / this will result in overcrowding	85	46.4%	Of the 183 concerns, 85 questioned the capacity of Archbishops Holgate to take additional pupil numbers. 16 respondents are dissatisfied with the current catchment areas and state they are no longer enforced.
Don't agree with having catchment areas at all	16	8.7%	

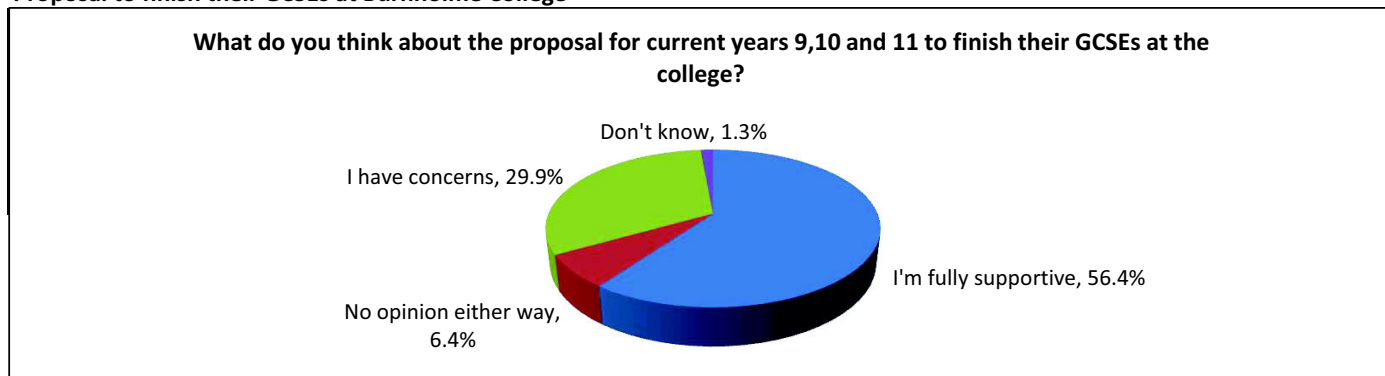
Total responses (Number)	298
Online	174
Postal	124

Which of the following describe you?	Current BCC student	Parent or Carer of current BCC student	Member of staff at BCC	BCC governor	Parent or Carer of a student at another school	Member of staff at another school	Governor of another school	Other
Number	22	81	21	2	69	17	12	48
Percentage	7.4%	27.2%	7.0%	0.7%	23.2%	5.7%	4.0%	16.1%

Exploring other options - suggestions

Keep BCC open as increase in all pupil numbers will create demand	30	31.6%	Respondents who suggested alternative options discussed keeping Burnholme Community College open to address the predicted increase in pupil numbers on all schools. Other suggestions included running a training or community facility on the site or removing all catchment areas across the city, allowing different sizes of schools to operate.
Training centre / community facility	12	12.6%	
Delete all catchment areas / Reduce all school sizes	10	10.5%	
Promote BCC better to create more primary feeder schools	9	9.5%	
Distribute catchment areas more evenly	5	5.3%	
Other	29	30.5%	
Total number	95	100.0%	

Proposal to finish their GCSEs at Burnholme College

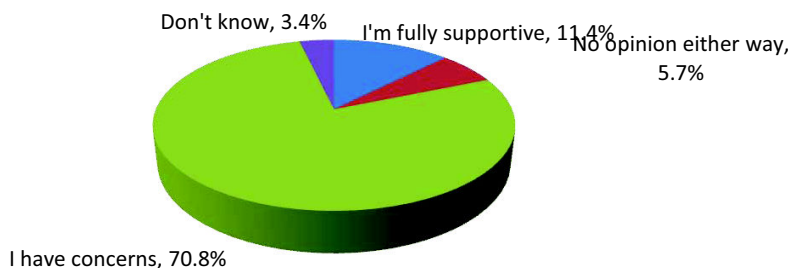


Concerns about GCSE proposals

Staff Leaving	42	35.6%	Respondents concerned about the proposal for current years 9, 10 and 11 to finish their GCSEs at Burnholme Community College are worried about a possible reduction in the quality of teaching and the amount of staff that will leave the school once a phased closure is in place.
Quality of teaching / Effect on GCSE	39	33.1%	
Staff morale / Commitment of teachers	15	12.7%	
Emotional concerns	12	10.2%	
Other	10	8.5%	
Total number	118	100.0%	

Proposal to transfer at end of year 9

What do you think about the proposal for current years 7 and 8 to transfer to alternative secondary schools at the end of year 9?

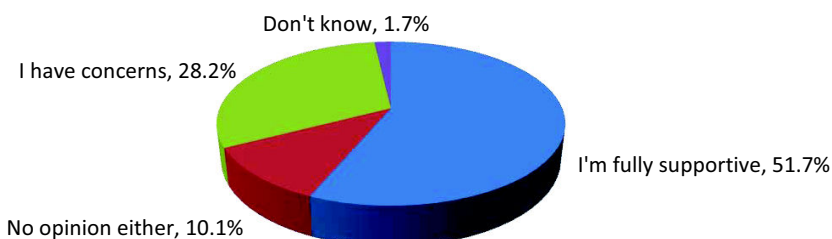


Concerns about transfer proposals

Emotional concerns	59	34.9%	Respondents concerned about the proposal for current years 7 and 8 to transfer to alternative secondary schools at the end of year 9 are mostly concerned about the emotional wellbeing of pupils and the disruption to teaching, both at Burnholme Community College and the schools pupils transfer to.
Disruption to teaching at BCC and "new" schools / Effect on GCSE grades	40	23.7%	
Bullying	13	7.7%	
Other schools are already full	12	7.1%	
Pupils should transfer earlier	11	6.5%	
Other	34	20.1%	
Number Total	169	100.0%	

Proposal to provide free school uniforms

What do you think about the proposal to provide free school uniforms for current year 7 and 8 students who transfer in groups to other schools?

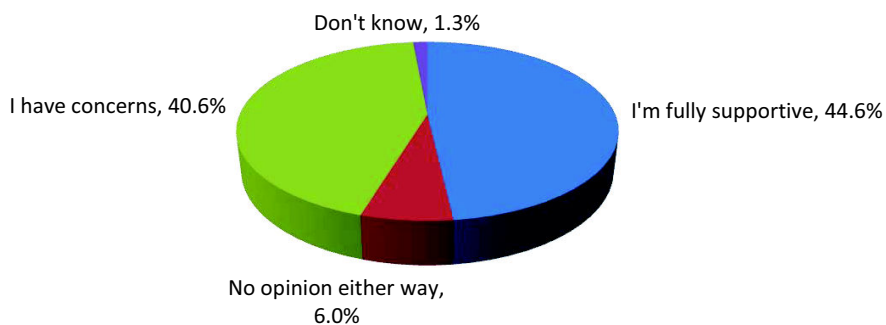


Concerns about school uniform proposals

Spend money on keeping BCC open	23	20.0%	Respondents concerned about the proposal to provide free school uniforms agree this offer is essential, although an equal proportion think the money could be better spent. There were a range of comments included under other.
Agree this is essential	22	19.1%	
Waste of money	17	14.8%	
Available to all students irrespective of when they move	8	7.0%	
Should be means tested / supplied until end of their school life	6	5.2%	
Other	39	33.9%	
Total number	115	100.0%	

Proposal to provide free transport in groups

What do you think about the proposal to provide free transport to those groups of children who transfer in groups to schools over two miles away from their home?

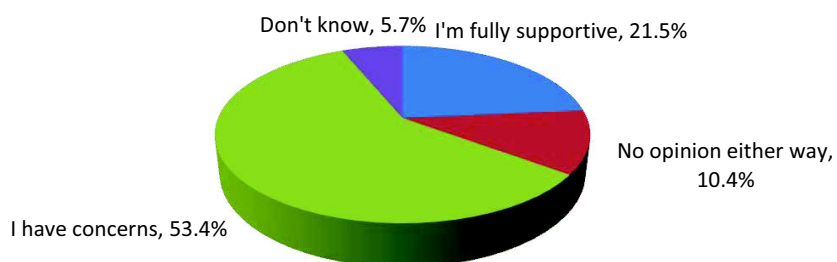


Concerns about free school transport proposals

Concern about children travelling long distances & timings due to after school clubs	23	14.7%	Respondents concerned about the proposals to provide free school transport are worried about children travelling long distances to school and are unsure how this would work with after school clubs. Other respondents felt this offer is essential, although some suggested all transferred pupils should be offered free school transport.
Waste of money	22	14.1%	
How long will transport be provided / will it be school or public bus?	19	12.2%	
Available to all students irrespective of when they move / how far they travel	19	12.2%	
Agree this is essential	17	10.9%	
Spend money on keeping BCC open	17	10.9%	
Other	39	25.0%	
Total number	156	100.0%	

Option to include BCC in ABH catchment area

What do you think about the option of including the college catchment area within the catchment area of Archbishop Holgate's CE School?



Concerns about including BCC in ABH catchment area

ABH already full / this will result in overcrowding	85	46.4%	Respondents concerned about the option of including BCC within the catchment area for Archbishop Holgate's CE School questioned the capacity of ABH to take additional pupil numbers. Other respondents are dissatisfied with the current catchment areas and state they are no longer enforced. There were a range of comments included under other.
Don't agree with having catchment areas at all	16	8.7%	
Catchment areas aren't rigidly enforced	16	8.7%	
Concern about ABH being a faith school	10	5.5%	
Other	56	30.6%	
Total number	183	100.0%	

Comments about alternative options for the catchment areas

Re-define or expand catchment areas	71	42.5%	Respondents think that school catchment areas need re-defining, with some respondents suggesting the inclusion of Huntington and Joseph Rowntrees to give current BCC students a greater choice of schools.
Keep BCC open	45	26.9%	
Abandon catchment areas	20	12.0%	
Promote BCC better to create more primary feeder schools	7	4.2%	
Make catchment areas smaller	5	3.0%	
Other	19	11.4%	
Total number	167	100.0%	

Respondents' connection with other schools (Number)

	Parent or Carer of a student at another school	Member of staff at another school	Governor of another school
Schools	63	11	12
All Saints R.C. Secondary	1		
Applefields School		5	
Archbishop Holgate's CE School	11		1
Badger Hill Primary	1		
Bootham Junior School	1		
Burnholme Community College	1		
Carr Infant School	1		
Derwent Primary	1		
Fulford School			2
Hempland Kids Club			
Hempland Primary	19	1	2
Heworth CE Primary	2		
Hob Moor Oaks School	1		
Huntington School	3	1	
Joseph Rowntree School	2		1
Millthorpe School			1
Osbaldwick Primary	2		
Ralph Butterfield Primary	1		
St Aelred's RC Primary	2		
St Lawrence's CE Primary	1		
St Paul's Nursery			1
Tang Hall Primary	12	1	1
York College	1	1	
Other		2	3

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Headteacher : George Gilmore
Deputy Headteacher: Sarah Edwards

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Cllr Janet Looker
Cabinet Member for Education, Children and Young People's Services
The Guildhall
York
YO1 9QN

16th April 2012

Dear Councillor Looker,

Consultation on the Proposed Closure of Burnholme Community College
Response from the Governing Body of Applefields School

The following submission is made on behalf of the Governing Body of Applefields School.

The Governors and community of Applefields School are very disappointed to learn of the proposal to consult on the proposed phased closure of Burnholme Community College. The Governors do, however, recognise that, despite the college's best endeavours to recruit more students, the current and projected numbers on roll at the college mean that the school is no longer financially viable and in the context of pressure on all school budgets it is no longer possible for other schools to continue to subsidise the college.

However, as the document recognises, closure of the college will also result in the closure of the Applefields School satellite class. This is an invaluable resource but, as we set out below, the proposed closure has other important implications for Applefields School. Governors believe that should a decision be taken to close Burnholme Community College this must also include clear and satisfactory arrangements to guarantee the continuation of the Satellite provision in another school and the continued access to the facilities and resources that Applefields School students currently enjoy.

Since opening in September 2004, the co-location of Applefields School next to Burnholme Community College has provided valuable opportunities for the student groups to work together through curriculum projects, the development of individual inclusion programmes for a small number of Applefields students and for Applefields School to provide placements for Burnholme Community College students on Health and Social Care courses. The schools have shared resources with Applefields School students having access to the college's specialist teaching areas including drama, and sports and PE facilities.

The relationship between the two schools has developed further and most significantly with the establishment from September 2011 of the Satellite class for a group of Key Stage 3 Applefields School students. The development of this innovative provision has contributed significantly to the range of opportunities available to students with moderate and severe learning difficulties who are on the roll of Applefields School. In September 2011 the seven 7 Year students who transferred to the satellite class moved from primary mainstream and special schools and are now fully embraced as members of the college community. This has been an important journey for the pupils and their parents and carers who are fully committed to the benefit of the inclusive experience offered by the satellite provision.

From the outset it was intended that the Satellite class would also make a significant contribution to the overall provision for children with special educational needs within the host school. It is pleasing to report that since the Satellite provision has been established the staff have worked closely with their colleagues at Burnholme Community College to offer targeted support to a small number of Burnholme students. The feedback from the parents and the Burnholme Community College support staff has been extremely positive. The parents of these students have contacted me to raise their concerns about the impact that the closure of the Satellite class will have on their child's provision.

The Governing Body are pleased that the Headteacher and Governors of Burnholme Community College have given a commitment to host the satellite class at the college until the proposed closure date in July 2014. However, recognising the strategic importance of the satellite provision for both Applefields School and its importance in contributing to the local authority's overall SEN provision, it is Governors' expectation that the local authority will work closely with the Headteacher and Governing Body of Applefields School to secure another partner secondary school as soon as possible.

In evaluating the success of the satellite provision, the proximity to Applefields School is a factor that was not fully appreciated when the provision was established. The development of the provision at Burnholme Community College has enabled the easy movement of students and staff between sites. The relocation of the satellite provision to another secondary school will involve greater challenges with the movement of staff and students – this will inevitably require students and staff to be transported between sites for visits to Applefields School. It is Governors' view that although not an overriding factor, there are significant advantages in having the satellite provision located close to Applefields School.

Should it be decided to close Burnholme Community College it is clear that a number of secondary schools on the east side of the city will be required to accommodate the majority of the remaining Burnholme Community College pupils. It is important that these discussions proceed as soon as possible to ensure that the capital and resource implications are considered in the necessary detail. In addition, it is important that these discussions include the relocation of the Satellite provision and that this is established in another school in a timely manner so that a managed transition programme takes place enabling students to transfer to their new school in a secure and supported manner.

Looking beyond the proposed closure date, it is important to recognise that the colocation of Applefields School with Burnholme Community College has provided important access for Applefields students to the sports fields and facilities provided by Burnholme Community College. Applefields School has always had very limited external space with no green space available on site. Governors would expect the local authority to continue to secure the entitlement of Applefields School students to appropriate sports and PE facilities by providing Applefields School

with an allocation of the playing fields at the rear of the school and continued access to the external facilities, including the multi use games area (MUGA).

Looking to the future, Governors keenly await the publication of a white paper following the government's green paper 'Support and Aspiration: A new approach to special educational needs and disability'. In considering the local authority's responsibility to secure provision for young adults with special educational needs, it is the Governors' view that part of the building and facilities at Burnholme Community College could be made available for Applefields School to work with local and regional partners to develop extended provision for continuing education and vocational training provision for adults with learning difficulties up to the age of 25 years. Such a development would complement the developing local provision available for this group.

Governors would be grateful for a specific response to the points raised above following the conclusion of the consultation exercise.

Yours sincerely,



Adrian Cook
Chair of Governors



George Gilmore
Headteacher



Founded 1546

ARCHBISHOP HOLGATE'S SCHOOL

A Church of England Academy

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Telephone 01904 411341 Fax 01904 414948

Headteacher
A. Daly, BA, NPQH

Patron
His Grace the Archbishop of York

Our Ref: JH

23rd April 2012

Mr K. Hall
Assistant Director
Adults, Children and Education Services
Mill House
North Street
York YO1 6JD



Dear Kevin,

Archbishop Holgate's School Governing Body note with some sadness the consultation on the possible closure of Burnholme Community College. Whilst understanding the rationale for this process, we recognise Burnholme as a good school with good achievement and would have wished to see it stay open and flourish.

However, should the consultation end in closure, we also want to play our part in serving the local community and will welcome in September 2013 and 2014 as many of the students currently in Years 7 and 8 at Burnholme who choose to come to Archbishop Holgate's as part of the proposed transition arrangements. As the nearest school to Burnholme, we would also wish to underline this decision to welcome Burnholme students who transfer to Archbishop Holgate's by serving the whole of Burnholme's catchment area in future should the school close.

We will of course be delighted to welcome any parents of prospective students who wish to visit the school.

Regardless of which school students have previously attended, all students who come to Archbishop Holgate's are welcomed, treated equally and become fully integrated into the school community. As a Governing Body we are committed to ensuring that this remains the case.

Yours sincerely,

J. Hattam
Chair of Governors



Leading Edge - Science - Applied Learning - 'An outstanding school' (Ofsted)

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Mathematics & Computing College

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Headteacher: Mr. S.W. Smith BA, NPQH
Deputies: Mrs. S. Rees, BSc (Econ), NPQH Ms. L. Savage, BA, NPQH

Dear Kevin,

Consultation re Proposed closure of Burnholme Community College

I am writing as Headteacher of Fulford School. The decision to close a school is never one that any LA, and especially York with its superb reputation for community work and maintaining excellent provision across the board in education, will ever easily take. Clearly this is a difficult and stressful time for parents, students, staff and governors at Burnholme.

However, having been involved, as one of York's secondary schools' Headteachers, as the ASCL representative for York and as a member of the York Education Partnership, in many of the discussions surrounding the proposed closure and the plans put forward, I understand why the City of York has reluctantly agreed to this proposal.

As we are aware this matter was discussed a few years ago. At that time the proposal was shelved and Burnholme put forward a very good Business plan to address the issues surrounding falling rolls and the impact that this has on the school. Unfortunately the key element of this business plan aimed to address the falling roll by looking to increase the number of students being admitted to Burnholme from recent figures of about 40 per year to a figure of about 70. Unfortunately this has not been achieved.

Secondary schools in York have supported Burnholme over the years by agreeing, at the now defunct Schools Forum, to subsidise Burnholme financially as a small school so that the school could remain open. However, the amount of this subsidy has become unsustainable, especially in the current economic climate and looking forward at projections over the next few years, as all schools will find it difficult to manage their own budgets at a time when public expenditure is being reduced. The sum involved is not negligible; currently **£652,000** for the academic year **2012/13** and projecting this forward through to 2020 this would work out an **average loss to each of the other nine secondary schools of £585,000** over this period. Eventually this would work out by 2016 at a funding level of £9,500 per student for Burnholme whilst the lowest funded secondary school would receive just over £4,000. Clearly such a level of support, sustained over a period of time will have major implications for the rest of the York schools in terms of staffing and resources. The government is currently looking to establish a national funding formula for schools in order to remove such disparities between Local Authorities without taking into account such differences within a Local Authority.

However, this is not the only, nor the most important, factor that the LA has had to take into account. The more serious issue relates to the curriculum offer for students at Burnholme.

Year groups of around 40 make it impossible to provide a broad and balanced curriculum offer, especially at Key Stage 4 where very small group numbers can result in insufficient intellectual stimulation and challenge. Moreover several subjects may not be able to be offered because too few students opt for them to make them financially viable or educationally sound and, also, small numbers such as these can place limits on students social experiences.

The proposal put forward with regard to the phased closure, and especially the offer to all current Year 6 students who chose Burnholme for September 2012 and to those in next year's Year 9 to be offered option places at other York schools, demonstrates once more both the support of the LA buttressed by Headteachers from across the city to ensure that the process is managed as well as such a situation can be. This reflects our key concern that everything possible is done to ensure welfare and progress of students at the school.

Fellow headteachers all endorse the view of the LA with regard to the way in which Simon Gumn and his governors have managed this extremely sensitive situation and have always looked to do what they believe is in the best interests of everyone within the community of Burnholme School, whether this be students, parents or staff.

Finally I am also aware of the tremendous amount of work put in by yourself, Pete Dwyer and other officers of the City of York with regard to how you have looked to manage this situation. I know that if there was any possibility of finding a practical alternative to the closure of Burnholme Community College you would have pursued it and implemented it.



Steve Smith
Headteacher, Fulford School
ASCL Secretary, City of York



Consultation regarding the proposed phased closure of Burnholme Community College

The Consultation on the proposed closure of Burnholme Community College was discussed at the Full Governing Body meeting at Hempland Primary School on Monday 19th March 2012. Consultation documents including the "Have Your Say" questionnaire had been previously distributed to all governors.

Statement from The Full Governing Body of Hempland Primary School

It is acknowledged that:

Over many years many pupils have enjoyed their education at BCC. Pupils, parents and staff have provided strong and loyal support to the school over that time. Should the school close it will be considered a loss to the community and a concern to many stakeholders.

Significant factors raised at the Full Governing Body meeting as part of this wider consultation were:

Partnership and mutual support between Hempland and BCC

Hempland and BCC enjoy a good partnership. Each year classes from Hempland visit BCC, recently this has included involvement in sports activities, business learning, ICT and watching school productions. BCC staff have supported ICT, Maths, Geography and Drama lessons at Hempland. Each year we invite BCC staff and former pupils to speak to our Year 6 children about life at Burnholme. Hempland teachers visit Year 7 pupils at their afternoon tea event to hear how they are settling in to their new secondary school. The head teachers from both schools work in partnership as part of the North east York cluster of schools. For a number of years joint meetings of the Governing Body of BCC and Hempland were held to reinforce collaboration.

Pupil numbers, falling rolls and the resulting financial implications for BCC.

Statistics show that pupil numbers at BCC have fallen steadily over time. A significant rise in pupil intake would be required to support the school in the long term. Hempland school has provided the second largest intake to BCC with an average of 13 Hempland pupils starting Year 7 each year over the last 4 years.

The wider financial implications for other schools in the City should BCC remain open or be closed over a phased time period.

It is acknowledged that the aim of the LA is to work with all schools and communities to support individual school and the education for all pupils in the City. The fall in pupil numbers makes long term financial viability of BCC challenging. To provide on-going and effective financial support for BCC would impact on resourcing for other schools. Considering the benefits against the long term costs combined with wider economic factors make this a difficult option.

Retention of staff and curriculum opportunities that can be provided in a small secondary school.

It is recognised that BCC provides a stimulating and broad curriculum to its pupils. Should the school remain open in order to meet curriculum requirements it will need to retain and attract staff of a high calibre. Continued liaison with other secondary schools will be needed to provide a curriculum that is fit for purpose and offers children in our locality the opportunities they deserve to select from an appropriately wide range of well taught subjects.

The reduction in parental choice of Secondary schools and future admission arrangements for children in the BCC catchment.

The closure of BCC will reduce parental and pupil choice. Future admission arrangements for children in the BCC catchment area should give attention to the large numbers who attend and who live towards the North of Hempland Primary School; Huntington School should be considered as the catchment area for those children. This will divide numbers more equitably between Archbishop Holgate School and Huntington School as well as maintaining choice for pupils and parents.

The impact on the community and the future use of the BCC site

Should BCC close then the future use of the BCC site should be open to public consultation. The usage created should provide community facilities that are carefully planned to enhance the locality as well as increasing opportunities for children and adults.

Hempland Kids club which is located on the BCC site.

Hempland Kids club is located in a separate building on the BCC site. The club provides an excellent, well used and vital facility for children and families - both for after school and holiday provision. It has high quality leadership and a strong and established staff team. Its current building has been improved and developed over time and its location on the BCC site makes it possible to be retained as an ideal standalone building. Support to allow this club to continue is an essential aspect of the wrap around care provided to children who attend Hempland Primary School. To date 130 children who attend Hempland School are registered with Hempland Kids Club.

Helen Vest
Chair of Hempland Primary School Governing Body

16th April 2012

BURNHOLME COMMUNITY COLLEGE QUESTIONNAIRE

Responses from Huntington School's Governing Body.

3. The local authority and governing body consider they have explored all the possible solutions for keeping Burnholme Community College open. However, if you think there are alternatives to those given above that should be considered, please state below.

We do not have any alternatives to the four possible solutions that were considered by the Local Authority and the Governing Body.

4. What do you think about the proposal for current years 9, 10 and 11 to finish their GCSEs at the college?

The future of the children in Years 9, 10 and 11 has to be up to the children's parents in the first instance. We understand why it is preferable that Years 9, 10 and 11 finish their GCSEs at the College but we have significant concerns about this happening as planned; we fear that once parents realise that the College is indeed closing, they will rush to remove their children from the College irrespective of any planned phased closure.

5. What do you think about the proposal for current years 7 and 8 to transfer to alternative secondary schools at the end of their year 9?

We are supportive of this proposal as long as they receive the support they will require and that the allocation of places to those students is distributed fairly across the City's secondary schools.

6. What do you think about the proposal to provide free school uniforms for current year 7 and 8 students who transfer in groups to other schools?

We are fully supportive of this proposal.

7. What do you think about the proposal to provide free transport to those groups of children who transfer in groups to schools over two miles away from their home?

We are fully supportive of this proposal.

8. What do you think about the option of including the college catchment area within the catchment area of Archbishop Holgate's CE School?

As a Governing Body we feel that it is important that this decision is discussed more widely before any agreement is made; however, we do think that there is some common sense merit to the proposal. We do think it important that those parents who do not wish their children to attend a faith school but live within the proposed new catchment for Archbishop Holgate's school have a secular alternative.

9. Do you think there are any alternative options for the catchment area that could be considered?

No.

10. Do you have any other comments concerning school admission arrangements in the area if the college were to close?

Whilst we acknowledge that government's admissions policy determines that Academies have an obligation to serve their community, we are concerned that the City's two Academy schools might exercise their right to stand, to some extent, outside the Local Authority's admissions procedures and so disadvantage local children. As faith schools the two Academies already stand far enough outside the Local Authority's admissions procedures and we would be concerned if they became more distanced from Local Authority policy through this particular issue.



Specialist Schools
and Academies Trust
EXCELLENCE AND DIVERSITY



Headteacher: Mr T Burton, MA (Cantab)

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Our Ref: JTB/LAB

27 April 2012

Cllr Janet Looker (via email cllr.jlooker@york.gov.uk)
City of York Council

Dear Councillor Looker

BURNHOLME COMMUNITY COLLEGE - PROPOSED CLOSURE

I would like to put forward my views with respect to the proposed closure of Burnholme Community College.

I do feel sad that it has proved necessary to look into closing Burnholme Community College. As well as the disruption caused to the education of the pupils, the loss of a school will also affect the wider community.

Nevertheless, I do feel that the current situation is unsustainable. In September 2012, Burnholme Community College will have fewer pupils than any one of twenty York primary schools. In order to maintain a broad enough curriculum in such a small school, Millthorpe, with other secondary schools, have subsidised Burnholme Community College since 2009. The 2009 plan, which relied on rising pupil numbers to remove this subsidy, has failed.

This situation is worsened by a much harsher financial climate in education. My own school has just been through a round of teacher and support staff redundancies to keep our budget balanced over the next year or two. The £60,000 annual subsidy that my school makes towards maintaining Burnholme Community College might have permitted me to avoid some of those redundancies. I cannot see that it is fair that nine secondary schools in York now contribute over half a million pounds annually to the maintenance of such a small and, therefore, expensive school.

I feel very sorry for the parents and pupils and I do recognise that Burnholme has done an excellent job for those families who chose it. However, many of the pressing improvements I need to make are held back by lack of money and yet funding has been diverted from my school to maintain Burnholme.

I therefore support the proposal to close Burnholme Community College. As I have indicated previously, I am prepared to help in any way I can with the phased closure plan and should any Burnholme pupil wish to move to Millthorpe, I will ensure they receive particularly good care to make a positive transition.

Yours sincerely

Trevor Burton
Headteacher

Copy: Mr Bob Sydes (Chair of Governing Body)
Mr Kevin Hall (Assistant Director - ACE, School & Children's Strategy & Planning) CYC



Living the Olympic
and Paralympic Values

From: Mark Warters [mark@markwarters.co.uk]
Sent: 14 April 2012 11:41
To: McCormick, Claire
Cc: osbaldwickparishcouncil@gmail.com; djw1@york.ac.uk
Subject: Burnholme School

Dear Claire,

I write as Councillor for Osbaldwick and on behalf of Osbaldwick and Murton Parish Councils and Meadlands area residents association.

I feel that this 'consultation' is very much like many other CYC 'consultations', merely presentation of a situation of which the decision has already been taken and it is within that context that I present these comments.

- (1) Whilst I welcome the openness in which the consultation document and the Head Teacher has discussed the main reason for proposed closure i.e. 'an increasing number of rented student properties and fewer family homes', this in no way lessens the impact of this disgraceful and entirely predictable situation that has arisen due to the local authority's abject failure to plan, prepare and implement policies to protect the eastern quarter of York from the adverse effects of York University's rapid expansion in student numbers without a commensurate increase in on-campus accommodation. Given the imminent introduction of an article 4 direction to 'restrict' (?) the spread of student HMOs, with a 20% threshold that will serve to encourage rather than restrict HMOs, I fear that Burnholme School's demise will not be the last, in the eastern quarter of York.
- (2) I understand the confusion that exists regarding the potential for increased pupil numbers from the 'Derwenthorpe' development. I am sure such confusion would be increased if the wider public were fully aware of CYC's ambitions regarding search area B in the LDF core strategy, whereby 250 acres of greenbelt to the east of Metcalfe Lane is proposed for housing development. If the LDF core strategy is ever adopted, the search area B will come under threat of development over identified brown field sites. It does not need much foresight to envisage final closure of Burnholme School followed in a short few years by the announcement of a new school to be built in conjunction with search area B development.
- (3) I have absolutely no doubt that the decision to close Burnholme School is a 'fait accompli', given the potential capital gain to the CYC from selling the site for other uses. I would like to state here and now that I will oppose any attempt to build on or otherwise compromise the natural grass playing fields. A stance entirely consistent with both local plan and LDF policies but one that has been disregarded in the past when school playing fields have been sold off by CYC.
- (4) Regarding potential future uses for the built footprint of the site I would like to see a feasibility study undertaken to ascertain if complimentary usage of some of the school building could provide supporting funding to bolster the financial viability of the existing school prior to inviting suggestions for future uses.

I know that the Head Teacher has drawn up plans for potential re-development and complimentary use of some of the site, have these proposals been fully examined?

I do feel that this whole situation is a great shame for all past and present pupils, teachers and of course the current Head Master who has done so much to keep Burnholme School going.

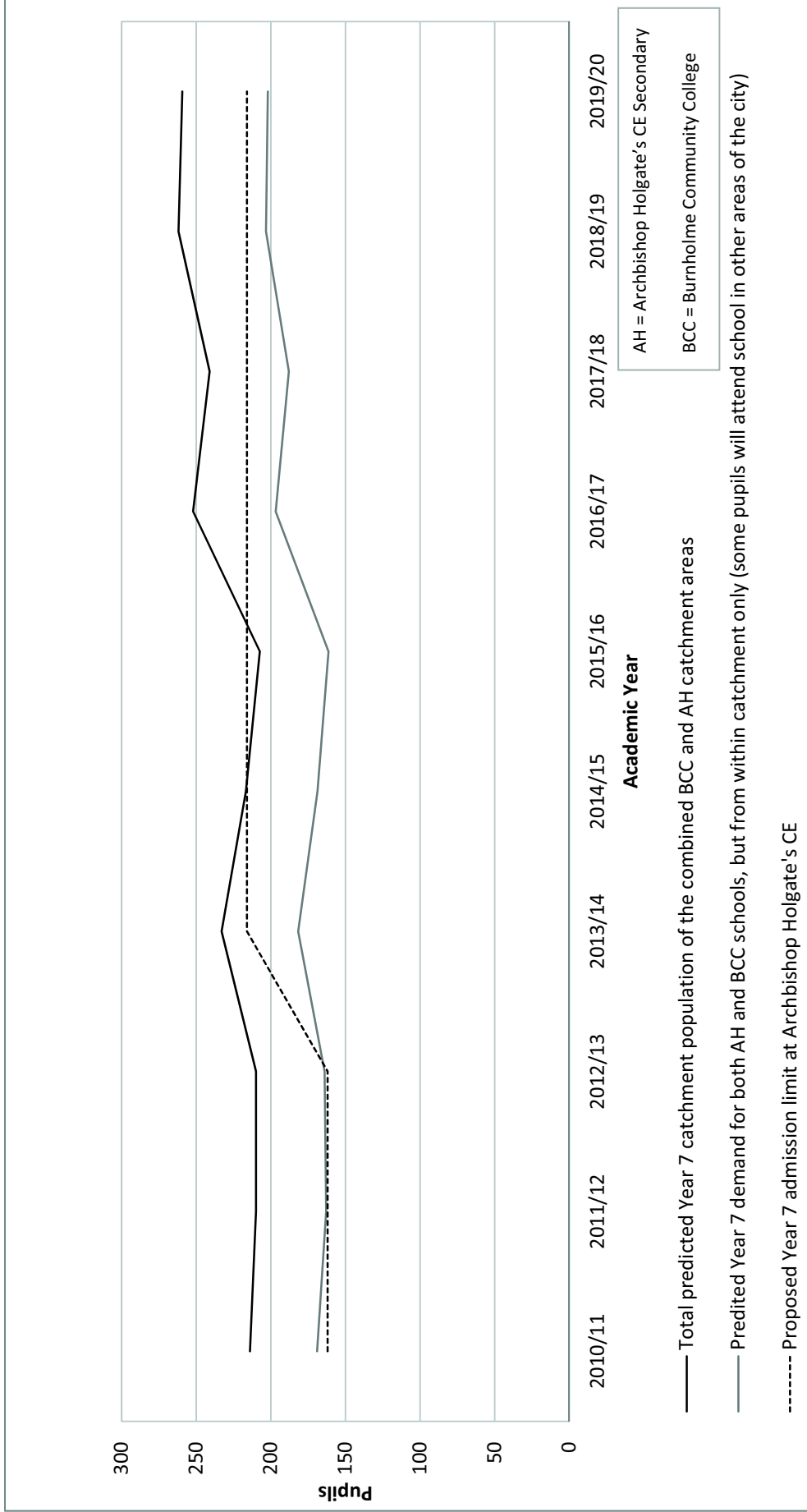
Regards,

Cllr. Mark Warters

T: 01904 413370

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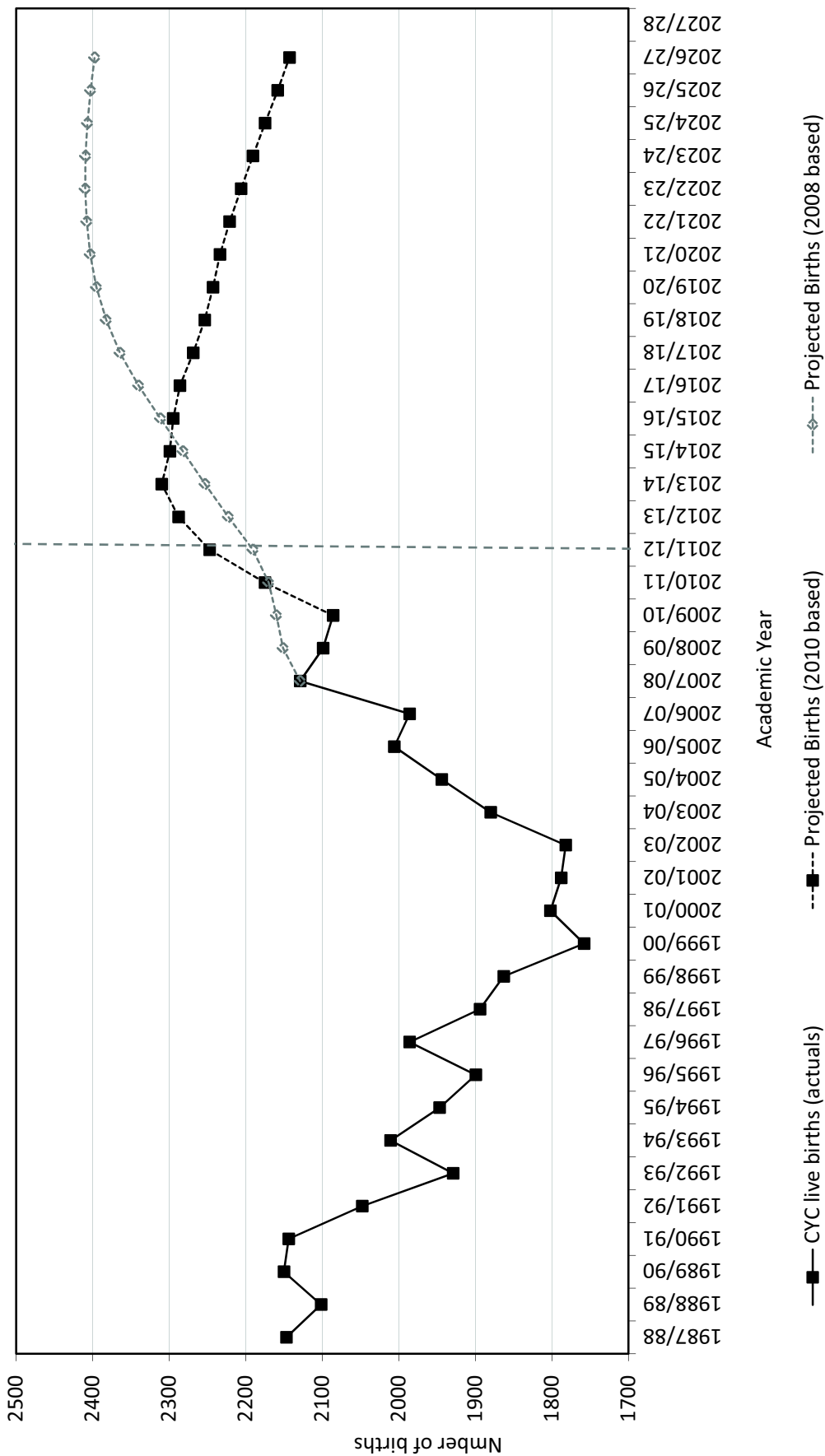
CHART 1: Year 7 catchment population and 'catchment area only' demand for Archbishop Holgate's and Burnholme schools (combined)



- Proposed Year 7 admission limit of Archbishop Holgate's CE, for 13/14 onwards, is based on 8 forms of entry, i.e. $8 \times 27 = 216$.
- Archbishop Holgate's CE Year 7 admission limit includes both community and foundation (faith-based) places.
- Predicted demand up to and including 2019/20 is based on historical patterns of parental preference and existing primary school cohort sizes.
- Predictions include anticipated pupil yield from new housing developments, including Derwenthorpe.

CHART 2: Actual and projected births in the City of York (1987/88 - 2027/28)

Annex 3 - Data Annex



Source: Office for National Statistics 2010 and 2008 based sub national population projections; ONS live birth rate actuals.

CHART 3: Number of Year 7 - Year 11 Pupils by catchment area of residence, and total Year 7 to Year 11 on roll in the city (2009/10 - 2020/21)

Annex 3 - Data Annex

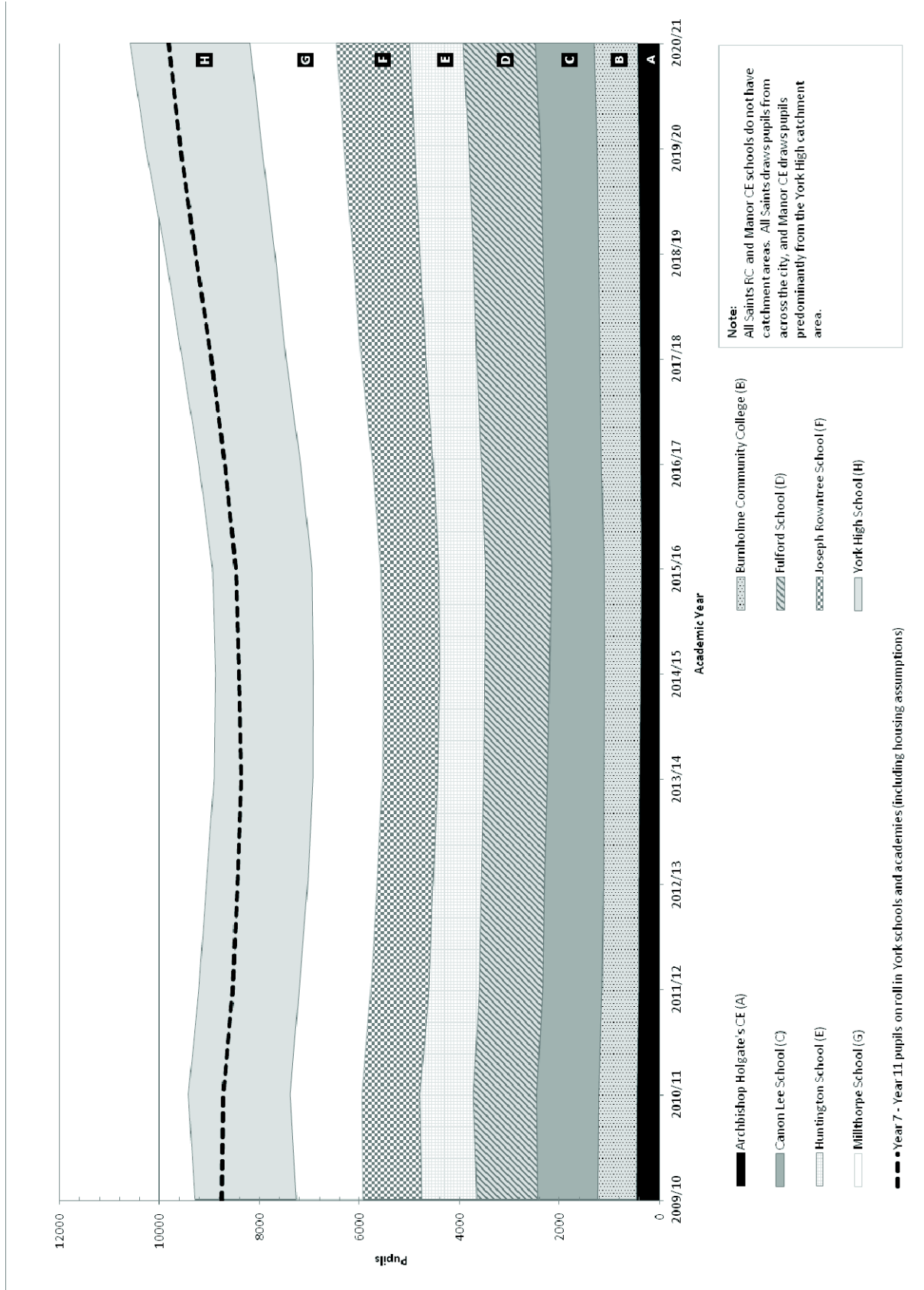


TABLE 1: Home catchment pupil retention for each CYC secondary catchment area

School	Year 7 - 11 Pupils in Catchment	Year 7 - 11 Pupils on roll at Catchment School	% of Catchment Pupils	Year 7 - 11 Pupils on roll at Non Catchment School	% of Catchment Pupils
Canon Lee School	1020	683	67%	337	33%
Huntington School	1007	900	89%	107	11%
Fulford School	1095	934	85%	161	15%
Burnholme Community College	722	208	29%	514	71%
Millthorpe School	1110	611	55%	499	45%
Archbishop Holgate's CE School	415	316	76%	99	24%
Joseph Rowntree School	1129	763	68%	366	32%
York High School	1928	703	36%	1225	64%

Note 1: Manor CE school does not have a catchment area and many of its pupils are drawn from the York High catchment area.

Note 2: All Saints RC School does not have a catchment area. All Saints draws its pupils from across the city and beyond.

Source: January 2012 school census

TABLE 2: Number on Roll at York Schools and Academies By National Curriculum Yeargroup (Source: January 2012 school census)

School Name	NC Yeargroup						Total	Y7-Y11 Capacity
	7	8	9	10	11			
All Saints RC School	176	173	178	179	195	901	890	
Archbishop Holgate's CE School	163	159	160	156	163	801	810	
Burnholme Community College	47	66	51	57	64	285	600	
Canon Lee School	120	145	174	152	138	729	900	
Fulford School	206	210	198	202	219	1035	1040	
Huntington School	208	240	232	235	234	1149	1195	
Joseph Rowntree School	187	191	196	213	196	983	1050	
Manor CE School	189	190	189	184	154	906	900	
Millthorpe School	174	199	187	207	206	973	1020	
York High School	163	160	144	171	143	781	900	
Total	1633	1733	1709	1756	1712	8543	9305	

TABLE 3: Spaces available at York Schools and Academies by National Curriculum Yeargroup (Source: January 2012 school census)

School Name	NC Yeargroup						Total
	7	8	9	10	11		
All Saints RC School	2	5	0	-1	-17	-11	
Archbishop Holgate's CE School	-1	3	2	6	-1	9	
Burnholme Community College	73	54	69	63	56	315	
Canon Lee School	70	45	16	38	52	221	
Fulford School	2	-2	10	6	-11	5	
Huntington School	31	-1	7	4	5	46	
Joseph Rowntree School	33	29	24	7	24	117	
Manor CE School	-9	-10	-9	-4	26	-6	
Millthorpe School	30	5	17	-3	-2	47	
York High School	17	20	36	9	37	119	
Total	248	148	172	125	169	862	

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Comparison of Key Stage 4 performance in York: 2008/09 to 2010/11

Key Stage 4 Achievement

School	5+ A*-C inc En & Ma			5+ A*-C		
	2011	2010	2009	2011	2010	2009
All Saints	71%	62%	68%	88%	76%	80%
Archbishop Holgate's	57%	72%	66%	84%	88%	77%
Burnholme	42%	38%	45%	88%	66%	74%
Canon Lee	54%	52%	49%	78%	73%	61%
Fulford	73%	71%	78%	94%	89%	83%
Huntington	63%	55%	57%	76%	77%	76%
Joseph Rowntree	62%	47%	53%	74%	71%	72%
Manor	79%	76%	71%	92%	95%	78%
Millthorpe	59%	64%	59%	82%	85%	71%
York High	56%	57%	46%	96%	92%	68%

3 levels progress from KS2 to KS4

School	English			Maths		
	2011	2010	2009	2011	2010	2009
All Saints	86%	76%	81%	72%	61%	63%
Archbishop Holgate's	64%	86%	78%	70%	79%	71%
Burnholme	63%	60%	56%	54%	37%	47%
Canon Lee	67%	56%	56%	59%	58%	50%
Fulford	88%	86%	83%	83%	85%	90%
Huntington	81%	72%	73%	62%	64%	63%
Joseph Rowntree	69%	49%	60%	68%	55%	59%
Manor	82%	89%	77%	80%	82%	74%
Millthorpe	75%	80%	76%	60%	64%	64%
York High	76%	68%	62%	67%	72%	69%

Value Added (National average = 1000)

School	Value Added			Contextual V.A.		
	2011	2010	2009	2011	2010	2009
All Saints	1016	987	993	No longer reported	982	987
Archbishop Holgate's	1013	1018	1008		1018	1005
Burnholme	1012	1001	1002		1010	1012
Canon Lee	1001	982	981		983	987
Fulford	1029	1030	1020		1024	1007
Huntington	999	1007	1012		997	1003
Joseph Rowntree	980	970	995		973	997
Manor	1013	1027	1014		1022	1007
Millthorpe	998	998	994		993	991
York High	1015	1014	1014		1019	1018

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Annex 6 - Financial Subsidy Required in Future Years

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total
	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected
Year 7 Intake (September)	46	53	40	48	67	77	70	65	65	
Total Pupil Numbers (September)	260	265	254	245	268	296	311	331	348	
Small School Factor Funding	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Additional Subsidy Requirement	211	237	246	249	263	236	198	165	133	1,938
	414	465	414	465	505	403	279	214	125	3,284
Total Additional Resources Required	625	702	660	714	768	639	477	379	258	5,222
<u>Cost per School</u>										
All Saints	70	78	74	80	86	71	53	42	29	582
Archbishop Holgate's	60	67	63	68	74	61	46	36	25	500
Canon Lee	60	67	63	68	73	61	45	36	25	498
Fulford	77	87	82	88	95	79	59	47	32	647
Huntington	88	99	93	101	109	90	67	54	36	739
Joseph Rowntree	72	81	76	82	88	73	55	43	30	599
Manor	64	72	67	73	78	65	49	39	26	534
Milthorpe	75	84	79	85	92	76	57	45	31	624
York High	60	67	63	68	73	61	46	36	25	500

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Annex 7 - Financial Analysis of Closure Proposal

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total
	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected
Variations for Closure Proposal										
Revised Total Pupil Numbers (September)	222	99	0	0	0	0	0	0	0	0
Additional Expenditure:	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Accommodation Requirements:										
Temporary Short-term	93	5	2							100
Permanent Long-term		25	131	219	219	219	219	219	219	1,470
Transitional Pupil Costs:										
Uniforms for transferred pupils		10	7							17
Transport costs	4	18	27	26	28	31	33	35	37	239
Lagged Pupil Funding Shortfall	54	38								92
Applefield's Satellite Provision			100							100
BCC Decommissioning costs			25							25
Staffing Costs:										
Redundancy & Early Retirement Payments		119	108	161						388
Retention Payments			91							91
Reduced Expenditure:										
Small School Factor Funding		57	(97)	(249)	(263)	(236)	(198)	(165)	(133)	(1,284)
Additional Subsidy Requirement	(37)	(293)	(374)	(465)	(505)	(403)	(279)	(214)	(125)	(2,695)
Fixed Cost (Non Pupil Led) Savings			(391)	(587)	(587)	(587)	(587)	(587)	(587)	(3,913)
Net Annual Additional Cost / (Saving)	114	(21)	(371)	(895)	(1,108)	(976)	(812)	(712)	(589)	(5,370)

- **Short-term temporary accommodation requirements (£100k over 3 years)**. The estimated costs of providing temporary accommodation at Archbishop Holgate's School from September 2012. From a purely financial perspective it would be more cost effective to accommodate these pupils in other schools where spare capacity currently exists. However the LA is mindful of parent's and pupil's preference for a local solution if BCC were to close.
- **Long-term permanent accommodation requirements (max. £219k on-going commitment)**. As per paragraph 53, an additional 8-10 classroom teaching block will be required at Archbishop Holgate's. The LA will work with the Education Funding Agency (EFA – the new body responsible for funding academy schools) on the precise capital needs and the level of financial contribution that each would make to the scheme. The figures are based on an estimated total capital cost of £1.5m to £2m and assume a worst case scenario where the LA funds the full maximum of £2m via a 25 year prudential borrowing scheme, taking no account yet of any financial contribution from the EFA.
- **School uniform costs (£17k over 2 years)**. One off payments to allow the purchase of uniforms for those pupils who will be required to transfer from BCC to other schools during the phased closure.
- **Transport costs (approx £30k pa on-going commitment)**. Funding to provide free transport for pupils as set out in paragraphs 46 to 49.
- **Transition funding (£92k over 2 years)**. Additional funding to support transferred pupils in their new school prior to the local funding formula 'catching up' under the lagged funding arrangements.
- **Applefields Satellite provision (£100k one-off)**. There will be additional one-off costs associated with the relocation of the current satellite provision to another school site.
- **Staff retention and redundancy (£479k total over 3 years)**. In order to maintain a high quality of education for pupils through to the point of closure, key staff will need to be retained. Provision has therefore been made for some retention payments at the end of the 2013/14 academic year. In addition prudent estimates for staff redundancy costs have been made over the closure period based on the current staff profile and an assessment of the number of staff that may be redeployed into roles at other schools.

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Cabinet**15 May 2012**

Report of the Cabinet Member for Health, Housing and Adult Social Services

Implementing the Review of the City of York Council's Residential Care Homes for Older People**Introduction**

1. This report provides financial model options arising from the decision by Cabinet on the 10 January 2012 to proceed with the development of the three sites to replace the councils existing Elderly Persons' Homes. The report seeks an approval in principle for Option 4 and its borrowing requirements together with decisions on the way forward for this modernisation programme over the next four years.

Background

2. At its meeting on the 10 January 2012, and in the context of the positive public endorsement of the overall Elderly Persons Homes (EPH) strategy, Cabinet agreed:
 - a) to the closure of Oliver House and Fordlands Residential Care Homes and that residents' moves to their new homes are carefully planned and managed in line with the "Moving Homes Safely" protocol
 - b) to the implementation of the overall programme of development for the modernisation of the council's Residential Care Homes
 - c) that officers undertake a soft market testing exercise for the development of the Lowfield site and report back to Cabinet the outcome along with a financial model of the operating and design options
 - d) to receive a more detailed business case for the development of a new residential care home on the Fordlands site which shows the possible build and operating options.

Progress on the closure of Oliver House and Fordlands Residential Care Homes

3. Officers from the council's Assessment Teams and Care Home staff from Fordlands and Oliver House worked closely with residents and relatives to ensure that all residents had a carefully planned and managed move to their new home. All 25 residents moved to their 'first preference' home with all, except one, moving to City of York Council EPHs. All residents had been offered and mainly took up the opportunity to visit 2-3 homes before choosing their final preference. Residents without relatives were supported through the process by independent advocates. The residents moved in small numbers and by mid-March all of the residents from both homes had successfully moved and were settled in their new homes.
4. Care management staff set review dates for each of the residents that moved. The reviews were set to take place around 28 days from the date of their move. Feedback so far has been positive from both residents and their families.
5. In addition, York St John University has been commissioned to undertake an external evaluation of practice around the closures of Fordlands and Oliver House. The researcher will talk to residents, relatives and staff about the residents' experience of the moves and the process that has been followed. The research will tell us (a) how well the council followed the process outlined in its 'Moving Homes Safely' protocol, (b) whether that protocol represents a 'best practice' model nationally, and (c) what learning lessons we can take to help inform the second round of EPH closures planned for Spring 2014. The findings of that research will be shared with the Cabinet Member who has committed to make the report public.

Elderly Persons Home Staff

6. All Fordlands and Oliver House staff have now been redeployed into either the same, or fundamentally the same posts at the other CYC EPHs and the vast majority have moved to their first preference home. Thirty two staff have been released via the council-wide voluntary redundancy programme which meant that the council was able to achieve the closure of Fordlands and Oliver House without the need to make any compulsory redundancies.

Fordlands and Oliver House sites

7. The buildings at Fordlands and Oliver House were returned to Property Services on 30 March 2012. The buildings have been let to a 'Property Guardian's' company to arrange for short term residential occupancy. This arrangement offsets site security costs until a decision is made relating to the disposal of Oliver House and eliminates security costs for Fordlands prior to the levelling of the building in preparation for the new build construction.
8. A separate report outlining a range of options for the future of the Oliver House building/site follows this report on the Cabinet's agenda.

The Lowfield Care Village

Ethos of the Care Village

9. As agreed in previous papers to Cabinet, the council's vision is for a 'Community Village for Older People' on the Lowfield site, set within the wider community of Acomb. The site, and the accommodation and facilities within it, will be designed in such a way as to encourage a two way interaction between the care village and the wider community. Care Village residents will access the wide range of services and facilities nearby (eg local shops, Acomb Explore Library, Energise Leisure Centre) and, likewise, the wider community will be encouraged to access the care village site (eg for a community cafe, community garden/allotments).
10. The council sees the accommodation on the Lowfield site being for people aged 65 years+. The accommodation on site will range from completely independent living, to extra care accommodation, through to residential care, including dementia and nursing care. Whilst many residents may not have any immediate care needs on arrival, the village accommodation would be configured for people to be able to access care as required. This would mean, for instance, that all of the accommodation would be built "care ready" with minimal work required to install care technology or aids and adaptations. All accommodation will have good access, wide doorways, en-suite facilities, and be designed in such a way that it can easily be adapted if the resident's care needs change. All of

the accommodation on site will have the option of being 'linked up' 24/7 to the Care Home/Centre should assistance be required.

The Lowfield site

11. The whole Lowfield site covers 13 acres. The Care Village will occupy the six acre site that was previously occupied by Lowfield School. The remaining seven acres are currently green field but, longer term (subject to the successful relocation of the two football pitches) there is the possible option of further development. In considering the six acre site, the council needs to be mindful of the possibilities offered by a second phase to the development. For example, it will need to ensure that the care village's infrastructure (ie access, roads, drainage, electrical sub-stations) is sufficient to 'serve' the seven acres should that be developed at a later stage.

Feedback from the Lowfield Soft Market Testing (SMT) Exercise

12. Cabinet agreed in early January 2012 for officers to undertake soft market testing of options for the site. 'Soft Market Testing' (SMT) describes a pre-procurement phase which has enabled the council to (a) tell 'the market' about the Lowfield Care Village concept/scheme, (b) gauge the market's interest in the project, and (c) engage with the market to hear its views on the project and how it might best be approached. In mid-January the council published a Prior Information Notice (PIN) in the Official Journal of the European Union (OJEU). Considerable market interest followed with some 171 companies expressing an interest in the project. 24 companies made formal responses and over three-day period officers from the council met with ten companies to share and discuss ideas.
13. Representatives of these companies came from a wide spectrum of professionals involved in the design, build, development, and operation of Care Villages. Over the three day period officers met with architects, builders, funders and care operators. There was a clear and enthusiastic response to the exercise and officers learned much about the complexity and competing variables that would have to be considered on this project. All of the organisations consulted expressed great interest in the project and thought that the Lowfield site represented an exciting opportunity to develop something new and innovative for the city. Officers

were left with little doubt about the interest that would be generated by any formal procurement exercise.

The key messages that were gathered from the soft market testing can be seen in detail at Annex A but are summarised below:

14. **The Care Village market is not yet a mature one in the UK.** There are not yet any care villages that have been designed, built and operated by a Local Authority (LA) on its own. There are, however, Care Villages that have been built by developers working in differing partnership arrangements with an LA.
15. **Care Villages work best with a single operator for the whole site.** Examples were given of multiple care providers and a separate landlord and the consequent lack of synergy which impacted adversely on the quality of care provided.
16. **Good design is of crucial importance.** A clear message from the soft market testing was that the (care) operator needs to be working with the architect from the very start to ensure that the site and the layout of accommodation work to achieve the maximum possible synergy both from the perspective of the community and operational efficiency.
17. **Detailed pre-build market research of what facilities should be available in the Community or Social Hub will be key to its success.** The relationship between the Community Hub and the wider community has to be properly thought through. Duplication or counterproductive competition could cause loss of sustainability. Detailed market research will be necessary to gauge exactly what facilities might be wanted/needed on this specific site, given the close proximity of many key services and facilities in the surrounding Acomb community.
18. **The mix and density on site must be carefully determined and needs to satisfy a number of key stakeholders.** Whilst there is a need for clarity around what will work most efficiently and effectively from an operator perspective. There is also a need to be clear about the appeal of each type of building to prospective residents and what style of buildings would sell or rent best in order to make the development financially viable. This is very dependent on local conditions. Any prospective developer/partner would need to undertake a comprehensive market research

exercise in order to determine precisely what is built on site and how much it might command for sale or rent.

19. **The building design needs to be flexible to ensure future proofing and adaptability.** Internal construction of rooms should be designed to be movable to allow rooms to scale up and down. This could, for example, provide the flexibility to change between one and two bedrooms if future demand dictated. Designed in flexibility will allow a switch between care provision in the future should the balance of demand and provision change significantly.
20. **Health partners need to be involved as soon as possible.** Health partner involvement will help shape the village design and input into the services delivered. These health related services could include intermediate care to help people 'step-down' from a stay in hospital.
21. **Affordable Housing** - 25% of the mix of accommodation excluding the Care Home would be designated as affordable housing (ie housing provided to specified eligible households whose needs are not met by the market).
22. **Nomination Rights** - The Tender would include that CYC would have full nomination rights to the 90 registered care beds. Should CYC decide to tender for a partner then there is an expectation that an allocations panel consisting of key stakeholders would determine the suitability of prospective residents for the other on-site accommodation.
23. **Service Charges** - Services and charges should be kept to a minimum but would be determined after market analysis, local research and would be fully understood at the point of any tender award. However, it would be the intention that any charges would be in relation to accommodation services and not to public amenities such as the Community Hub or the gardens.
24. Following the information gained from the Soft Market Testing exercise and the subsequent local assessment of market demand, build costs and potential sale there is considerable confidence that the non-residential, care elements of the new build could be self financing. The exact mix, site density and split between sale, rent or shared ownership would determine the amount of surplus available to fund the Community Hub as well as producing some capital receipts. Overall, the consensus from the process

undertaken is that finance is available, and that architects, developers and operators are ready, enthusiastic and willing to work in partnership with City of York Council in delivering a care village that can help meet the needs and aspirations of York's ageing population over the next 30-40 years.

Financial Considerations

25. A key assumption in our planning has been that the EPH modernisation programme is self sufficient, ie the current revenue costs of £5.3m for the seven homes must afford the operating costs for the three new sites and be able to repay their capital costs over a 25 year period. There is no new long term money available to the project. As a consequence, savings must be made in current revenue/operating costs to be able to afford the capital repayments and deliver the new facilities for the future.
26. If the council did not commit to a Care Home modernisation programme then the forecast demand for dementia and high dependency care services would have to be commissioned from the private sector. However, capacity in this sector would have to grow to meet this demand. The new care homes and the ensuing capital costs are therefore offsetting future costs associated with demographic growth and the need for additional dementia/high dependency care places.
27. There are two major components that make up the cost of providing a care bed - operating costs and capital repayment costs - which have to be paid for from the council's Revenue Budget. Within the operating costs the biggest proportion is staff costs. These are typically over 80% for LA staff and in the order of 60% for independent sector staff. Currently the bed cost of the existing seven care homes is centred predominantly on operating costs plus some central and departmental overheads. Extensive work in the CYC's EPHs in 2011 achieved some significant efficiencies by reducing excess management and by managing rotas better. There is a willingness to explore other options which may reduce costs further and the council is keen to encourage an in-house bid in the event that there is a decision to tender for future operators.

Capital Receipts and Land Costs

28. At the conclusion of the EPH modernisation programme, seven of the nine existing residential care homes will no longer be required

by the Adults, Children and Education directorate and will be returned to Property Services for disposal. Estimates on the value of these sites are variable, depending on when they are sold and whether the site has been demolished prior to sale.

29. Two sets of valuations have been undertaken. Valuations were undertaken by Property Services in January 2011. These prices reflect the most optimistic position. A further set of valuations were undertaken by DTZ in April 2011 and these valuation represent a very cautious position. There have been no sales of similar properties in recent time within York and this makes it difficult to produce a realistic value for the sale of the Care Homes. The most optimistic values have been reflected in this report. Financial appraisal of the most cautious, the most optimistic and a mid point can be found in the financial annex B.
30. Disposal of Oliver House in a way which does not lead to a capital receipt would lead to a greater amount having to be borrowed. Should Cabinet decide that Oliver House should be rented out then the rent would need to generate sufficient revenue to offset the increase in borrowing resulting from not selling the asset. The Report to Cabinet on Oliver House explains each of the relevant business cases and explores their financial implications.
31. The six acre portion of the Lowfield site is estimated as having a value of £2m but this capital receipt has already been included within earlier corporate financial projections and therefore needs to be reflected in the overall capital required. This sum is therefore included in the capital borrowing costs within the financial analysis at annex B. However, the whole six acre site would not be required by the care home development and approximately four acres would be made available for affordable housing, apartments and bungalows for older people that make up the “community village” model. The Fordlands and Haxby Hall sites are also owned by the council and have no capital receipt and consequently their land value does not feature in the borrowing requirements.
32. With an increased accommodation density on the Lowfield site arising from the information gained from the SMT there could be a significant capital receipt stream that will either offset some of the £2m capital cost of the site and/or fund the cost of the community hub. It is not possible to accurately predict what this receipt may be as it would depend on the number, type and price of

accommodation made available for sale. However, it would be reasonable to assume that this receipt could vary between £500k and £1.5m. As these receipts are not included in the financial model they can mitigate any risk around not achieving the full capital receipts for all of the seven sites.

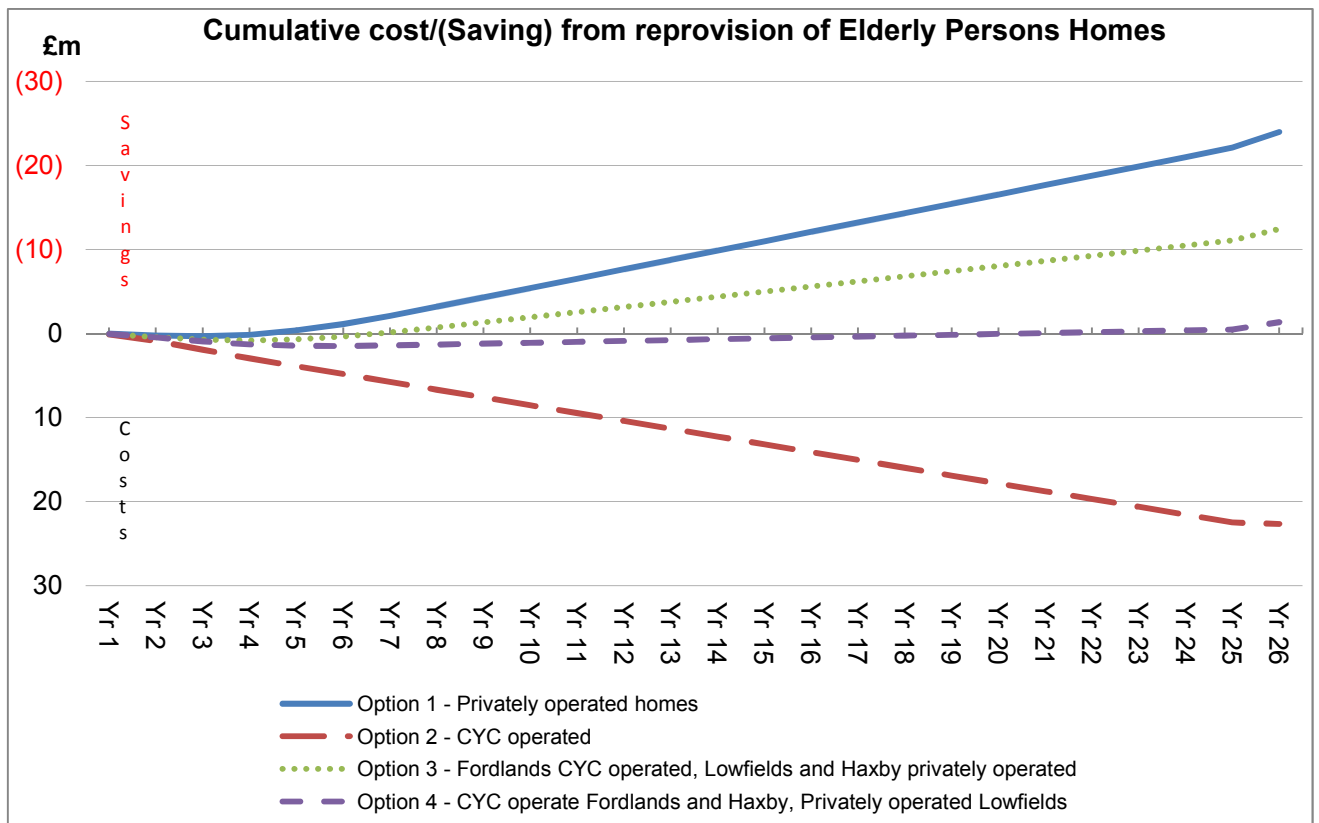
Table 1 Modernisation Programme

Phase 1 April 2012	Phase 2 April 2014	Phase 3 April 2015
Oliver House closed Fordlands closed	New Fordlands opens Lowfield Village opens Haxby Hall closes Oakhaven closes Windsor House closes Morrell House closes Willow closes	New Haxby Hall opens Grove House closes Woolnough closes

Options

33. Whichever option is chosen to fund, build and operate the new facilities there is a need for short term revenue funding in the early years whilst building works are completed and accommodation is sold on the village site. The amount varies according to who operates the homes, the possible partnership arrangements with developers, and the profiling of the capital land receipt for Lowfields.
34. The financial appraisal of four options has been considered:
- Option 1 - the three new developments have care provided by independent sector operators
 - Option 2 - the council provides the care on the three new developments
 - Option 3 - the council provides the care on the Fordlands development only. Care on Lowfield and Haxby Hall is provided by an independent sector operator
 - Option 4 - the council provides the care on the Fordlands and Haxby Hall developments only. Care on Lowfield is provided by an independent operator

35. In order to assess the financial viability of these options, several assumptions and scenarios have been made and modelled. This detailed analysis can be found in annex B.
36. Each option has been appraised against the most favourable, least favourable and a mid-point capital condition. The most favourable conditions see no overspend on the predicted build cost and the most optimistic capital receipts from the sale of the seven EPHs. The least favourable conditions assume the most cautious capital receipts and a 20% overrun on build costs. The middle option assumes medium capital receipts and a capital build overrun of 10%.
37. The graph below shows the cumulative cost/(savings) of each of the options given the best case financial conditions stated above.



38. **Investment is needed in the early years of all the options.** The graph above dips below the yearly axis for all options, primarily due to staff transferring to external providers on current terms and conditions and only over time being replaced by the private operator's own staff. The value of the initial investment to cover cash outflow in the early years of the project, the time taken to

repay this initial investment and the ongoing savings thereafter have then been calculated to inform any decision to be taken.

39. The most financially advantageous scenario is for all homes to be privately operated (Option 1). Investment of £36k is needed in year 1 (2013/14) and a further £160k in year 2 but savings then start to fall out with £90k forecast in year 3 to lower the investment required that year to £106k. No investment is required in year 4 which delivers a saving of £184k. The initial investment of £338k is paid back in year 5 (2018/19) and by the time capital repayments finish in year 26 the project will have saved £24m and will generate further annual savings of £1.8m thereafter.
40. The second option for the authority to operate all the homes would require investment of £22.6m over the life of the project. Investment of £121k is required in year 1 (2013/14), with £887k in year 2, £1,038k in years 3 and 4 and then £930k each year thereafter to accrue total costs of £22.5m over the 26 years. After 26 years as the capital repayments cease a £165k annual investment above current revenue levels would be needed.
41. The third option of the authority running Fordlands and the remainder privately operated requires total investment over the first 4 years of £850k. An investment of £67k is required in year 1 (2013/14), £378k in year 2, before cost savings begin in year 3 of £91k to reduce investment in year 4, with a saving of £168k in year 5. The total investment of £850k is repaid in year 7, and by the time the capital repayments end in year 26 (2037/38) the project will have saved £12.4m with ongoing savings thereafter of £1.4m
42. The fourth option of the council operating Fordlands and Haxby would require investment of £1.5m. Investment of £67k is needed in year 1 (2013/14), £408k in year 2, £469k in year 3 before a cost saving of £108k begins in year 4 to reduce the investment required to £361k that year, and subsequently reducing investment amounts of £145k and £39k for years 5 and 6. A £69k saving would accrue in year 7 and increase to £105k saving in subsequent years before repaying these investment costs in year 21 (2032/33). It would then generate a savings of £1.1m, until the capital repayments end in 2038/39 when ongoing savings of £870k per year would accrue.

Local Authority Trading Company

43. In addition to the above options an option to provide the care in the new facilities via a Local Authority Trading Company (LATC) has been carefully considered.
44. An LATC is an organisation that a LA is able to establish through powers in the Local Government Act 2003. The power to trade is exercised through a company and the LATC is permitted to trade in anything that it is authorised to do under its ordinary functions. In the case of an LATC established to run residential care homes the LATC could be able to sell care beds to a wider market.
45. An LATC would seek to improve efficiencies in operating costs and overheads. However, in the financial year 2010/11 over £800,000 was taken as an efficiency saving from the EPH budget. These savings resulted from a reduction in staffing levels in line with suggested ratios for the private sector. There has also been a substantial reduction in overtime payments and better management of staff replacement hours. These are some of the areas that an LATC would automatically target but there is little remaining scope to increase savings much further without changing terms and conditions.
46. An LATC would encounter the same challenges around changing staff terms and conditions as is the case with existing in-house services. As staff turnover is experienced it may be possible to recruit new staff on different terms and conditions that are similar to those found in the independent sector.
47. In addition to the direct running cost of these homes, infrastructure or back office support costs would also need to be factored in. In the case of an LATC there will still be a need to buy in financial, human resources and some other services. Unless the LATC is of sufficient size it is unlikely to be worthwhile creating its own back office support so the LATC would most likely either buy these from within the council or from some external source. With regard to line management external to the care homes themselves there is likely to be a need to have a manager with overall operational responsibility for the new care homes and the care village. There have already been significant reductions in this area and there are no apparent further savings to be realised from reductions in operational management.

48. There is scope for an LATC to trade and provide services in a way that is not possible within the existing arrangements. However, in order to do so, any new service would need to be competitive on quality and cost and whilst there may be no issue with quality, the cost of a residential care bed is still some way more expensive than can be purchased from the independent sector. Caution should be exercised in assuming that an LATC will be able to break even within the short or medium term and in the case of an LATC consisting solely of residential care homes then is likely to remain subsidised for as long as terms and conditions remain unchanged.
49. In practice LATCs are still relatively new and take some time to establish. Few have been established for any length of time and savings in social care LATCs are taking time to realise, with targets being limited to 10% over a three year period.
50. In deciding to go to tender an LATC option could be explored within an in-house bid.

Option Analysis

51. Irrespective of which option is chosen the monitoring of the quality of the care delivered would be the responsibility of the Care Quality Commission (CQC) and the council's Adult Social Care Commissioning Team that specify the standards for the service and monitor the contracts alongside individual care management reviews for all residents who would live in the homes. The Commissioning Team adopts a consistent and significant degree of contract monitoring across all the services it commissions. Taking information from several areas it enables the council to monitor the performance and quality of the services it purchases to ensure successful outcomes and quality for the people that receive services.
52. As part of its approach to monitoring the council:
 - conducts quality monitoring and audit reviews of services involving customers and relatives
 - analyses complaints/concerns made by individuals/carers and actions issues raised by care managers
 - analyses any safeguarding referrals made
 - has a close relationship with the Care Quality Commission regarding standards and quality

- shares information on quality, standards and performance with health colleagues
- undertakes joint visits with health colleagues as necessary
- analyses performance against standards set within service contracts

Option 1 - the three new developments have care provided by independent sector operators

53. This option provides the most favourable financial position. However, it does not fit well with the feedback obtained during last year's citywide public consultation where the majority of consultees (86%) indicated that they were keen for the council to continue running its own services. The option does, however, accord with the importance placed in the consultation on obtaining value for money. Staff would transfer to the new provider under TUPE legislation and be afforded the same contractual terms and conditions to which they have currently.

Option 2 - the council provides the care on the three new developments

54. This option is the least affordable even though it fits well with the feedback from the consultation exercise. In this option the existing care staff would move into the newly built care homes including the care home on the Lowfield Care Village. However, there is an issue about who would provide the care within the supported and sheltered accommodation in the wider care village site. This could either be undertaken by the independent sector in line with the current strategic commissioning direction or by new CYC staff being recruited to undertake this task. Both scenarios provide challenges. In the first scenario, where CYC operate the care home and the independent sector operate the domiciliary support contract, there is a strong risk of lack of synergy introduced by multiple operators and a lack of clarity about who is actually responsible for running the care delivered in the village. Feedback from the Soft Market Testing event warned against this situation. In the second scenario, where the council provides all of the care across the Care Village, the issue of one provider is addressed but significant extra costs are incurred by effectively growing the overall amount of in-house provision at a time when council budgets are under strain. The additional cost of providing these community services has not been worked out but it is clear

that it would add substantially to those costs already attributed to CYC operating the care homes. Furthermore, the higher costs of a CYC domiciliary support service may not be supported by residents using their own individual budgets.

Option 3 - the council provides the care on the Fordlands development only. The care on Lowfield and Haxby Hall developments is provided by an independent sector operator

55. This option is financially more affordable than option 2 but less affordable than option 1. It also fits less well with the feedback from the public consultation. CYC staff would TUPE transfer to the Lowfield Care Village and to the new Haxby Hall. The use of an independent sector operator across the whole of the Lowfield Care Village would eliminate the issue of multiple providers and not incur the financial cost of recruiting CYC staff to provide community support to the community village assisted living accommodation.

Option 4 - the council provides the care on the Fordlands and Haxby Hall developments only. The care on the Lowfield care village is provided in partnership with an independent sector operator

56. This option presents more of a compromise in that it responds better to the public consultation feedback by providing council run care in two of the new residential care homes and addresses the challenges around cost and single operator issues on the Lowfield site. It reduces risk to the council by working in partnership with an operator on the care village that has experience in this area of service delivery.

Council Plan

57. The protection of vulnerable people lies at the heart of the council's priorities. Over 7,000 vulnerable adults receive social care services in York. The council's overarching objective is to safeguard such adults, to promote their independence, enable them to make real life choices and give them control over their daily lives

Implications

Financial

58. The development of the three sites is a significant financial undertaking for the authority and Members should note that, as with any large scale capital investment, costs may vary. The capital model shows how such variations will impact on the affordability of the proposal taking national construction costs from work commissioned by Pinders and then subjecting these costs to increases of 10%/15%/20%. In addition the capital receipts position has been modelled for a number of different scenarios that, when taken with the variations in costs, show a range of values that would need to be funded through the use of prudential borrowing.
59. The capital receipts valuations used in the report should be used as an indication only as capital receipts can vary in value depending upon a number of factors such as market conditions, alternative use and planning permission.
60. The financial modelling is based on estimates and before members are asked to approve the Capital budget that would allow the scheme to go ahead a tender exercise will be carried out to establish an accurate costing for the development of the schemes.
61. It is important to note the revenue parameters that the financial model and project operate within. All future decisions clearly will need to be mindful of the financial position presented and to consider the available capital and revenue funding. This would also include consideration of any initial investment, the “Early Years Deficit” which would need to be financed.
62. The early year’s deficit shown under the various scenarios and options will, where possible, be funded from the venture fund subject to the fund having sufficient resources. The financial annex B sets out the estimated range of early year’s deficits that needs funding based on current projections.
63. A further review of the overall financial position will take place to ensure affordability of the proposed options before a recommendation is made to Members for a budget commitment. This will also include an assessment of the ability to afford the

early year's deficit from the Venture Fund, and other potential options where appropriate.

Human Resources (HR)

64. This is a significant change programme, which impacts on approximately 270 employees currently employed in our seven current EPHs.
65. All options can be delivered without the need to make compulsory redundancies. Should options 1, 3 or 4 be taken forward, staff would be eligible to transfer to a new provider under the Transfer of Undertakings (Protection of Employment) Regulations 2006.
66. Work is ongoing to predict and carefully manage our staffing levels over the next 3 years in order to maximise options for staff, should option 3 or 4 (a mix of CYC and independent sector) be recommended.
67. The council will also explore further requests for early voluntary severance, and movement between homes in order to minimise the impact on staff during the programme of change. If requests do come forward, if approved, the council would plan to release staff in line with Phase 2 of the programme (ie in April 2014).

Equalities

68. An Equality Impact Assessment (EIA) for the care home modernisation programme was produced for the November 2011 Cabinet Report. It particularly highlighted the potential implications of the modernisation programme for the health, security and well-being of frail residents and also female members of staff who are older and also carers themselves. A copy of the EIA is at Annex C.
69. In response, the council developed and followed a 'Moving Homes Safely' protocol when closing Fordlands and Oliver House, to ensure that residents' moves to their new homes were as well planned and carefully managed as possible. Likewise, careful planning and management of staff vacancies enabled the council to avoid compulsory redundancy for Fordlands and Oliver House staff, and staff were able to transfer into similar posts in the other seven council care homes.

70. Now, looking forward, a wider reference group of external stakeholders has been established (with significant representation from the voluntary sector) to act as a sounding board for the development of plans and specifications for the developments at Fordlands and Lowfield. The group includes representatives from Age UK York, Alzheimer's Society, Churches Together, the 'Dementia Without Walls' project, the Lesbian Gay Bi-sexual Transgender (LGBT) Forum, Older Citizen's Advocacy York (OCAY), York Blind & Partially Sighted Society, York Carers Forum, York Council for Voluntary Services (CVS), York Dementia Network, York Older People's Assembly (YOPA), and York Racial Equality Network (YREN).
71. At its first meeting on 2 March 2012 the wider reference group agreed that its aims would include:
- to be kept informed and up to date with the work of the various EPH Project Task Groups
 - to bring a wealth of knowledge and experience together to share 'intelligence' picked up from other work/projects/visits that should influence the work of the EPH Project
 - to comment on, and provide challenge to, the council's current thinking and plans at key stages in the EPH modernisation programme
72. The council will also be using established channels to communicate with, and gather the views of, EPH managers and staff, care management staff, and Health colleagues.

Legal

73. Legal advice and assistance will be provided throughout the procurement process and during the contract negotiations to ensure that the council's interests are protected.

Property

74. As part of the Asset Management Review detailed in the Council Plan all vacant EPH properties will be included and best use of the sites will be identified. If there is no requirement to reuse then the sites will be sold and used to fund the project. If any of the sites are to be reused then either other sites will be identified as a result

of the review to obtain the capital funding required, or, a revenue stream will be used to fund the additional prudential borrowing.

75. In respect of the Lowfield Site (see paragraph 11) any capital receipt from the additional seven acres will go to the general fund.

Procurement

76. A series of procurement options have been devised following the market engagement analysis. The route to market for the replacement EPH to be built on the Fordlands site is relatively straight forward compared to the Lowfield proposals and will involve the council procuring project and design services and then a general builder to construct the building.
77. The procurement options for the Lowfield site are more complicated due to various funding and lease options and, in addition, the need for the developer/operator to source the majority of the funding. Due to the complex nature of these options, expert external legal opinion is being sought to support the options appraisal.

Risk Management

78. The governance of the EPH Project calls for a strict project management discipline. This includes the management of risk. A risk log was established at the beginning of the project and this is continually updated and reviewed as the project progresses through its various phases. As risks drop off, other new ones emerge and strategies are identified to mitigate these risks. The risk log is a standing item on the agenda of the monthly project review board. A traffic light colouring system is used to determine the degree of risk. All board members are able to contribute and challenge the risk level and the strength of those strategies employed to mitigate them. The project manager has responsibility of the maintenance of the risk log and is accountable to the project director.

Recommendations

79. That Cabinet agree in principle to Option 4 (subject to further financial consideration and Full Council approval), that is:
 - a) that the council fund and operate the new residential care home to be built on the Fordlands Road site by engaging a design

team and then entering a formal tender process to procure a builder.

- b) that the council states its intention to operate the new residential care home to be built on the site of the existing CYC care home at Haxby subject to financial affordability in Autumn 2013 when a firm decision on that particular home is required.
- c) that the council seek to procure a partner through a tendering process to fund, build and operate a 'community village for older people' (including 90 residential care beds) on the Lowfield site in Acomb. The council's own in-house service will be able to compete for this work.
- d) that Cabinet receive further reports outlining the outcome of the tenders for both the Fordlands and Lowfield village developments, with updated financial implications on all areas, to assess the affordability of the proposals.

Contact Details

Author:	Chief Officer responsible for the report:		
Graham Terry Assistant Director Adults, Children and Education 01904 554006	Pete Dwyer Director of Adults, Children and Education 01904 554200		
	Report Approved	✓	Date 3/5/12
	Cabinet Member responsible for the report:		
	Cllr Tracey Simpson-Laing Cabinet Member for Health, Housing and Adult Social Services		
Specialist Implications Officer(s) HR – Hannah Morley (Ext 4505) Finance – Ross Brown (Ext 1207) Legal – Glen McCusker (Ext 1048) Procurement – Rob Allan (Ext 2941) Property – Tim Bradley (Ext 3355) Equalities – Evie Chandler (Ext 1704)			
Wards Affected:		All	✓
For further information please contact the author of the report			

Annexes

Annex A – Feedback from the Soft Market Testing exercise

Annex B – Financial Analysis (Confidential Annexes A-C in this section are attached as hard copies to private packs only)

Annex C – Equality Impact Assessment

Feedback from the Soft Market Testing (SMT) Exercise - Annex A

The care village market is not yet a mature one in the UK. Of those care villages that have been built, many have been wholly developed as retirement/lifestyle choice villages on a commercial model in areas (predominantly in the South) where there is greater affluence, higher unit sale prices and considerable owner occupier interest. Consequently, there are not yet any care villages that have been designed, built and operated by a local authority on its own. There are, however, care villages that have been built by developers working in differing partnership arrangements with a local authority.

Care villages work best with a single operator for the whole site. Examples were given of multiple care providers and a separate landlord and the consequent lack of synergy that emerged in provision not being joined up. A number of operator solutions are possible on the Lowfield site. For example the council could provide the operating staff for the Care Home but the community support provider within the other accommodation could be commissioned from an independent sector provider. The landlord, depending on the model chosen could be from a third organisation. In such a scenario there is potential for lack of coordination and confusion on the part of residents about who is responsible for what and who to contact when there is a problem.

Good design is of crucial importance. A clear message from the SMT exercise was that the (care) operator needs to be working with the architect from the very start to ensure that the site and the lay out of accommodation work to achieve the maximum possible synergy both from the perspective of the community and operational efficiency.

Detailed pre-build market research of what facilities should be available in the community or social hub will be key to its success. Examples of community hubs in other locations were discussed and the difficulties experienced around sustainability and viability of services were highlighted. The relationship between the community hub and the wider community has to be properly thought through. Duplication or counterproductive competition could cause loss of sustainability. Questions around which facilities could work on the site to encourage involvement or participation from the local community, and what existing facilities in the locality would care village residents choose to use in preference to those on site, were particularly relevant when considering the location of the Lowfield site to the wider Acomb community.

The council currently favours the idea of connecting the Community Hub to the care home so that residents (and their relatives) can access its facilities. The Hub would have a separate entrance for other users. Detailed market research will be necessary to gauge exactly what facilities might be wanted/needed on this specific site, given the close proximity of many key services and facilities in the surrounding Acomb community. At present, the council would envisage the Hub including a community cafe, flexible community space/activities room, and perhaps a very small shop for essential items (bread, milk, newspapers).

The mix and density on site must be carefully determined and needs to satisfy a number of key stakeholders. Whilst there is a need for clarity around what will work most efficiently and effectively from an operator perspective, there is also a need to be clear about the appeal of each type of building to prospective residents – that is, what style of buildings would sell or rent best in order to make the development financially viable? This is very dependent on local market conditions. Any prospective developer/partner would need to undertake a comprehensive market research exercise in order to determine precisely what is built on the site and to establish how much it might command for sale or rent.

It is expected that the final design of the Lowfield site will have been the subject of extensive local market research and consultation and this will be what ultimately determines the precise nature of the mix and density of accommodation on site. However, following on from the SMT exercise, further work on market assessment has been undertaken. This work confirms that the density of the site could be substantially increased without causing detriment to the look and feel of the care village. This work also confirms that a mixture of apartments and bungalows on this site would be an attractive proposition for people living in Acomb and surrounding area.

Building design needs to be flexible to ensure future proofing and adaptability. Internal construction of rooms should be movable to allow room sizes to scale up and down. Utilities should be designed into external walls so that dividing walls can be moved. This would, for example, provide the flexibility to change between one and two bedrooms if future demand dictated. Designed in flexibility, will allow a switch between care provision in the future should the balance of demand and provision change significantly.

Health partners need to be involved as soon as possible in helping shape the village design and input into the services delivered. These health related services could include intermediate care to help people 'step-down' from a stay in hospital, on site nursing care, or the location of an on-site GP surgery.

Other influencing factors on the Lowfield site

Affordable Housing

25% of the mix of accommodation, excluding the Care Home, would be designated as affordable housing (ie housing provided to specified eligible households whose needs are not met by the market). These will be "pepper-potted" across the site and so indistinguishable from the other housing.

Nomination Rights

The residential Care Home would be registered with the Care Quality Commission (CQC). There would be an expectation that CYC would have full nomination rights to the 2 x 45 registered care beds. Should the council decide to tender for a partner then there is an expectation that an Allocations Panel consisting of key stakeholders (including council staff from Adult Social Care and Housing) would determine the suitability of prospective residents for the other on-site accommodation.

Service Charges

Services and charges should be kept to a minimum but would be determined after market analysis, local research and would be fully understood at the point of any tender award. However, it would be the intention that any charges would be in relation to accommodation service and not to public amenities such as the community hub or the gardens.

Outdoor Space

The council recognises the importance of outdoor space to the success of the site. It is important that there are enough landscaped and communal areas where residents can enjoy the better weather. It is intended that private outdoor space (eg patios and balconies) will be a feature of all types of accommodation. Similarly the garden areas of the Care Home will be crucial for all residents and will be secure and safe and of a good size. Community-allotments/gardens and greenhouses could also feature on the site.

Phasing

Phasing of the build is an important consideration. There may be a preference, both from the council and a developer, to build apartments and market them early in the development so as to generate a capital receipt. There is also a requirement to build the Care Home in the first phase in order to facilitate the next phase of council care home closures, scheduled in the modernisation programme for April 2014.

Following the information gained from the SMT exercise and the subsequent local assessment of market demand, build costs and potential sale there is considerable confidence that the non-residential, care elements of the Lowfield development could be self financing. The exact mix, site density and split between sale, rent or shared ownership would determine the amount of surplus available to fund the Community Hub as well as producing some capital receipts. Overall, the consensus from the SMT was that finance is available, and that architects, developers and operators are ready, enthusiastic and willing to work in partnership with City of York Council to deliver a care village that can help meet the needs and aspirations of York's ageing population over the next 30-40 years.

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Annex C

City of York Council

EQUALITY IMPACT ASSESSMENT FORM

1	Name and Job Title of person completing assessment	Chris Weeks, Project Manager - EPH Review
2	Name of service, policy, function or criteria being assessed	Policy regarding the future provision of accommodation for older people, especially residential care.
3	What are the main objectives or aims of the service/policy/function/criteria?	The provision of the right care in the right place at the right time This is expected to be achieved through <ol style="list-style-type: none"> 1. Re-providing up-to-date fit for purpose residential accommodation for those who are in residential accommodation at the moment and have no other option for car 2. Investing in supporting older people to stay in their own homes and live independent lives for as long as possible.
4	Date	09/06/ 2011

Stage 1: Initial Screening

5	What evidence is available to suggest that the proposed service/policy/function/criteria could have an adverse impact on quality of life outcomes ¹ for people (both staff and customers) with protected characteristics? Document the source of evidence, (e.g. past experience, anecdotal, research including national or sectoral, results of engagement/consultation, monitoring data etc) and assess relevance of impact as: Not relevant / Low / Medium / High.						
	Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact	
		Cust	Staff	Cust	Staff	Customers	Staff
a	Race	X	X			Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 November 2011 for key messages.	Consultation with staff

¹ See appendix 1

b	Religion/Spirituality/ Belief	X	X			Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	Consultation with staff
c	Gender	X			L/M	Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	EPH staff profile shows that 98% of the current workforce are women. Fawcett Society studies regarding women's employment prospects show that they decline in a down turn in the economy.
d	Disability		X	H		National studies show that older and significantly frail residents may face poorer prospects in terms of health and wellbeing Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	Consultation with staff
e	Sexual Orientation	X	X			Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	Consultation with staff

f	Age			H	H	National studies show that older and significantly frail residents may face poorer prospects in terms of health and wellbeing Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	EPH staff profile. Fawcett Society studies regarding women's employment prospects show that they decline in a down turn in the economy
g	Pregnancy/ maternity	X	X			Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	Consultation with staff
h	Gender Reassignment	X	X			Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	Consultation with staff
i	Marriage and Civil Partnership	X	X			Consultation with communities of Interest and EAG – Please see report to Cabinet on 1 Nov 2011 for key messages.	Consultation with staff

j	Carers of older and disabled people			M	M	Information in our corporate Carer's Strategy shows that there may be adverse effects on the carers of older and frail people if they do not settle in their new environment.	Information in our corporate Carer's strategy, as well as information from the York Carers' Centre, shows that middle-aged women who are carers themselves find it difficult to find and keep any type of employment.
<p>If you assess the service/policy/function as not relevant across ALL the characteristics, please proceed to section 11.</p> <p>If you assess the service/policy/function as relevant for ANY of the characteristics, continue to Stage 2, Full Equality Impact Assessment.</p>							
Stage 2: Full Equality Impact Assessment							
6	Are there any concerns that the proposed or reviewed service/policy/function/criteria may be discriminatory, or have an adverse impact on members of the public, customers or staff with protected characteristics? If so record them here						
a	Public/ customers	Yes – possible negative effects on health, security and well-being on frail residents.					
b	Staff	Yes – older women especially those who are also carers in their home environment with limited ability to move and find other jobs.					
<p>If there are no concerns, go to section 11.</p> <p>If there are concerns, go to section 7 and 8 amend service/policy/function/criteria to mitigate adverse impact, consider actions to eliminate adverse impact, or justify adverse impact.</p>							
7	Can the adverse impact be justified? E.g. in terms of community cohesion, other legislation, enforcement etc. NB. Lack of financial resources alone is NOT justification!						
<p>Customers – Yes. There are studies that show that frail residents may suffer detriment if moved from current homes. However, our quality assurance studies as well as the results of consultation showed that the current EPHs, whilst in reasonably good condition, are 40-50 years old and no longer meet current residents' needs and also are not fit for the future. Their size and design make it more difficult for staff and other practitioners to care for people with dementia and high dependency care needs.</p> <p>Staff – Yes because staff consultation shows that above all else they want to improve the care environment for our customers and also are obliged by changes in national policy to deploy resources differently.</p>							
8	What changes will you make to the service/policy/function/criteria as result of information in parts 5&6 above?						
There will be no changes to the proposed policy of reprovision. However, we shall put in place a number of remedial actions, which are listed in item 10 below.							

9	What arrangements will you put in place to monitor impact of the proposed service/policy/function/criteria on individuals from the protected characteristics?		
<p>EPH Review Project Board (with reps from Care Management, operational EPH management; Commissioning & Contracts; and Human Resources & Trade Unions) – will oversee the consultation over the review proposals, and subsequent implementation of Members' decisions.</p> <p>Assessment & Safeguarding Care Managers and EPH Managers will monitor the impact of any changes on individual residents. They will also track feedback from relatives and, where appropriate request independent advocates looking out for the interests of individual residents. Commissioning & Contracts Managers will monitor the quality of service provided in whatever model of service provision is decided upon by Members.</p> <p>EPH Managers, Human Resources, and Trade Unions will support EPH staff through any change process that flows from the Members' decision on this EPH Review.</p>			
10	List below actions you will take to address any unjustified impact and promote equality of outcome (as in appendix 1) for staff and other people with protected characteristics. Consider action for any procedures, services, training and projects related to the service/policy/function/criteria which have the potential to promote equality in outcomes as in appendix 1.		
Action		Lead	When by?
<p><u>Customers</u></p> <p>We have developed a 'Moving Homes Safely' protocol. The document describes the process that will be followed when a care home faces planned closure, and its residents need to be re-assessed and moved to a new home. The document is written in Plain English and outlines for residents and their relatives what will happen at each stage of the process, which includes: Re-assessment; Choosing a new home; Moving to a new home; Reviewing the move; and who will be involved in supporting them along the way. Age UK, Older Citizens Advocacy York (OCAY) and the York LINK Readability Panel has commented on the protocol to ensure that, from a resident's perspective, the process and document are clear and make sense.</p> <p>We shall also consult on the protocol with the EAG at the 'Help us to get it right' day in November 2011.</p>		Graham Terry	Until the project has been completed
<p><u>Staff</u></p> <p>The modernisation programme if agreed will take in the order of three years to implement. This timescale combined with current vacancies and requests for early retirement indicate that there will be no need for compulsory redundancies. We will work closely with EPH Managers and staff, the Trade Unions and Human Resources to ensure that there is a fair,</p>		Graham Terry	Until the project has been completed

open and transparent process for dealing with staff moves between current homes, and into the new care homes, when built.		
11	Date EIA completed	
Author: Chris Weeks Position: Project Manager, EPH Review Date: 17/10/11		
12	Signed off by	Graham Terry, Asst Director - Adults, Children & Education
<p>I am satisfied that this service/policy/function has been successfully equality impact assessed.</p> Name: Pete Dwyer Position: Director - Adults, Children & Education Date: 18.10.11		
Please send the completed assessment for feedback to evie.chandler@york.gov.uk or to heather.johnson@york.gov.uk Once your EIA has been completed we shall also add it to the corporate register of EIAs. We use the register to publish an annual EIA report on the council's site.		

Appendix 1 - Quality of Life indicators

(aka 'The 10 dimensions of equality')

We must ensure there is no adverse impact in terms of:

- ❑ Longevity, including avoiding premature mortality.
- ❑ Physical security, including freedom from violence and physical and sexual abuse.
- ❑ Health, including both well-being and access to high quality healthcare.
- ❑ Education, including both being able to be creative, to acquire skills and qualifications and having access to training and life-long learning.
- ❑ Standard of living, including being able to live with independence and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport.
- ❑ Productive and valued activities, such as access to employment, a positive experience in the workplace, work/life balance, and being able to care for others.
- ❑ Individual, family and social life, including self-development, having independence and equality in relationships and marriage.
- ❑ Participation, influence and voice, including participation in decision-making and democratic life.
- ❑ Identity, expression and self-respect, including freedom of belief and religion.
- ❑ Legal security, including equality and non-discrimination before the law and equal treatment within the criminal justice system.

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Cabinet

15th May 2012

Report of the Cabinet Member for Corporate Services

The Oliver House Elderly Persons Home Site

Summary

1. This report seeks member's decision as to the future use of the former Elderly Persons Home (EPH) at Oliver House, which is becoming available as part of the EPH review. This site is a valuable high profile city centre property, both in terms of its financial value and strategic value, with potential for both sale and alternative use of the site.

Background

2. Oliver House is a former 45 bed EPH, which closed on 31st March 2012. A site plan is attached at Annex 1. An additional area of land occupied by garaging is also identified. This comes under the HRA, but could be included as part of the uses being considered.
3. The closure of Oliver House has come about as a result of the EPH review, which identified that the current homes did not provide modern residential facilities for older people. Members have approved the provision of new facilities at Fordlands, the former Lowfields School site and Haxby Hall and the closure and disposal of Oliver House as part of phase 1 of the programme of development.
4. It is important to note that the financial business case that underpins the EPH review assumes that we will use the capital receipt from Oliver House to finance the new facilities that are being developed and any proposal regarding the use of the site needs to be able to deliver either a capital receipt of £450k or a revenue stream that would enable CYC to borrow £450k and pay back the loan. This revenue stream would need to be at least £41k pa.
5. If the property were to be disposed of without either a capital receipt or an ongoing revenue stream then an alternative source of capital or revenue would need to be identified to deliver the EPH review.

6. The site is both financially valuable and strategically important, lying as it does within the city walls, in a largely residential area, sitting in close proximity to the Priority St Centre with its concentration of voluntary and community sector provision and with existing use as a C2 property (Residential Institutions. Hospitals, Nursing Homes, Residential Schools and Training Centres. Use for the provision of residential accommodation and care to people in need of care).
7. Strong interest in the property has been received from various quarters, with a range of options for future use and ownership which are presented here for decision.

Localism Act

8. The Localism Act creates a duty for all Councils to maintain a list assets which are of value to the community. The introduction of the assets of community value provisions was delayed when the Bill became law as the government had not released detailed guidance on how to establish schemes for identifying those assets and how to set up mechanisms to allow expressions of interest.
9. It is however possible that the Oliver House site, will fall within the scope of this legislation. The Localism Act does not create a right to buy assets of community value. It does though give a window for community groups to express an interest in making such a purchase. Once the appropriate moratorium period has expired the landowner is free to dispose of the asset as they think fit.

Options to Sell or Retain

10. CYC have an option to sell the property or to retain the property and lease it out in order to earn rental income. Selling the property would guarantee this aspect of the capital funding of the EPH review programme however property values at this time are relatively low due to the economic downturn and it is likely that we would not get as much for the site as we would if we wait for the economy to pick up.
11. The property is currently valued at between £450k and £475k. If it were to be packaged with the adjoining garages it would be worth substantially more (in the region of £700-750k). The site has not been put on the open market but an offer has been received for the property from York St John University (YSJU) details of which are included in confidential Annex 3. They intend to use the site for student accommodation from September 2012 and would require an immediate decision. If this is not forthcoming they would withdraw the offer. They

are also interested in a 5 year lease on the property, the details of which are set out later in the report.

12. York CVS are also interested in purchasing the site. Early indications are that for some of the partners could secure sufficient funding through a mortgage. There are also specialist voluntary sector property owners who take on buildings in this way.
13. York CVS have also expressed a desire for a community asset transfer, however the need to dispose of this asset to support the funding of the EPH review means that if this option is chosen prudential borrowing of £450k will be required and ongoing revenue funding of £41k will need to be identified to repay this.
14. Other prospective purchasers may be interested in the site if we decide to sell.
15. If we decide to retain the property we could lease the property to earn rental income. It is estimated that a commercial rent for the property could be in the region of £50k pa which would be adequate to meet the requirements of the EPH review. We could decide to sell the site at a later date and use the capital receipt to repay the existing borrowing, though this would be constrained by the length of any lease we enter into.

Potential Future Uses

16. Consultation has been undertaken with a range of internal and external stakeholders including York CVS, YSJU, Corporate Finance, Housing, and Adult Provision and Modernisation. The following options for future use of the site have emerged.

17. Health and Social Care Hub

A number of Voluntary Sector organisations in York are interested in developing a voluntary sector hub in the centre of York, focussed on improving access to support for older and disabled people. This would involve co-locating a number of organisations who are keen to work collaboratively together. These organisations, led by York Independent Living Network, which is a user led organisation, are currently formulating a business plan. Attached at Annex 2 is their outline proposal and at Annex 3 their financial proposal. If this were successful this would support the important role of the voluntary and community sector in providing early intervention and prevention support which will complement health and social services. This is in line with the national

and local Personalisation Agenda and with the continuing transformation of services within the Council to offer more choice and control to residents in need of social care support, and to support more people through community based resources. It will enable better co-ordination across the voluntary sector, provide an environment to encourage innovation together and simplify the points of contact for residents to seek the help they need. The proposal sets out potential future use of Oliver House to provide

- Renal Unit - The York Hospital Trust also have a requirement to relocate the renal unit, and part of this requirement are individual rooms. This might be accommodated as part of this proposal.
- Autism Hub - A CYC capital bid for the setting up of an autism hub has recently been successful and suitable premises are currently being sought.
- Community Sector Office provision and meeting space – Due to the expiry of the commercial lease on existing offices at Holgate Villas a number of health and social care organisations will need to relocate.
- A comprehensive information service and practical health and social care resources for the public
- Interview rooms for one-to-one advice and counselling work
- A community cafe with supported employment placements
- Assessment facilities for people requiring adaptation equipment

18. Student Accommodation

YSJU are interested in using the existing building for student accommodation in the short/medium term (for up to 5 years). This is part of the residential accommodation strategy for the University as their student population will be growing by 1500/2000 over the next few years. YSJU are currently working on the development of a number of brownfield sites for accommodation, but need an incremental approach to this strategy to manage the risk, due to potential fluctuation in student numbers.

Therefore for this September 250 additional student beds will be needed and Oliver House is a potential part of the solution. The building would need to be refurbished to meet their requirements. The extent of the refurbishment will have an impact on the viability of any scheme and any rental which could be paid. All the refurbishment will be funded by YSJU but in order to undertake the necessary works in time for September deadline YSJU require a positive decision on the 15th May 2012. If this decision date cannot be achieved YSJU will withdraw their offer.

19. Affordable Housing

The site is an ideal location for affordable housing and adjacent to the Prospect House council flats. These are very popular and an extension of affordable housing to the Oliver House site and the garage court would contribute towards meeting the shortage of affordable homes in York.

Within the overall 'affordable housing' description there are many options in house type, mix, tenure and ownership/management. These range from the council funding, building and managing new homes using resources from the Housing Revenue Account, to private sector institutional investment funding.

Several housing associations have funding secured from the Homes and Communities Agency to deliver 770 homes between 2011-2105 on unspecified sites across the Leeds City Region. The site could accommodate houses or apartments or a mix of both. A higher density would be achieved from a flatted scheme, but a high density of houses would be possible too as the site is in an area of terraced streets.

A viability appraisal and feasibility study would be needed to test the housing options, especially as the use of this site by CYC would have the impact of a reduced or even nil capital receipt for the site. However, any reduced capital receipt would be considered in the wider context of savings and benefits that meeting affordable housing needs will bring.

20. Funding would also need to be found for any development which may have an influence on the mix/type of accommodation provided on the site. An exercise to look at institutional investment in housing developments has not yet commenced.

Evaluation of Options

21. Option 1 – Health and Social Care Hub

The property will be let to a Voluntary Sector Management Group for a term of 20-25 years at a commercial rent with a 5 yearly review of the rent to cover the cost of the prudential borrowing in lieu of a capital receipt. The groups who would use the site currently pay sufficient rent to meet the costs but would need to secure some investment funding to convert the building for their use. This could come from borrowing or grant funding.

Advantages:

- a. Satisfy an identified need for a voluntary sector social care facility in the city centre
- b. Improve provision for vulnerable people needing social care services
- c. Enable the relocation of organisations currently leasing space in Holgate Villas and elsewhere, where the future availability of the accommodation may be uncertain.
- d. Potential to offer accommodation for an autism hub and renal unit.
- e. CYC would retain long term ownership of the site and could still sell the property in the future if the scheme did not come to fruition or was not viable in the longer term.
- f. Allow York CVS time to explore potential purchase options

Disadvantages:

- a. The business case has yet to be finalised, therefore there is a risk that the project may not be delivered.
- b. There will be a delay in receiving rental income whilst the property is refurbished and grants are applied for. CVS are indicating that a full rent may not be forthcoming for at least 6 months and may take as long as 18 months. This could be accommodated within the financial model for the EPH review as long as rental income was in place by 2014/15.
- c. It is likely that planning permission will be needed for change of use consent
- d. Risk of the scheme becoming unviable in future years
- e. A separate scheme for the garaging site will be required.

22. Option 2 – Student Accommodation

The property would be let to YSJU for a term of 5 years, with the option to break at the end of the 3rd year. YSJU have indicated that they would be able to meet the required level of rental income with the proviso of a 6 months rent free period to fund the refurbishment.

Advantages:

- a. Provide much needed student accommodation
- b. Planning consent is not required for change of use to student accommodation.
- c. Opportunity for the property to be included in a broader review of Council assets, which will involve the review of the whole of the Council's asset portfolio.
- d. Will allow the property to be disposed in three to five years time, when it anticipated that market conditions will have improved.

Disadvantages:

- a. Short term solution – would meet the funding requirements of the EPH review for 5 years but the future capital receipt would still need to be allocated to the EPH review.
- b. Possible resistance from local residents.
- c. In the short term, it could preclude the redevelopment of the garaging unless this site is redeveloped separately.

23. Option 3 – Affordable Housing

Advantages:

- a. Satisfy an identified need for more affordable homes in the city.
- b. Enable redevelopment of the whole site including garaging.
- c. Compatible with neighbouring land uses.

Disadvantages

- a. Possible reduced capital receipt for the property
- b. Timescale uncertain

24. Option 4 – Sale

Advantages:

- a. Capital receipt obtained to contribute to the funding of the new EPHs.

- b. Can be achieved in a relatively short timescale. Enquiries have already been received from prospective developers for what is a prime city centre development site.

Disadvantages:

- a. Selling the property now may not maximise the capital receipt compared to waiting until market conditions improve.
- b. Loss of opportunity to deliver important Council Plan objectives

Consultation

- 25. This report has been written in consultation with York CVS, YSJU, Corporate Finance, Housing, Adult Provision and Modernisation, and the Member for Corporate Services. In the time available it has not been possible to undertake any consultation about future use of the site with local residents.

Council Plan

- 26. The four options will contribute to the Council Plan in the following ways.
 - Option 1 – Build strong communities and protect vulnerable people.
 - Option 2 – Build strong communities.
 - Option 3 – Build strong communities and protect the environment.
 - Option 4 – This would dependent upon the future use of the site.

Implications

- 27. **Finance** - A capital receipt of £450k is assumed in the business case of the EPH review, providing part of the funding required. The capital receipt is projected to be realised in 2014/15. If this asset is disposed of for £450k, the EPH business case requires prudential borrowing in the longer term of £12.14m at a revenue cost of £1.093m pa.

If Oliver House was not disposed of and there was no capital receipt to contribute to the EPH business case prudential, this would increase the borrowing in the long term to £12.59m and a revenue cost of £1.132m pa, an increase of £41k pa. If the property were leased to either YSJU or a Voluntary Sector Management Group then they would pay all the costs associated with refurbishing/adapting the premises and CYC would receive a rent. This income stream would be used to cover the increased revenue cost of the EPH review.

If Oliver House was subject to a community asset transfer, then CYC would need to identify alternative capital or revenue funding to fund the EPH review. This would also be the case if the capital receipts were sold for less than the estimated £450k.

Legal - When selling land or granting a lease for more than seven years the Council is generally obliged to secure the best consideration reasonably obtainable unless the Secretary of State has approved a disposal at a lower value (which may be by way of specific or general consent). The Council would normally demonstrate compliance with these rules by marketing the land and disposing of it to the highest bidder. "Best consideration" can though be demonstrated through appropriate professional valuation advice and the Secretary of State has produced guidance in respect of such valuations.

If Option 1 is chosen it would therefore be lawful to grant a lease for 20 to 25 years to a Voluntary Sector Management Group at a commercial rent subject to the rent level being confirmed by a valuer as representing best consideration.

Disposals by way of a lease for less than seven years are not governed by the same rules. The Council must though bear in mind its fiduciary obligations to tax payers and its obligation to make reasonable decisions. The Council must also take note of the state aid rules. It is assumed that the suggested lease to YSJU described in option 2 would be at a market rent and this would deal with those points.

Option 3 could give rise to both best consideration and state aid issues. These would need to be considered as any such proposal was being developed but a general consent from the Secretary of State would almost certainly deal with any best consideration issues and there are exemptions which can be used to ensure that any state aid is lawful.

Option 4 of a straightforward sale would presumably follow a marketing exercise and this would deal with both best consideration and state aid issues.

Property - All implications are included in this report

Human Resources - None

Risk Management

27. The risks associated with the recommendation are outlined in paragraphs 18-24 of the options section.

Recommendations

28. Approve the granting of a 20 year lease to a Voluntary Sector Management Group, at a commercial rental to be confirmed through a formal valuation, and to be reviewed every 5 years. This would cover the cost of prudential borrowing in lieu of a capital receipt, with a subsequent review of selling the property. The lease will be on full repairing and insuring terms. It will also be contracted out of the security of tenure provisions of the Landlord and Tenant Act.

29. Reason: This option will achieve the income stream required to cover the increased revenue cost of the EPH review, and contribute to the priorities set out in the Council plan whilst retaining the asset in the long term.

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Corporate Services

Report
Approved



Date 3 May 2012

Specialist Implications Officers

Louise Branford-White -Technical Finance Manager
Andrew Docherty – AD Governance and ICT

Ward Affected:
Guildhall

All

For further information please contact the author of the report

Background Papers: File no. E00639/B01 held in Asset and Property Management.

Annexes:

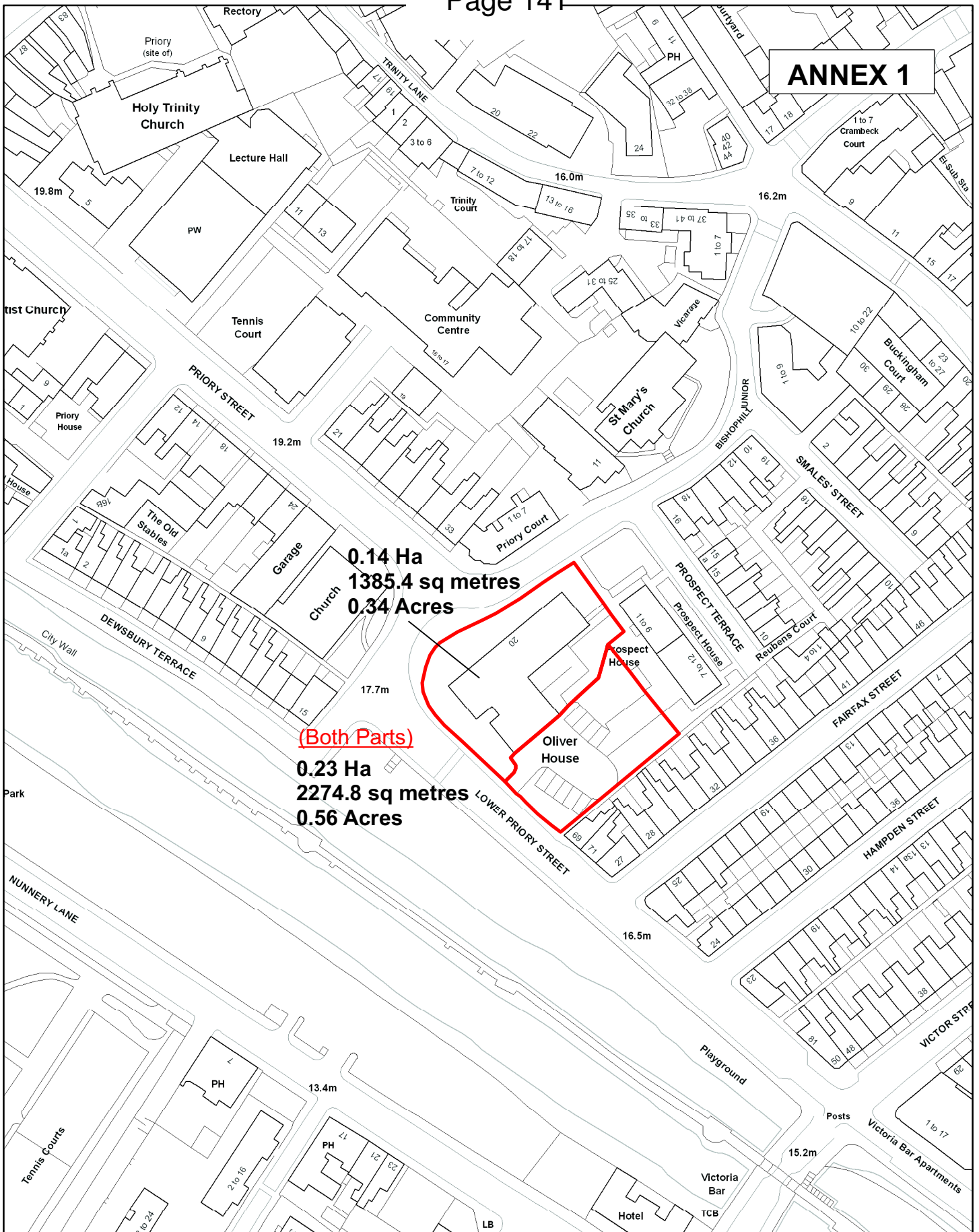
Annex 1 - A plan showing the location of the site.

Annex 2 – Outline proposals for the Health and Social Care Hub

Confidential Annex 3 – Financial Proposals from YSJU and York CVS

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ANNEX 1



Resources
Property Services

Oliver House Elderly Persons Home



SCALE 1:1,250

DRAWN BY: GR

DATE: 31/01/2012

Originating Group:

Drawing No.

E00639_3

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Annex 2

Outline proposal for Oliver House

A number of voluntary sector organisations in York have expressed an interest in Oliver House and are keen to work in partnership with City of York Council to explore the suitability of this site to deliver a range of integrated services.

These services will contribute to the strategic aims of the local authority, particularly in relation to enabling older people and disabled residents to live full, inclusive and independent lives. Supporting employers to grow and develop within the city centre also forms an important component of the York Economic Strategy.

In order to develop this concept, the following organisations ask City of York Council's Cabinet to consider the future use of Oliver House as a Specialist Community Resource that will provide access to a range of health and social care services in a single central location.

Organisations supporting this proposal...

York Mind
York Independent Living Network
York Citizens Advice Bureau
York Council for Voluntary Service
York Carers Centre
York Blind & Partially Sighted Society
York LINK
York Carers Forum
Relate
Foundation
Age UK York
Independent Living Scheme
Wilf Ward Family Trust
York Older People's Assembly
United Response
North Yorkshire & York Credit Union
Family Mediation Service
The Healing Clinic
Lives Unlimited
York Childcare
York Women's Counselling Service

Alzheimer's Society - York & Selby
The Change Foundation
York Race Equality Network

Collectively, these organisations will seek to refurbish the building to provide a variety of facilities that are fit for purpose which could include;

- A comprehensive information service and practical health and social care resources for the public
- Office accommodation for a number of voluntary organisations and social enterprises, with shared back office functions to minimise operational costs and maximise efficiencies
- Interview rooms for one-to-one advice and counselling work
- A community cafe with supported employment placements
- Flexible spaces for community activities including an autism hub, providing services for both adults accessing services and for transition customers
- Assessment facilities for people requiring adaptation equipment
- affordable, accessible meeting space for the voluntary and statutory sectors

In return for local authority commitment to this project, the voluntary sector organisations will seek long term investment and hope to secure funding from a variety of sources to renew and enhance the property. The building will be refurbished to inclusive design standards and incorporate environmental technology to reduce energy costs and increase sustainability.

By bringing together groups with similar aims, it is anticipated that services will be integrated and streamlined, allowing organisations based in Oliver House to develop a model of best practice and to create exemplar facilities within the city.

Benefits for City of York Council

The creation of a Specialist Community Resource will simplify signposting to voluntary organisations for local authority staff, an essential component of the new HealthWatch contract and create a 'one-stop shop' for people to get good quality information about support options available to facilitate the personalisation agenda.

The central location, near the new West Offices Headquarters, will enable stronger working relationships to develop between the council

and specialist health and social care organisations to facilitate innovative service delivery. This will assist the City of York Council to address issues arising from an ageing population and increasing care needs at a time of ongoing reductions in state funding.

The creation of this new community facility reflects the Council's commitment to partnership working with local communities and would be an ideal flagship project for the Co-operative Council network, giving local people choice and control over the services they use. This would cement York's position as leading innovation in action nationally.

The creation of shared, flexible space will enable existing groups to develop new and creative ways of delivering support. In line with the Personalisation agenda, the facility will respond to existing market data, and undertake research, to ensure the hub provides the new services people demand, increasing individual's choice and control in accessing the support they want.

There are expectations that the voluntary and community sector will pick up support for people with low and moderate support needs as the council's eligibility criteria reduces from moderate to critical and substantial. Through supporting voluntary and community organisations with secure and sustainable facilities, this will free up the resources needed within the sector to focus on the challenges ahead. Enabling groups to work together and identify gaps in service will lead to increased preventative work. This is essential if a social care funding crisis is to be averted.

Along with the Priory Street Centre, the building will enable existing community and voluntary organisations in the area to pilot opportunities around the development of Community Contracts. Tapping into existing groups like the Micklegate Residents Action Group, the Bishophill Action Group, and the We Are Your Emporium collective, and developing learning from the current timebanking pilot in Westfield, the building provides a hub for ongoing community development activity.

The building will also provide the foundations for an Autism Hub, currently being developed by commissioners in Adults, Children and Education. As this service is likely to be commissioned from a voluntary or social enterprise provider, this will enable that provider to develop strong partnerships with the wider sector.

Benefits for Voluntary and Social Enterprise Organisations

Shared back office functions will reduce administration costs and enable a greater investment in frontline service delivery. Similarly, joint working will highlight any areas of duplication, creating greater efficiencies and an increased capacity to provide universal and preventative services.

The building's close proximity to Priory Street Centre and Clements Hall will create a greater sense of a 'Voluntary Quarter' in York, and enable these complimentary venues to work together to maximise sustainable income streams.

A number of voluntary organisations based at Holgate Villa, and at risk of losing their existing central premises, could be relocated. This development will secure their future, enabling them to continue to provide valued services within a central location. Organisations based at Holgate Villa include...

York Blind & Partially Sighted Society
York LINK
York Older People's Assembly
North Yorkshire & York Credit Union
Alzheimer's Society - York & Selby
Alzheimer's Society - Regional office
Family Mediation Service / Child Contact Centre
Action for Advocacy

Benefits for Individuals

A Specialist Community Resource will reduce confusion for individuals in times of need, and enable people to access a range of services in one place. People will have more awareness of the services available to them.

Other Benefits

Micklegate has recently seen a number of shop closures, and the area needs revitalising. Increased footfall through this area, either into town or to the station from people working in and accessing the resource, will provide a much-needed boost to local businesses.

Bishophill is a quiet residential area. Use of the building as a health and social care and community hub will bring minimum disruption to the local community, and provide a focal point for existing community activity.

Initial discussions with a number of local residents indicates they are supportive of this proposal.

Potential models for the development

The organisations looking to move this project forward will consider a variety of financial models, including a Community Asset Transfer, rent, leasehold or purchase arrangements. However, the viability of these options will need further consideration at the business planning stage. An initial approach will be made to Joseph Rowntree Foundation's small grants fund for funding to complete a full options appraisal. This will also raise awareness of the project within Joseph Rowntree Foundation.

Options and financial models for Oliver House

Option 1 - Council retain and maintain the building, tenants pay rental income on the property.

Existing rented offices in the city attract a range of rental incomes per square metre, based on market rates, target audience and quality of accommodation. The table below uses existing rental charges in the city to show the potential rental income from Oliver House;

	Holgate Villa	15 Priory Street	17 Priory Street	West Offices
cost / sqm	£111 p/a	£120 p/a	£105.60 p/a	£160
service charge / sqm	included (repairing and insuring lease)	£65.60 p/a	£65.60 p/a	unknown
possible income based on existing footprint of OH - total area inc garages 0.56 acres	£251,526	£271,920	£239,289	£362,560

Option 2 - Council lease the building to a management group, who are responsible for running and maintaining the building.

The management group could be a consortium of existing voluntary organisations and social enterprises. There are also voluntary organisations who specialise in taking on and running community spaces, who may be interested in taking the building on.

Option 3 - Council sell the building to a management group who secure the asset for voluntary, community and social enterprise use. A suitable legal vehicle for doing this will be identified, possibly something like a Community Benefit Society, or BenCom.

This can be financed through a mixture of loan and grant finance, including a mortgage with a specialist voluntary sector lender, such as Unity Trust Bank or Charity Bank. The management group will develop a 20 year business plan to pay back all loans attached to the building. This improves the sustainability of the sector long term, enabling them to focus on meeting local needs. Currently Holgate Villa VCSE tenants pay in excess of £100,000 p/a in rent. A £500,000 repayment loan spread over 20 years at a 10% AIR would total £57,900 p/a.

Overarching ideas - Community Asset Transfer.

City of York Council can dispose of Oliver House to a properly constituted community group at preferential rates in various ways including freehold, a long lease, a shorter lease or a licence to occupy. The constituted group then takes on responsibility for running and maintaining the facility for the benefit of the local community and/or communities of interest within the city.

The partners will work to develop a detailed fundraising strategy for either refurbishment or rebuild costs. Possible options include;

- Department of Health Social Enterprise Investment Fund
- Big Lottery Funding (Awards for All, Reaching Communities)
- Applications to relevant grant funding bodies
 - Tudor Trust (innovative responses to community needs)
 - Henry Smith (health)
 - Esmée Fairbairn (addressing gaps in provision)
 - Garfield Weston (general giving, including welfare, health, environment)
 - Hedley Foundation (encouraging development and change)

- Registering on the Big Give website
- Crowdfunding through Crowdcube, pleasefund.us or similar, making use of all partners social media networks
- Loan and grant funding from Keyfund
- Fundraising and income generating activities organised through the partnership

Conventional cost benefit analysis does not capture the true value for the city of this project. Valuing hidden costs and benefits to the city will ensure the most effective and efficient use of valuable and scarce resources.

Another consideration for the council is a lack of affordable and accessible start up space for emerging voluntary, community, and social enterprise organisations. If they are minded to do so, there may be opportunities to work with the local authority in securing such space within this development, or through working with existing venues to make most effective use of the space available.

Should our request not be successful in securing Oliver House, we would be interested in working with the local authority to develop plans for use of other vacant, accessible properties as they become available.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Cabinet**15 May 2012**

Report of the Cabinet Member for Corporate Services

Exploring opportunities for the Future of the Guildhall**Summary**

1. The purpose of this report is to :

- provide Cabinet with a summary of the recent options appraisal and heritage significance / views analysis study undertaken for the Guildhall complex – the complete reports are available (in the members library and on line with this report)
- confirm Cabinet support for running a Royal Institute of British Architects RIBA Open Ideas Competition where the timetable would see the results available in December 2012 to coincide with the first moves in the new council office.

Background

2. Cabinet resolved on 4 December 2011 to minimise the council's future use of the Guildhall and authorised the director of City Strategy to investigate options for the future of the Guildhall.
3. This generated some debate in *The Press* (30/1/12) which necessarily confirmed the strength of local feeling about this important and historic public building in the City.
4. Following a tender exercise in autumn 2011, architects Purcell Miller Triton PMT were commissioned to undertake an assessment of heritage significance, a views analysis and an informed options appraisal of the Guildhall complex*. The study was funded by Yorkshire Forward, English Heritage and CYC and has delivered on the brief objectives – setting out :

- The Heritage Significance of the Guildhall Complex
- A views analysis with respect to the Guildhall's location on the Riverside.
- An options appraisal highlighting opportunities for possible future uses / configurations.

5. *For the purposes of the study we defined the Guildhall complex as :

- The Guildhall itself (the medieval Hall)
- The Council Chamber, committee rooms and ancillary offices
- The C20th office annex and hutments.
- The surrounding spaces including the Guildhall Yard and the Riverside.

6. The Guildhall and associated riverside committee rooms are listed grade I and the council chamber and associated offices are listed grade II.

7. The headline findings :

- Overall the fabric of the buildings is of national significance, but the Guildhall itself was extensively re-built post-war following the bomb damage so it is not a pristine medieval guildhall.
- The complex has very high communal value and significance reflecting its integral role in the History of the City.
- The Guildhall is an important part of the York Riverside and is seen in views from City Bridges and across / along the river.
- There are some genuinely exciting opportunities and possibilities for creative re-use and the potential for redevelopment of parts of the site where there are lower levels of heritage significance in the existing fabric.

Summary of Key Issues

8. Planning for the future of the Guildhall complex is critical for the council where the costs of continuing to operate the buildings are significant, and where the future use options for the majority of the office floorspace and the intensity of use of meeting rooms beyond the move the new HQ are uncertain.
9. The 'do nothing option' simply does not exist, because of the future cost to the council and the need to secure beneficial use for this key heritage asset and to ensure that there is no longer term deterioration in condition.
10. The council must therefore plan pro-actively to secure the future of the complex. The relationship with the Mansion House is recognised and has been integral to the options appraisal study.
11. Where 'the guildhall' is actually a complex of buildings the options appraisal clearly splits the guildhall complex into 4 elements :
 - The Guildhall itself (the medieval Hall)
 - The Council chamber, committee rooms and ancillary offices
 - The C20th office annex and hutments.
 - The surrounding spaces including Guildhall Yard and the Riverside.
12. The study highlights the strengths and weakness of each aspect
 - The Guildhall itself – a large capacity city centre venue but with poor ancillary facilities / cross circulation / poor thermal and acoustic performance. Very significant and to be retained with upgrading needed.
 - The Council chamber / committee rooms and ancillary offices -a purpose built council chamber and imposing meeting rooms with the layout , capacity and gravitas necessary to best facilitate formal meetings – but suffering from poor IT facilities / thermal / acoustic performance and below standard physical accessibility / legibility. Very Significant and to be retained, but improvements are needed to improve the facilities.
 - The C20th office annex and hutments – office accommodation adjacent to the other elements and in a prime city centre location – relatively poor quality and limited

flexibility – no distinct access. Not significant apart from the River frontage, some opportunity for re-development.

- The surrounding spaces including Guildhall Yard and the Riverside. The Riverside setting is a key asset and there is a longstanding council aspiration for a Riverside Walkway. The Guildhall Yard should be seen as a City space. And the York Boat Yard which is owned by the Council currently has restricted access. A holistic approach would add value to the whole area.

An RIBA Open Ideas Design Competition

13. A meeting with the RIBA competitions office (based in Leeds) has confirmed that an **RIBA Open Ideas competition – see annex 1** - is likely to attract significant interest and almost certainly attract interest from high profile practices and potentially including international interest.
14. The key benefit of an open ideas competition is as a design exercise to stimulate ideas and encourage 'blue Sky thinking' to explore the opportunities afforded by this unique setting.
15. The 'Open Ideas' format allows for exhibition of creative thinking, but with no commitment to proceed beyond the competition stage by the council.
16. There is a cost to running such a competition, and this is set out at annex 1. However the RIBA format is the industry standard and the RIBA brand is nationally and internationally recognised. The cost to the council could be reduced through sponsorship contributions from across the City.
17. Informal discussions with potential partners have indicated support in principle for sponsoring a competition to make it a 'City' competition as opposed to a 'Council' competition. Contacts should be individually followed up if this approach is agreed. A recent RIBA Housing Design Competition in Salford involved partners including Council / NHS / University / BRE.
18. York Boat have confirmed a willingness to engage with a process that considers the future of the whole area, including the York Boatyard and buildings, where the potential to look at the area

holistically is clearly 'good planning'. This is clearly on a without prejudice basis.

19. The competition has the potential to attract media coverage, especially in the design / architectural / planning / property journals and to raise the profile of the City. A clear demonstration of the potential of this part of the City could significantly increase interest in the Guildhall complex which may be key to securing investment in its future.
20. The competition brief would directly respond to the council's aspirations to be a leading environmentally friendly City and a centre for conservation excellence by specifically asking for entries to consider how new elements could combine with effective retro fit to the existing fabric to achieve a zero carbon development.
21. There is also significant interest in economic development terms for securing a location for high quality serviced office accommodation in the City centre for creative / digital businesses to capitalise on York's leading broadband offer. The guildhall offers a great location and the competition brief could specifically include this.
22. Key here is seeing the '**Connectivity**' as both physical – achieving a better integration between the site and the wider city and realising the wider ambition of a riverside walkway. But also ensuring that the competition showcases the City's digital connectivity potential as part of a world class business network.

Consultation

23. The RIBA Open Ideas competition option has been discussed informally with :
 - the RIBA competitions office – to confirm the suitability.
 - CYC Property Asset management team
 - York Boat as being directly affected and as a CYC tenant.
 - Potential sponsor organisations
24. There is agreement and support for the idea which would enable a wider debate across the City about the future of the Guildhall

complex, where entries can be exhibited (in the Guildhall itself) and for a process which should see imaginative solutions proposed which both respect the central role of the Guildhall in City life and its status as a listed building, and reinforce this with modern and vibrant new use patterns and better connectivity to the Riverside as a key city asset.

Options Appraisal

25. If the options for the future of the Guildhall as set out in the PMT report are to be carefully considered and progressed. The question is how best to do this?
26. This could be done in a more traditional way by directly commissioning further and more detailed feasibility studies to build on the options appraisal work already undertaken.
27. However, appointing a project team to undertake a detailed feasibility to take forward the suggestions in the options appraisal would require a clear CYC lead and would also require some decisions to be taken now re requirements, specifically for the council chamber and ancillary offices / meeting spaces, and the other requirements.
28. This option would also require the identification of a specific project budget
29. The option to launch an RIBA open ideas competition would cost approx. £35,000 and has the following advantages :
 - Management of the process by RIBA competitions office in accordance with RIBA standards securing
 - National and potentially international interest and the opportunity to benefit from a range of innovative design ideas and approaches for the most beneficial use of this key part of the City on a without prejudice basis.
 - Significant publicity about the project which has the potential to translate into interest in taking a project forward.

- The clear potential to enhance York's reputation as being open for business and receptive and responsive to high quality contextual contemporary design.
 - A relatively low cost option which allows other considerations to progress in parallel.
30. The ability to link the ideas and principles of **physical connectivity** with **digital connectivity** as a means of building on York's dual strengths of world class heritage and world class digital connectivity can be exploited. - York was founded on the basis of being a key location for communications routes – there is a clear aspiration to build its future success on digital connectivity.

Options

31. Option 1 – to note the options appraisal work carried out by PMT and agree the proposal to proceed with an RIBA Open Ideas Competition. An officer group working would prepare a detailed brief for the RIBA Open Ideas Competition to be launched in September 2012.
32. Option 2 – to note the options appraisal work carried out by PMT and commission further detailed studies as suggested to investigate the potential for future uses and ownership options by directly commissioning additional feasibility work.
33. Option 3 – to note the options appraisal work and take no further action.

Analysis

34. Option 1 – offers an approach which considers the future opportunities for the Guildhall complex in a more innovative and open way and which may generate interest in a long term solution – initially at low cost to the council. Although some additional work may still be required on specific aspects relating to the council's future use requirements.
35. Option 2 – offers a route to securing the future of the Guildhall complex which requires a greater level of direct involvement by the council immediately and funding for additional studies.

36. Option 3 – acknowledges the work to date but takes not further action to secure the future of the Guildhall complex.

Council Plan

37. The (option 1) proposal will deliver on the Council Plan objective of holding an RIBA design competition and deliver on the objective of promoting the highest standards of sustainable contemporary design in the City to complement our outstanding architectural legacy. The location on the City Riverside and adjacent to the award winning (in 2001) City Screen development to the east of the Guildhall can be used to maximum advantage.

Implications

38. The report has the following implications:
- **Financial** – running and RIBA competition would cost the council a maximum of £35,000, but these costs should be reduced where partners across the City contribute to these costs by sponsoring the competition. Funding has been secured from the Delivery and Innovation Fund.
 - **Human Resources (HR)** – There are no HR implications – the competition is effectively run by the RIBA competitions office based in Leeds with the Head of Design Conservation and Sustainable Development as the main council contact.
 - **Equalities** – There are no direct Equalities implications – Accessibility will be key to the future use requirements
 - **Legal** – Although there is no obligation to proceed with the winning entry the Council need to ensure that the competition is run in a way that gives it the option to proceed. The application of EU procurement rules will therefore need to be taken into account in the management of the competition. The legal rights of the tenants of the York Boat site will need to be respected in moving forward with any proposal and their involvement at this stage is clearly sensible.
 - **Crime and Disorder** – There are no Crime & Disorder implications – any future scheme would have to meet appropriate standards.
 - **Information Technology (IT)** – There are no direct IT implications
 - **Property** – The council own the Guildhall complex and York boat yard. The option proposed is to pro-actively consider the

future of the complex, by seeking innovative solutions for its retention/ redevelopment.

- **Other** – There are no other implications

Risk Management

39. There is a real risk to the council's reputation of not securing the future of the Guildhall and of significant ongoing costs and liabilities accruing where a viable future use is not secured.

Recommendations

40. Cabinet are asked to agree option 1 as set out in the report above.

Reason – To facilitate the exploration of options for the future of the Guildhall in an innovative and cost effective way – that will generate publicity for the City and the site; facilitate a level of consultation and with the potential for securing interest in progressing a solution.

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Report
Approved

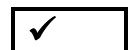


Date 04 May 2012

Cabinet Member
responsible for report:
Cllr J Gunnell, Cabinet
Member for Corporate
Services

Specialist Implications Officer(s): N/A

Wards Affected: *List wards or tick box to indicate all* **All**



For further information please contact the author of the report

Background Papers:

PMT Options appraisal report available online / in members library.

Annexes

1. RIBA open ideas competition format
2. York Guildhall Options Appraisal and heritage significance / views analysis study undertaken for the Guildhall complex (attached online to the report and copies in the members' library)



The Open Ideas Competition

Introduction

The RIBA has a dedicated unit to help clients and procurement professionals select the best designer or design solution for their particular projects. Established for over 25 years, RIBA Competitions has an international reputation for organising selection processes that encourage excellence in design in architecture, landscape architecture, urban design and the public realm. RIBA Competitions has managed bespoke design competitions for a diverse range of clients, project types (buildings, structures, public realm/artworks) and budgets. The impartial nature of the service ensures that design professionals compete with one another on an equal and fair basis, with RIBA Competitions acting as the designated point of contact between the client, the RIBA Adviser and competitors. Competitive processes organised by RIBA Competitions can dovetail with and satisfy the requirements of European Union procurement legislation.

A list of RIBA Competitions' past clients, testimonials and case studies is available via www.architecture.com/competitions

The Open Ideas Competition

Ideas competitions carry no commitment by the client to appoint a winning designer. An Ideas Competition is used primarily as a design exercise to stimulate ideas and encourage 'blue-sky thinking' by exploring specific areas of architecture, planning, engineering and design.

An Open Ideas Competition format provides any eligible design professional with the opportunity of applying for the competition brief and submitting a design proposal. The competition may be open to architects and/or people from related disciplines (such as landscape architects, urban designers, engineers, public artists etc). Where appropriate, students of these design disciplines can also be encouraged to apply. Designs are judged anonymously and a first, second and third prize is awarded. Where there is a possibility that the client may commission the winning designer in the future, then it may be appropriate to introduce a second stage involving interviews with a shortlist before a winner is selected.

If there is a possibility of the project being taken forward post-competition then EU procurement regulations may apply. Responsibility for compliance with EU procurement legislation rests solely with the client body.

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Leeds LS2 7EW UK
Tel +44 (0)113 234 1335
riba.competitions@
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www.architecture.com



Competition Format

1. Competition publicised

RIBA Competitions publicises the competition in the architectural press, via the RIBA website and social networking links. Other relevant trade journals may also be targeted. The launch information directs applicants to RIBA Competitions for further information.

2. Brief available

Anyone eligible to enter from the design disciplines indicated would be able to take part in the competition and submit a design, upon payment of a documentation fee (usually around £75.00 + VAT, with a reduced fee for students). Income from these fees is retained by RIBA Competitions and is used to offset the time and expenses associated with the open competition format.

RIBA Competitions is able to co-ordinate production of the competition brief. An indication of the likely charge for a web based brief is provided in the Costs section.

3. Design period

Approximately eight weeks is usually given for the design phase. Within the design period, competitors are given the opportunity to raise written questions on the brief, via RIBA Competitions. Replies to all questions are circulated to all competitors (to ensure all participants have access to the same information).

4. Submission of designs

Designs are submitted in a given format and by a given deadline. Stage one schemes are generally submitted and assessed anonymously. Submissions generally take the form of A1 or A2 design boards accompanied by a short written report. Architectural models do not form part of a standard submission.

5. Assessment

The Jury Panel (see below) meets to assess the (anonymous) entries and make their selection. A first, second and third prize is then selected.

In RIBA Competitions copyright always rest with the author of the design. However images of any design may be used for promotional purposes associated with the competition

Jury Panel, appointment of an RIBA Adviser & Jury Report

The Jury Panel should be named at the time of the competition launch, or at least the make-up of the Panel should be stated. The Panel should be kept to a reasonable number (ideally no more than seven people) and provide a broad representation of skills and expertise. RIBA Competitions will provide you with a tailored shortlist of

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architects for you to select an adviser. The adviser is a critical part of the process, providing you with an independent viewpoint and an appreciation of a wide spectrum of possible approaches to your project. The appointed RIBA Adviser is usually invited to be a voting member of the Jury Panel.

At the conclusion of the competition a Jury Report is sent to all competitors. The report provides evidence of a fair process of judgement, a record of decisions made and reasons for them. A draft Jury Report is prepared by the RIBA Adviser in conjunction with RIBA Competitions and circulated for client and panel approval before issue.

Scope of Services / Additional Service Packages

We would work with you to tailor the scope of services to meet your competition requirements. RIBA Competitions is also able to provide a range of additional PR and marketing opportunities - further details of which can be provided on request.

Timetable

We would work with you to establish a competitive process to fit your timescale. An Open ideas competition typically takes about 18 weeks from competition launch to selection of a winner.

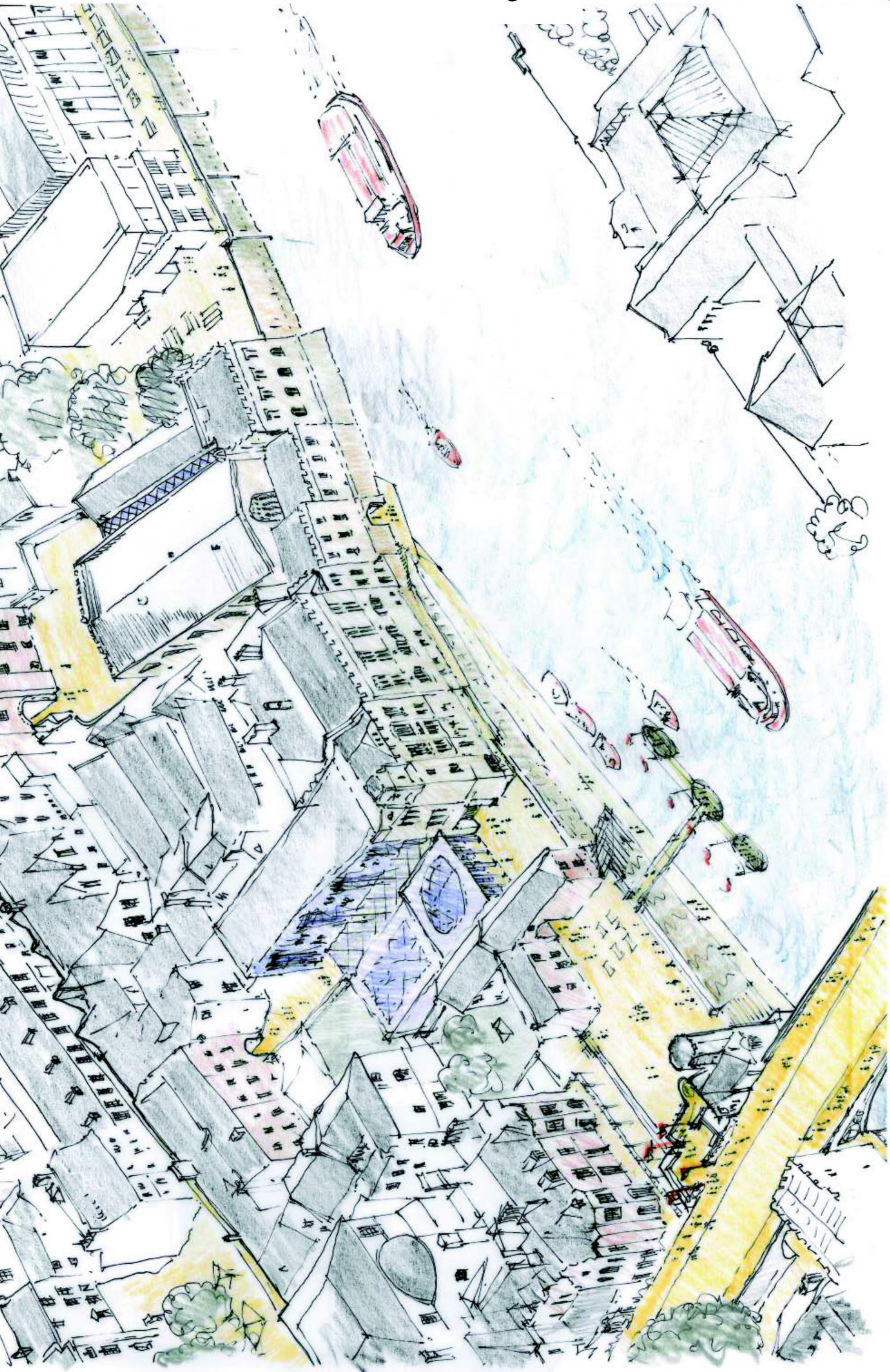
Based on an Open Ideas Design Competition route

Prepared for City of York Council draft Timetable V3

Nominations for role of RIBA Adviser	w/c 16 April 2012
Appoint RIBA Adviser	June/July 2012
Finalise Competition Brief/Website	August 2012
Competition Launch	w/c 10 September 2012
Submission Deadline	Tuesday 6 November 2012
Assessment of Stage One Designs/Shortlist Identified	w/c 12 November 2012

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Shortlist notified	w/c 19 November 2012
Exhibition of Shortlisted Designs / Public Consultation	w/c 26 November 2012
Final Interviews / Presentations	w/c 10 December 2012
Result	December 2012



THE GUILDHALL, YORK OPTIONS APPRAISAL



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FOREWORD

The York Guildhall complex is currently owned and occupied by the City of York Council. In advance of moving into their new headquarters at West Offices, the Council is considering the future use and enhancement of the complex as part of its accommodation strategy.

To inform this process Purcell Miller Tritton have been commissioned by the City of York Council to prepare:

- A **Statement of Significance** to understand the origins and historical development at the Guildhall complex, what survives today and how significance the site is;
- A **Key Views Analysis** to understand the setting of the Guildhall and identify the principal views from a range of important vantage points;
- An **Options Appraisal** informed by the understanding of the complex and its significance as set out in the Statement of Significance and Key Views Analysis. The Options Appraisal explores opportunities for innovative new uses that also address the potential for retrofitting the existing buildings for energy efficiency. The Options Appraisal also identifies ways in which to improve public access to the complex and its setting, especially the riverside of the Ouse. The Options Appraisal has also taken into consideration and been informed by a number of relevant existing studies and reports, including the Quinquennial Inspection Report 2007; the Equality Impact Assessment 2011 and Disability Access Audit Report 2007 and City Of York Light Plan 2006.

Executive Summary of the Options Appraisal

The findings of this study for reuse of the Guildhall complex and wider site are summarised:

- The **Guildhall** is developed with ancillary supporting toilets, kitchen and access improvements in the east wing so that it can provide an attractive venue for public and civic events, lectures and conferences, private functions with food and drink, exhibitions and small business commerce and markets.
 - The **Guildhall Offices** continue to accommodate the civic duties associated with the Council Chamber with designated supporting meeting and office accommodation. Accessibility improvements will be made including new passenger lift to all floors from the improved reception space.
 - The **Guildhall Annexe and Hutments** are proposed for redevelopment to form a virtual office base and a new creative businesses hub with meeting rooms, conference space, tenanted office suites, gallery and tenants lounge.
 - External landscape, lighting and accessibility improvements are recommended to
- Common Hall Yard.**
- A wider site analysis to the York Boat Yard and **Riverfront** proposes access to the river front and a new raised terrace accessed from Lendal Bridge and connecting to a new boat landing area.

Christopher Cotton RIBA AABC
 Purcell Miller Tritton
 29 Marygate, YORK
 February 2012

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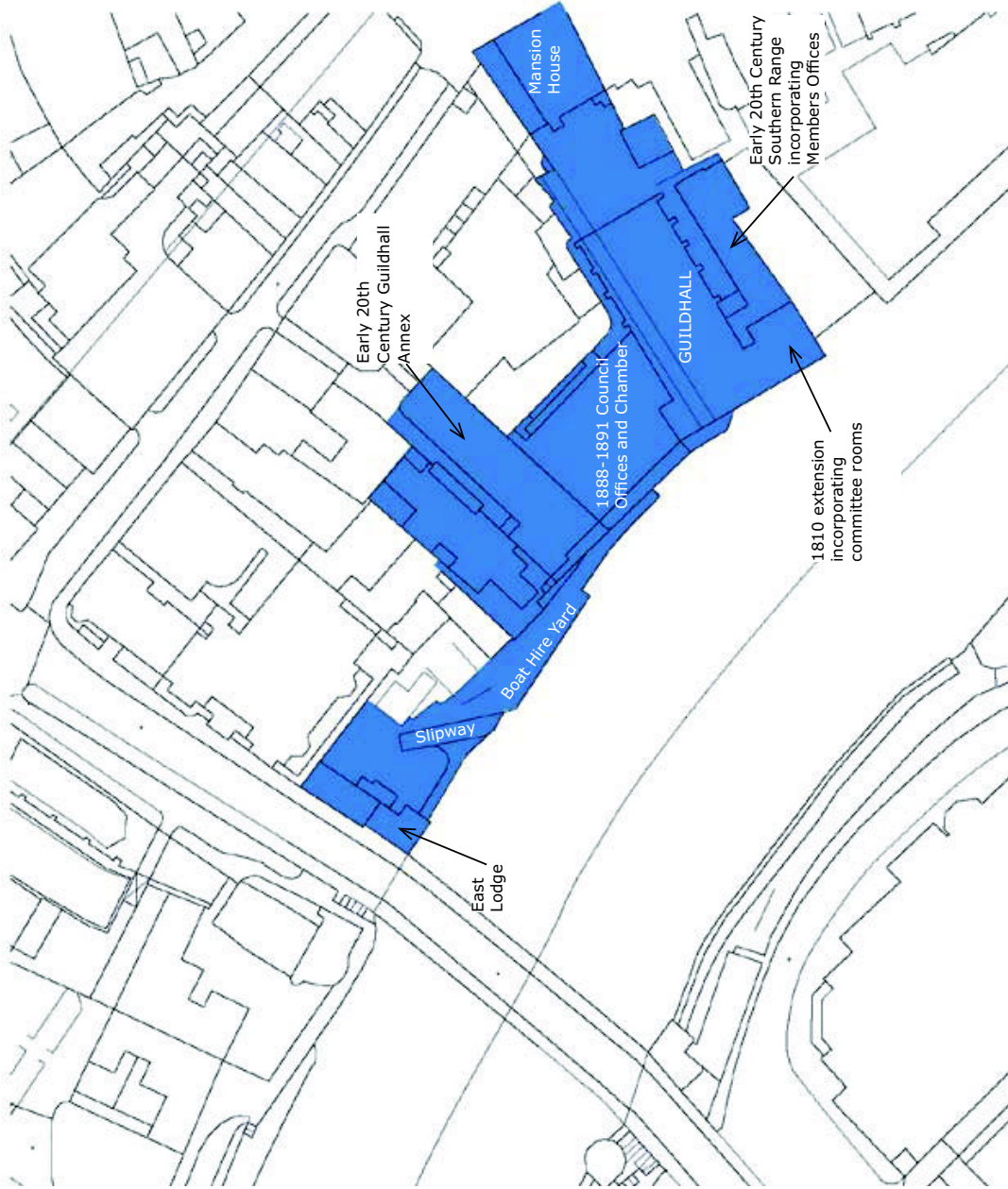
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The Guildhall complex from the River Ouse

Guildhall Site - Listed



Site plan with the main heritage assets and features marked

Summary of the Statement of Significance

Historical Summary and Architectural Character

The current Guildhall was built by the lord-mayor, corporation and the community of the Guild of St Christopher from 1445. This took place on the site of an earlier Guildhall building. A chapel, kitchen, buttery, pantry and maison dieu (sheltering the poor and infirm) were built in association with the 15th century Guildhall, although none of these have survived. The Mansion House was erected on the site of the former chapel in 1726. A two-storey chamber block was added to the Guildhall on the south side in 1810. It was designed by Peter Atkinson the younger, the City Steward. These rooms accommodated the Upper and Lower Council Chambers of the Corporation when they moved from offices on Ouse Bridge. In 1889-1891 E. G. Mawbey, the City Surveyor, built the Victorian Gothic Council Chamber and associated offices on the north side of the 15th century building. The South Range was added c.1900 on the east side of the Atkinson Block and functioned as cells during Assizes. It also included offices and additional WCs. The North Annex, also erected in c.1900, was used by the post office. It was added to the north side of the 1889 offices. In the 1920s the rockery in Common Hall Yard was established and the garages erected. Sadly, the medieval Guildhall was heavily damaged during a German Baedeker raid in April 1942, although the Assizes and other civic events continued to be held in the shell of the building. In the 1960s the repaired and restored Guildhall was opened by Her Majesty Queen Elizabeth the Queen Mother.

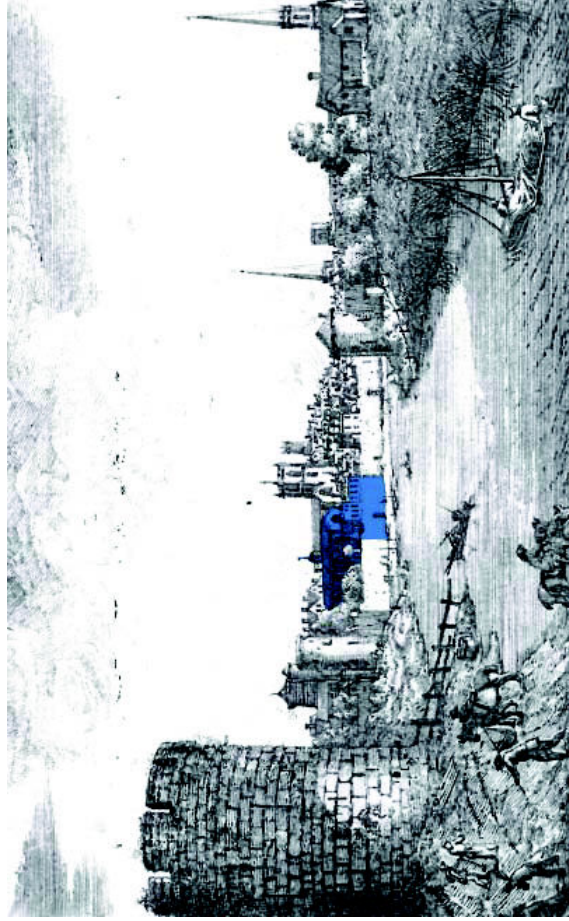
York's Guildhall stands on the east bank of the River Ouse, between Lendal Bridge and Ouse Bridge. Further to the east, along the Coney Street side, it is set back behind the 18th century Mansion House and is fronted by a courtyard known as 'Common Hall Yard'. From Coney Street it is accessed via a passageway, formerly part of Common Hall Lane. This lane continues below the medieval Guildhall from behind a gateway in the north east corner of the yard, emerging onto the edge of the Ouse on the west side. Originally, the entrance to the lane was through a low archway in the east elevation of the Guildhall itself

The Guildhall and Municipal Offices comprise five main elements:

- The 15th century Guildhall, a large rectangular hall structure incorporating smaller Committee Rooms at the western end with cellars below. The walls are of magnesian limestone, with c.1960 restoration work in Portland oolitic limestone;
- The Atkinson Block (the former Council Chamber block), erected on the south west corner of the medieval Guildhall c1810. A two-storey block with cellars, it replaced the old Council Chamber on Ouse Bridge and became meeting rooms when the present Council Chamber was built 1889-91. The riverside elevation comprises magnesian and Portland limestones and millstone grit sandstone, with the remainder comprising 19th and 20th century brickwork;
- The Municipal Offices and Council Chamber, built against the north side of the medieval Guildhall between 1889-1891. The building is of three main storeys with a substantial basement. The riverside elevation is of magnesian limestone, while the remaining walls are of calcium silicate brickwork;
- The Post Office Building, or 'Guildhall Annex', constructed c.1900 on the north side of the Municipal Offices. The Riverside elevation is built of stone and is of four storeys. The range extending east behind the tower is built of both red and calcium silicate bricks and is of two storeys. The interior was fitted out in the late 20th century to serve as additional office space to the Municipal Offices;
- The single-storey South Range extension behind the c.1810 Council Chamber Block, incorporating cells (now strong rooms) and the former Liberal Democrat Meeting Room. The cell range is a plain brick building, while the former meeting room is a sympathetically designed magnesian limestone building.

Significance

Overall the medieval Guildhall is of high (i.e. national) significance due to its associated history, grand civic architectural character and role in the political and ceremonial life of York. It is an important example of the English medieval Guildhall and civic building type. Its fabric also conveys one of the key events in the history of York – the Baedeker raid of 29 April 1942. Externally the c.1810 extension is of high significance due to its architectural design and association with Peter Atkinson the younger. The 1889-1891 Council offices are of medium significance and the Council Chamber of high significance as the heart of democracy in York. It also retains many original features. The 20th century annexes to the north and south are deemed to be of relatively low significance, and the nearby hutments of neutral significance.



A view of the River Ouse illustrating the Guildhall with cupola and the visual importance of the Friary wall by the riverfront, Drake 1736 (based on Francis Place c.1705)

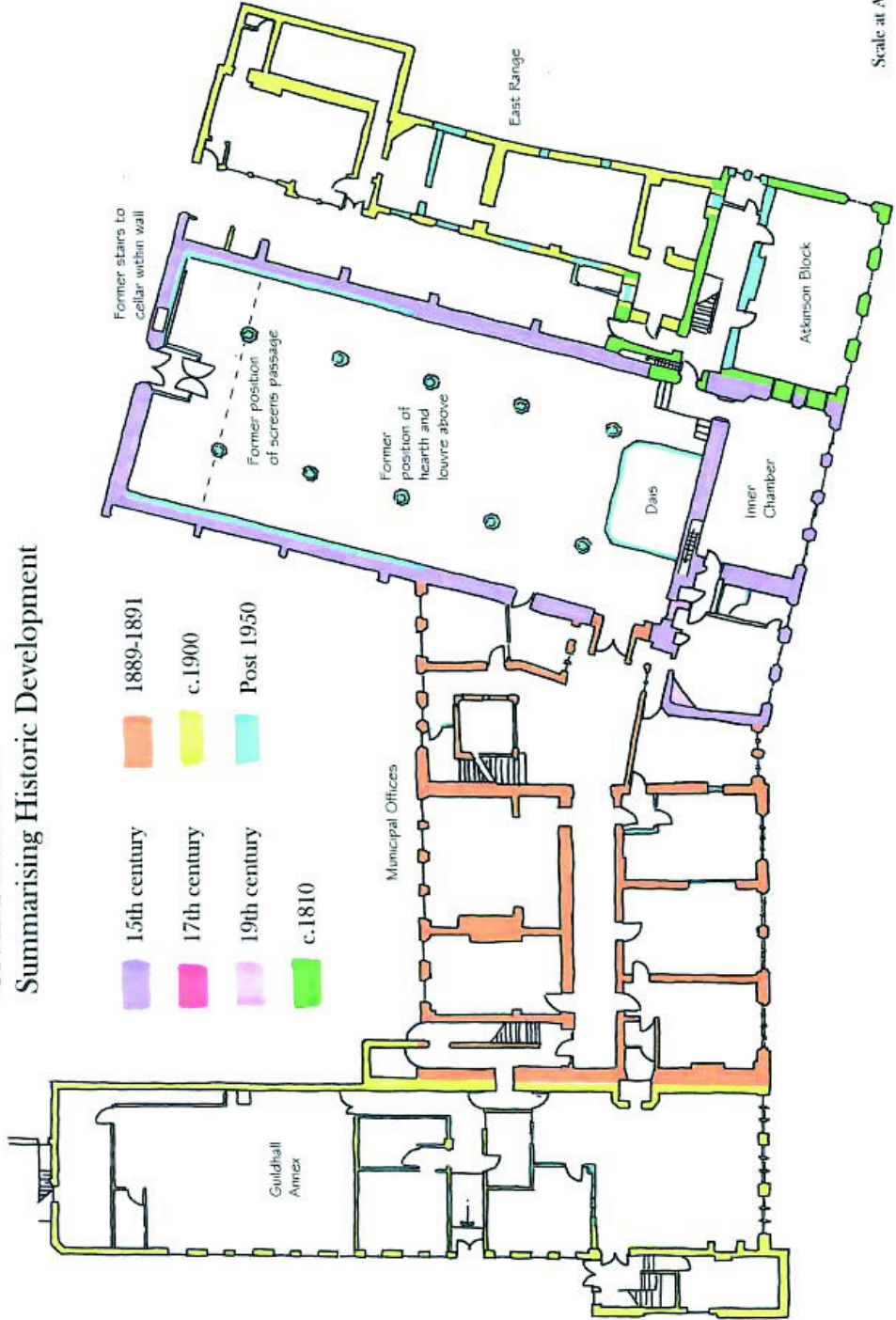


Aerial view of the River Ouse and Guildhall Complex

YORK GUILDHALL

Ground Floor Plan

Summarising Historic Development

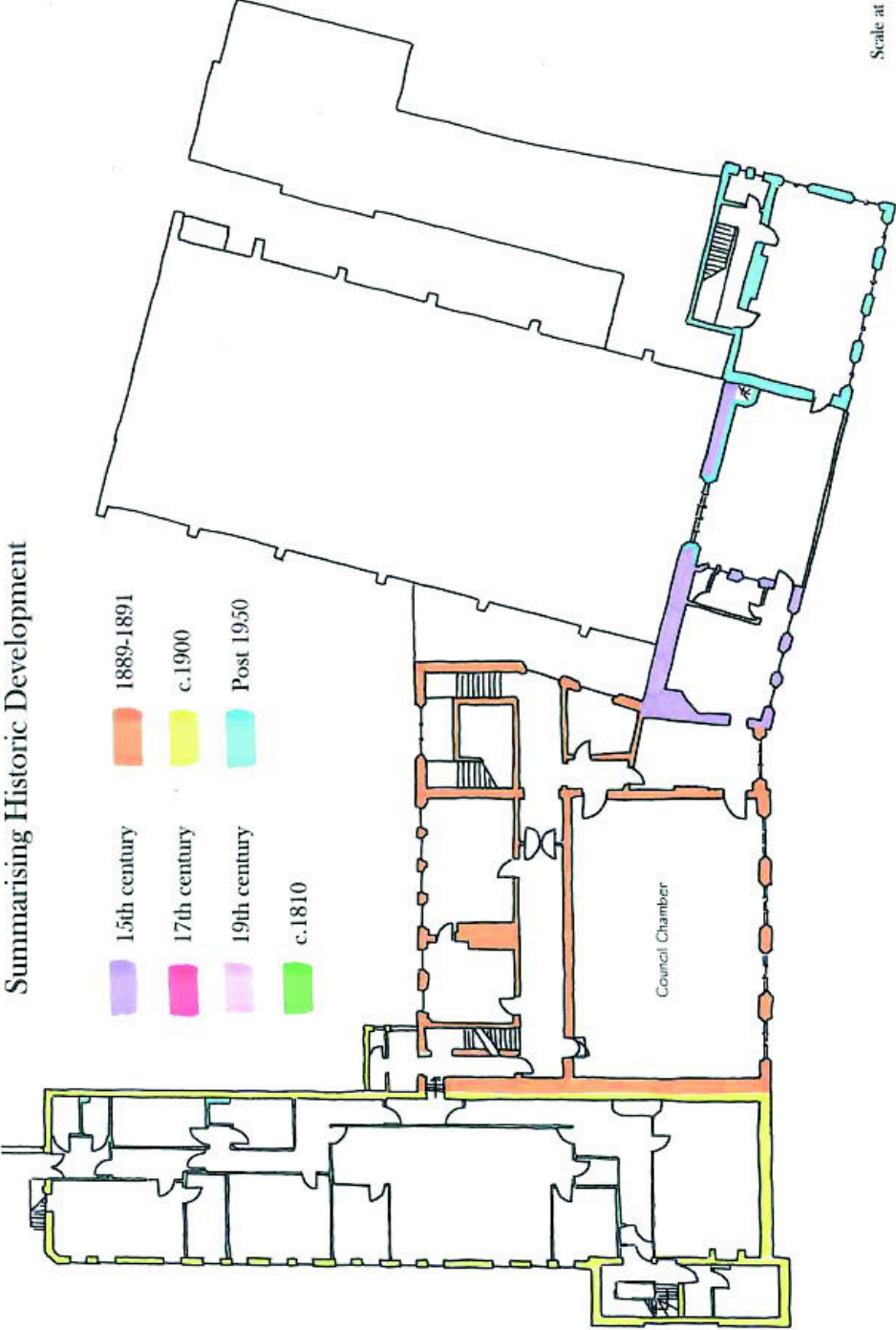


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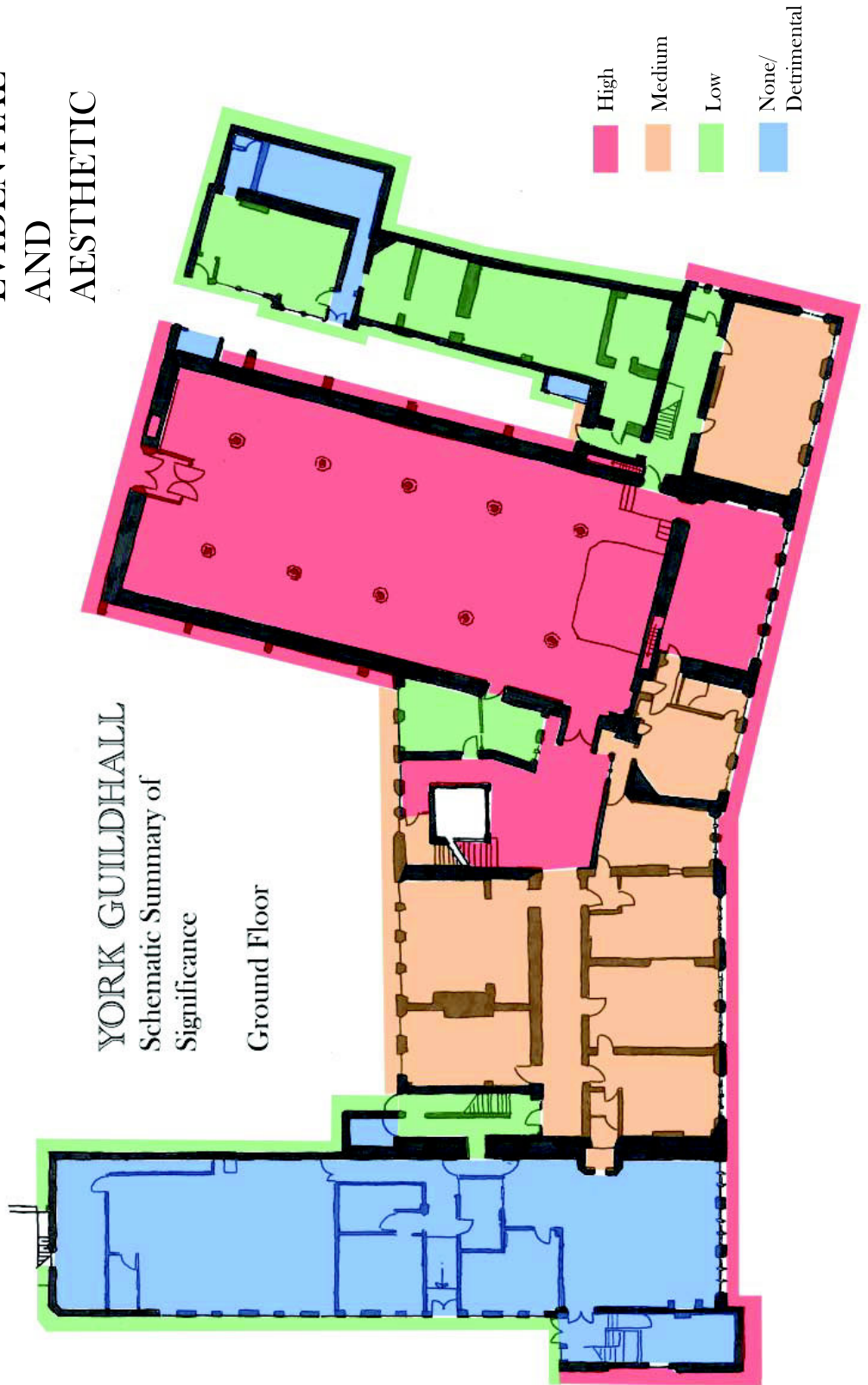
YORK GUILDHALL

First Floor Plan

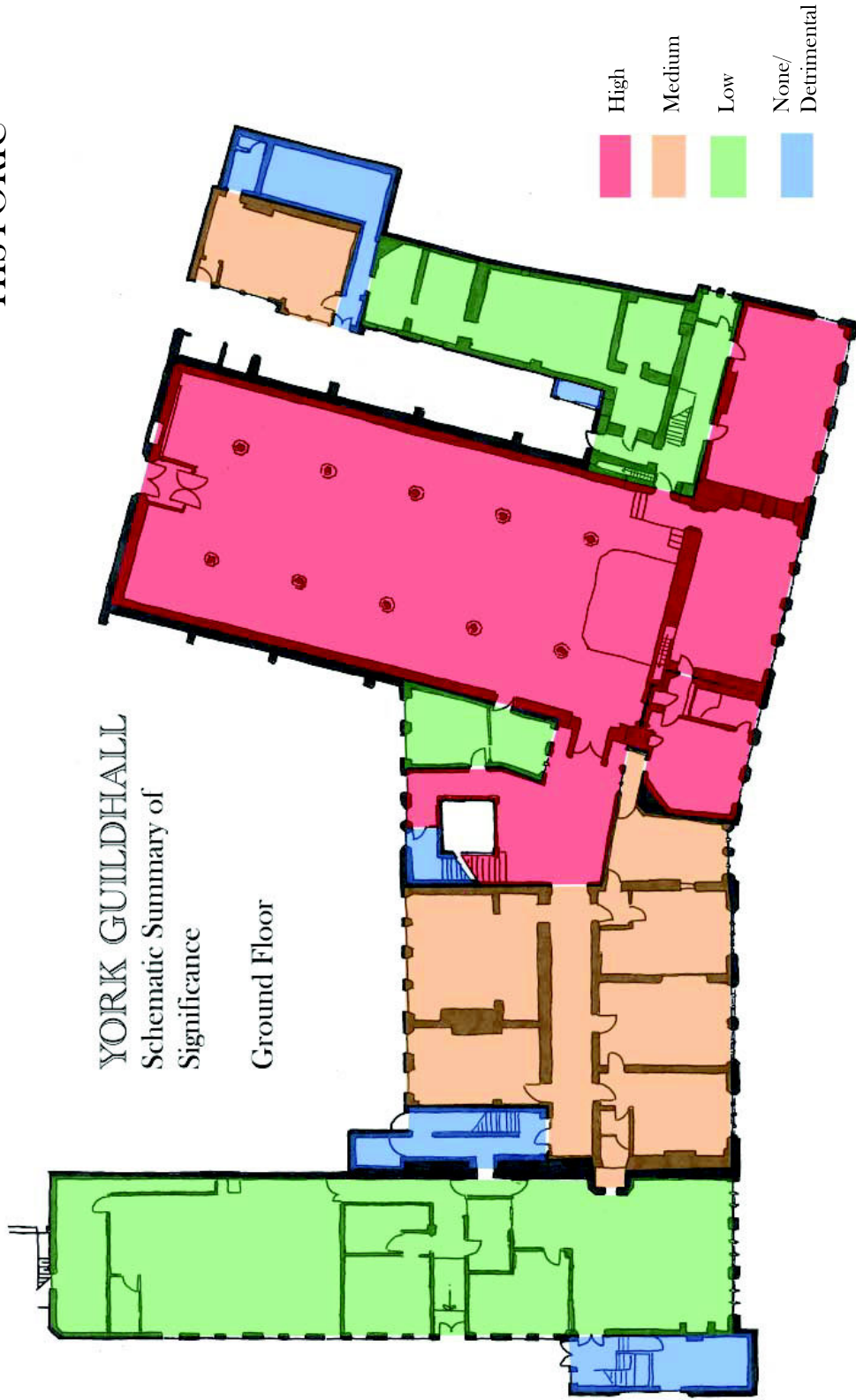
Summarising Historic Development



EVIDENTIAL
AND
AESTHETIC



HISTORIC

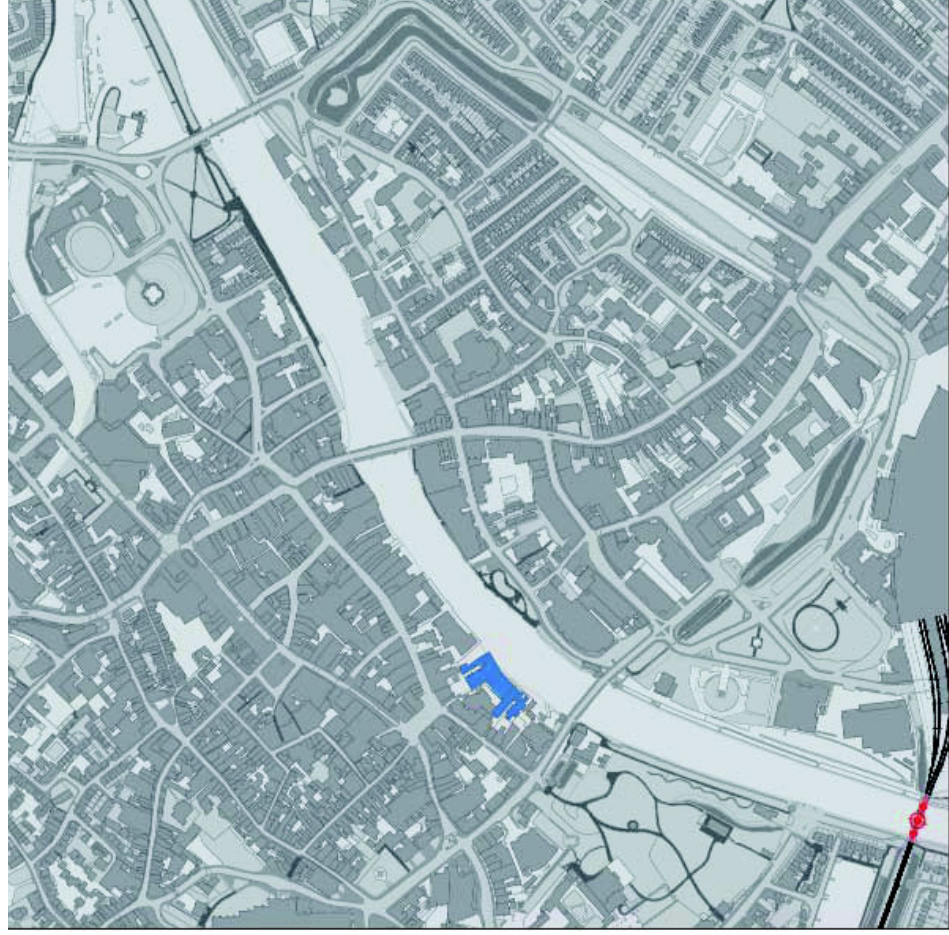


Key Views Analysis

Sixteen key views were identified that best capture the Guildhall and its setting. Of particular aesthetic value is the relationship between the Guildhall complex and the River Ouse. This is both an historic relationship and an important experience for modern visitors and residents enjoying the river and its banks. It illustrates the successful integration of architecture and natural form and is a key means of orientation within the city. The cluster of traditional buildings behind and adjacent to the Guildhall adds to the texture and interest of the setting, and therefore the aesthetic value of the site as a whole.



Key Views Analysis - view point 1



View Point 1 Location Plan

Quinquennial Inspection Report 2007

The Report, prepared by Atkins, confirmed the complex of buildings were generally in fair condition. A number of shortcomings with regard to general maintenance were observed during the inspection, the most significant relating to high level roofs and rain water goods. The buildings are affected by structural movement which is not wholly surprising given their riverside location and the large fluctuations in water level. Four areas of more specific structural concern were identified where specialist consultancy advice should be sought from qualified a structural engineer, experienced in the care and repair of historic buildings.

Further investigations in to the shrinkage and movement patterns of the internal timber frame structure of the Guildhall space were carried out. The report advised the structure was generally stable, but fluctuating environmental conditions, such as changes in relative humidity, often related to fluctuations in temperature and occupancy, were having a detrimental effect, a section of moulded timber had dried and fallen. Any major project work should seek to address these concerns through provision of improved thermal efficiency of the building, reduction in heat loss and upgraded heating and ventilation. Improving the environmental conditions will also benefit the viable use of the space.

Maintenance regimes should be continued for vacant buildings. Any comprehensive refurbishment project present opportunities to address major construction and repair programme of works.



Interior timber frame structure of the Guild Hall

Equality Impact Assessment 2011 and Disability Access Audit Report 2007

The Equality Act 2010 came into force on the 1st October 2010. Under the Act there is an obligation to undertake Equality Impact Assessments (EIAs) at the development stages of any project.

Due regard has therefore been given in the development of this feasibility options appraisal for the need and future opportunity to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

EIAs assess the impact of the council's actions on people from the protected characteristics identified in the Act. One of the recommendations for this report is a process of engagement is undertaken at the development stages of any project.

The Equalities Review 2007 and the Equality Framework for Local Government identifies Quality of Life Indicators also known as "the 10 dimensions of equality", the feasibility study has taken these into consideration in the option analysis and development of the preferred option, particular emphasis to identify beneficial improvement has been given to:

- Physical security, through the design and development of safe public environments.
- Health, including both well-being and access to high quality healthcare.

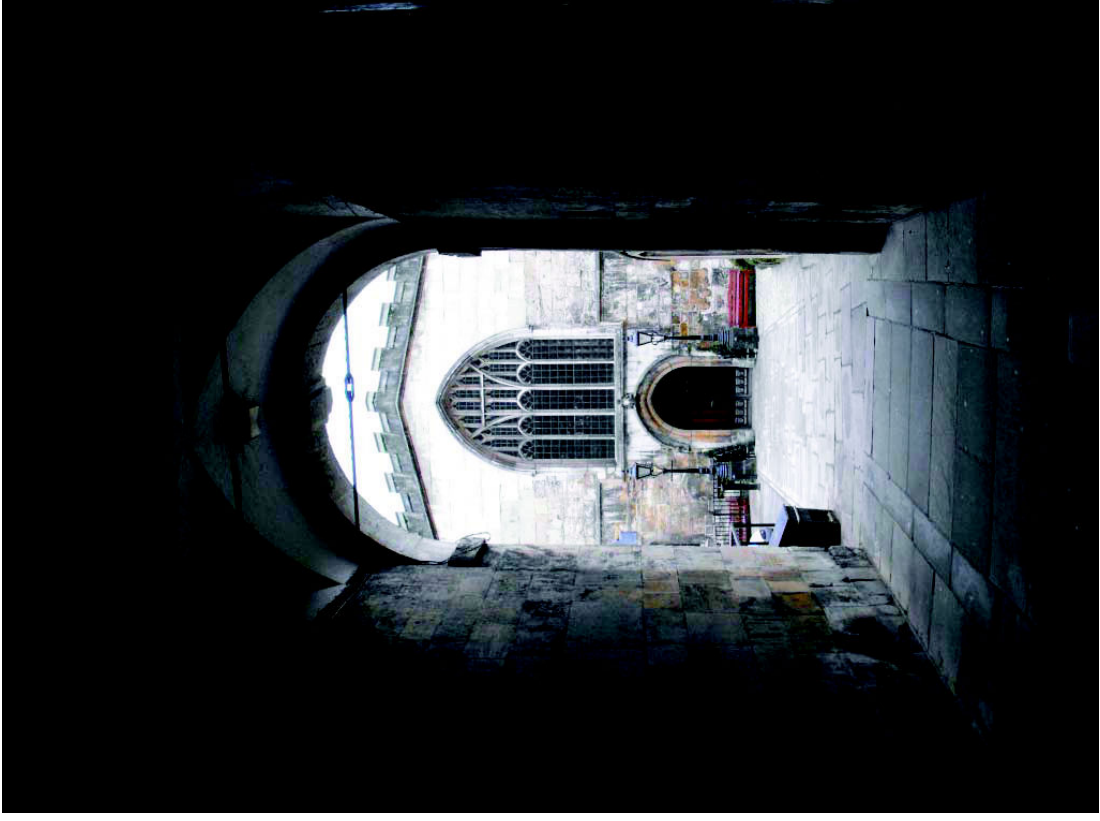
- Education, through the development of a potential creative business hub that can support creative skills learning as well as access and interpretation of heritage and civic role of democracy
- Standard of living, including being able to live with independence and security; creating accessible external public spaces, as well as internal access to the public civic events and work places with accessible links to transport and leisure facilities.
- Productive and valued activities, such as accessible environments for employment and leisure.
- Participation, influence and voice, including participation in decision-making and democratic life through improved access to the Council Chamber.

The Disability Access Audit Report (2007) identified the existing access provisions to the Guildhall complex raise a number of significant areas of concern, particularly with regards to external areas and other safety related matters such as trip hazards and inadequate lighting. The implementation of the management recommendations contained within this report would enable access for the majority of disabled people on an assisted basis are likely to be achievable.

There are a number of physical works projects, both short and long term, and opportunities as part of routine works that should be considered to further improve access and offer services on a more equal and dignified basis. In the interests of safety, economy and to reduce the amount of disruption to the service we consider it prudent to consult any future capital works programme and Asbestos Register for this property prior to carrying out any works.

The issues raised in this document should be considered as part of the wider access issues associated with other services and premises operated by York City Council to ensure a “reasonable” approach is applied.

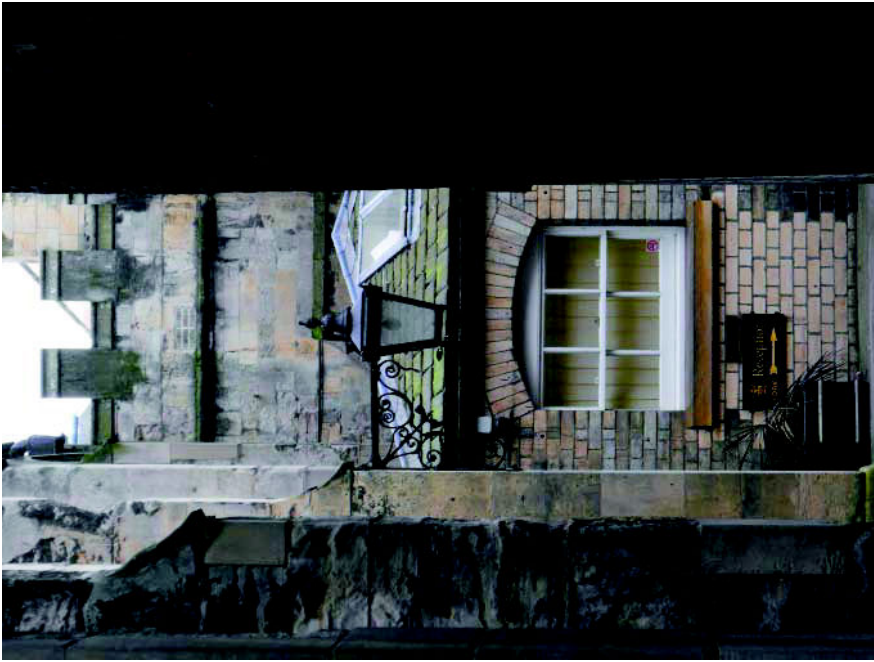
We would recommend that consultation with local user groups, including those with disabilities be entered into to help confirm priorities and gain users insight into the access issues identified within this report.



Improvements to lighting and stonework cleaning in Mansion House passage would create a more welcoming, attractive and publicly inviting space. There are concerns about the gradient across the site.



The existing Guildhall office entry is very unsatisfactory and not worthy of such an important Civic building. Accessibility is very poor.



The Guildhall Office access and entrance is very unsatisfactory. This could be dramatically improved by replacing the single storey building shown here with a new glazed welcoming entrance that also reveals the historic buildings.



Accessibility in Common Hall Yard is confusing and non-compliant to modern standards and expectations . It does not contribute in a positive way to the setting of the listed building. There is an opportunity to resolve unsatisfactory access, presentation and complex way-finding through a well considered high quality landscaping scheme. The removal of the garages may increase space and help resolve these issues.

City Of York Light Plan 2006

The aims of the light plan is to focus on lighting projects which will have the greatest potential effect, as well as to provide a broad method and application guide for those making decisions about new lighting in that can be overseen by the City Authorities.

Light plan embodies a number of intended social and economic effects. One over-riding aim is to enhance the after-dark appearance of the city's extensive architectural and heritage assets and therefore make the city more attractive, more visually comfortable and safer after dark.

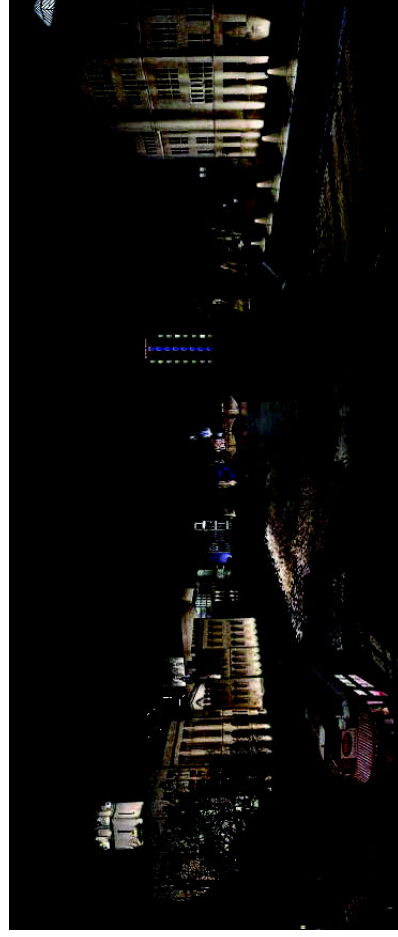
The improvement in the night-time appearance of the city is intended to increase the number of affluent evening visitors and help in the growth of the evening economy – and hopefully, contribute to an improvement in the quality of the evening economy. However, these benefits are not confined to visitors and tourists, but also residents, improved lighting can help to reduce crime, and the fear of crime.

The main lighting themes embodied in the strategy include:

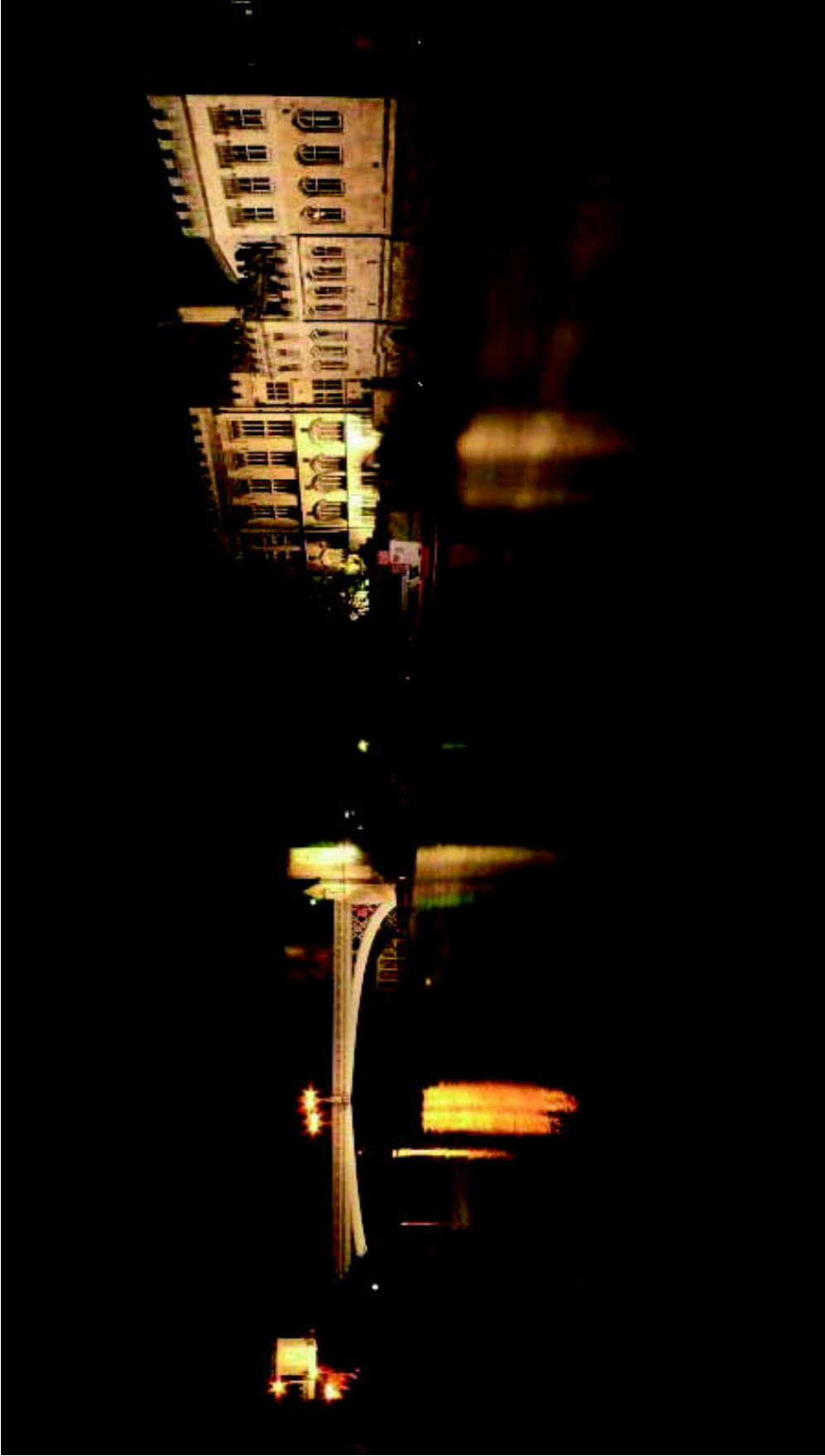
- State-of-the-art, sensitively realised architectural lighting treatments of key historic buildings and structures, to facilitate a unique visual experience of York's historic heritage.
- Improvements to the street, road and amenity lighting to create a safer, more comfortable environment for residents and visitors – and to enhance the overall pedestrian ambience and navigability of the city.
- Lighting which is used to create new, contemporary night-time events or experiences, such as the proposed 'lighting walk', interactive lighting installations and the son et lumiere.

The Light Plan specifically identified the opportunity presented by the River Ouse passing through the city, creating an extraordinarily open space amidst the city's famous narrow streets. The river is important in that its openness allows long views of lit structures and facades, while its more neutral architectural character allows potentially greater freedom for the introduction of innovative installation lighting. The lighting of the bridges will be counter-balanced by the introduction of several installation pieces, along with sympathetic architectural lighting of the Guildhall.

The opportunities within the options appraisal are the spaces and setting of the buildings of the riverside frontage, as well as the Guildhall building and space of Common Hall Yard. The connecting passages and routes are also a



The River Ouse at night - City of York Plan 2006



The River Ouse and Guildhall complex at night, City of York light plan 2006.

Options Appraisal

Statutory Designations

The Guildhall and wider study area fall within the historic core of central York and therefore the York Central Historic Core Conservation Area, the City of York Area of Archaeological Importance and the Central Shopping Area Character Area as defined by the York Central Historic Core Conservation Area Appraisal. Furthermore, there are a number of listed buildings within the Study Area, including the medieval Guildhall and some of its extensions, as illustrated on the designations plan below. These designations reflect the archaeological sensitivity of the area and the significance of the built heritage and impose constraints aimed at ensuring that any change is carefully considered and planned to protect wherever possible the architectural, archaeological and historic significance (the evidential heritage values), the views of important buildings and the aesthetic significance of the site. Constraints that such designations impose are likely to include:

- Removal or alteration of historic fabric, especially on listed buildings.
- New developments whose scale, massing, materials, height etc would have a negative impact upon the existing urban environment and riverscape.
- Development where foundations would destroy or remove potentially significant archaeological deposits.

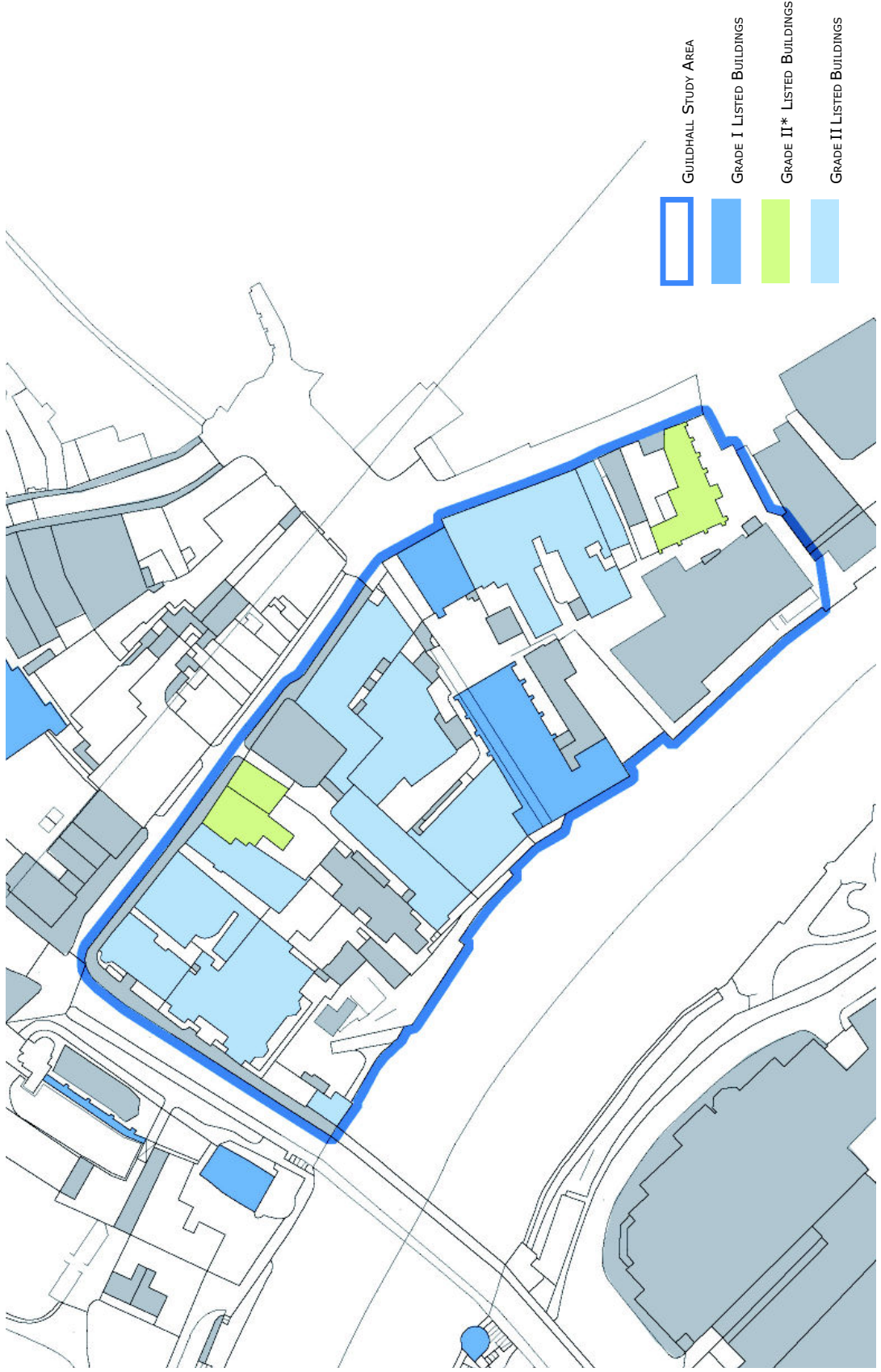
The detailed assessment of the historical and architectural development of the site is set out in the Statement of Significance, each of the separate thematic categories for significance, evidential, historic, communal, and aesthetic, including townscape, has been assigned a value. Overall, the Guildhall is of High Significance, the Atkinson c.1810 extension of High Significance externally, the 1888-1891 Council offices of Medium Significance, the Council Chamber of High Significance, the 20th century Annexes of Low Significance and the 'hutments' of neutral Significance. These allocations of significance have been informed the process evaluating options and determining the preferred option.

The methodology for the options appraisal has begun with an understanding of the existing and emerging studies and policies that are there to help guide and inform the study as well as to ensure that relevant considerations for key policy issues such as accessibility, environmental sustainability or conservation of heritage value and asset embedded into the thinking. Site visits and investigations were made to gain first hand understanding of the building issues and opportunities, together with their spatial characteristics. A range of potential uses have been assessed and a preferred option for sympathetic reuse of the buildings that creates a synergy of complementary activities can be identified.

The study has looked widely at the complex urban site and the external spaces, broad options for the improvement of access, presentation and use of the spaces are made. A further more ambitious assessment has been carried out for the wider site context, and ideas for greater riverside access and leisure space developed.

The options appraisal is formatted so the buildings and their potential use are discussed, followed by the proposals for the wider site context.

Guildhall Site - Heritage



Options Appraisal

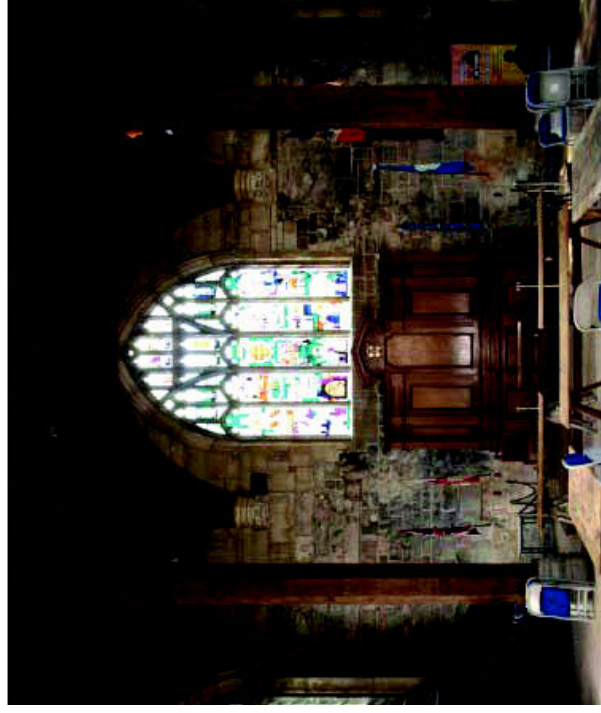
The Options Appraisal has assessed the potential opportunities for future uses of the Guildhall buildings complex within the context of the statement of significance, key views analysis and accessibility report together with an informed understanding of the spatial characteristics of the buildings.

The fifteenth century Guildhall use as a large city centre cultural, social and commercial events space can be significantly enhanced through the provision of improved accessibility and supporting ancillary accommodation such a large number of public toilets and a commercial kitchen. This ancillary accommodation could be located in the remodelled historically less significant southeast range. The combination of large events space and smaller meeting, conference and exhibition rooms to the river front with the ancillary accommodation would enable this space to be more useable and financially viable as a major city centre events venue of the highest quality.

The nineteenth century Guildhall Offices and Council Chamber are developed to continue to provide the Council Chamber functions; these would be upgraded so that the historic character and fabric is conserved, but accessibility improvements made through the insertion of a public lift. The entrance and reception space would be enhanced and ancillary offices retained for the Council's use in association with the civic duties and events.

The twentieth century Guildhall Annexe and Hutments detract from the historic setting and buildings. It is proposed these sites are redeveloped to form a virtual office and creative business hub; this would include, a shared reception and tenant lounge, conference and meeting spaces, a display gallery, and a variety of tenanted office incubator units. The annexe could be developed as a three storey building, the hutments could be two storey with glazed atrium between the two. This could generate 2000m² of new business accommodation.

The analysis has also investigated how connections between St Helen's Square, Mansion House Square, the riverside, York Boatyard and Lendal could be linked and made accessible. The study has suggested there may be a very exciting opportunity to access from Lendal Bridge through the small garden space a new stair and lift that would descend to a raised riverside terrace over the present boatyard. This could be accessible from York House and the other listed buildings as a small commercial area. Access to a pontoon landing for the boats could also be achieved. This raised riverside terrace could be connected to the Friary Garden which then could provide level ramped access down to the riverside and entry to Common Hall Lane where the link to Mansion House Square can be made. Mansion House Square needs to be designed as a creative and intelligent piece of hard landscaping, linking together the various routes and accesses that feed of it.





Guildhall

The Guildhall is a building of high significance, its interior is remarkable, and despite there being considerable post-war reconstruction it retains high evidential, historical, cultural and aesthetic significance, it has little potential for subdivision, other than in reforming historic partition lines that may help in understanding its former use and development. The building is currently used for a wide range of events, from civic receptions to conferences and lectures, exhibitions and small business trading events. It is successfully administered from the Mansion House. The range of brick buildings to the east of the Guildhall are of lesser significance and have the potential for alteration.

The Guildhall is a building of great potential, the success of its present operations are hugely compromised by a number of issues, such as the lack of adequate internal and external access; limited and inaccessible toilet facilities; no catering facilities for hosting large events; poor arrangements for storage within the space. The historic building also suffers from poor environmental conditions; it is a large poorly insulated volume that undergoes rapid heat loss.

The preferred option is to retain the Guildhall as a large multi-purpose events space, increasing its viable and sustainable use by the provision in the east range of ancillary accommodation, including accessible toilets to accommodate large gatherings, a catering kitchen and use of the two meeting rooms.

This could be done by forming a glazed roof atrium between the Guildhall east wall, below the window sill level, and the ancillary east range. Access between the two spaces would be through the formation of an opening in the Guildhall east wall north bay. This would be an important intervention with loss of fabric, detailed similarly to the corresponding opening in the west wall. There are historic accounts of a door to a buttery at this location, but little visible evidence. An access at this point would allow a level accessible route to the toilets and meeting rooms from the rear of the Guildhall space, as well as a connection from the catering kitchen into the rear of the Guildhall. The

north end of the atrium would have an external door that would allow separate external access through the atrium to the meeting rooms at the south of the Guildhall.

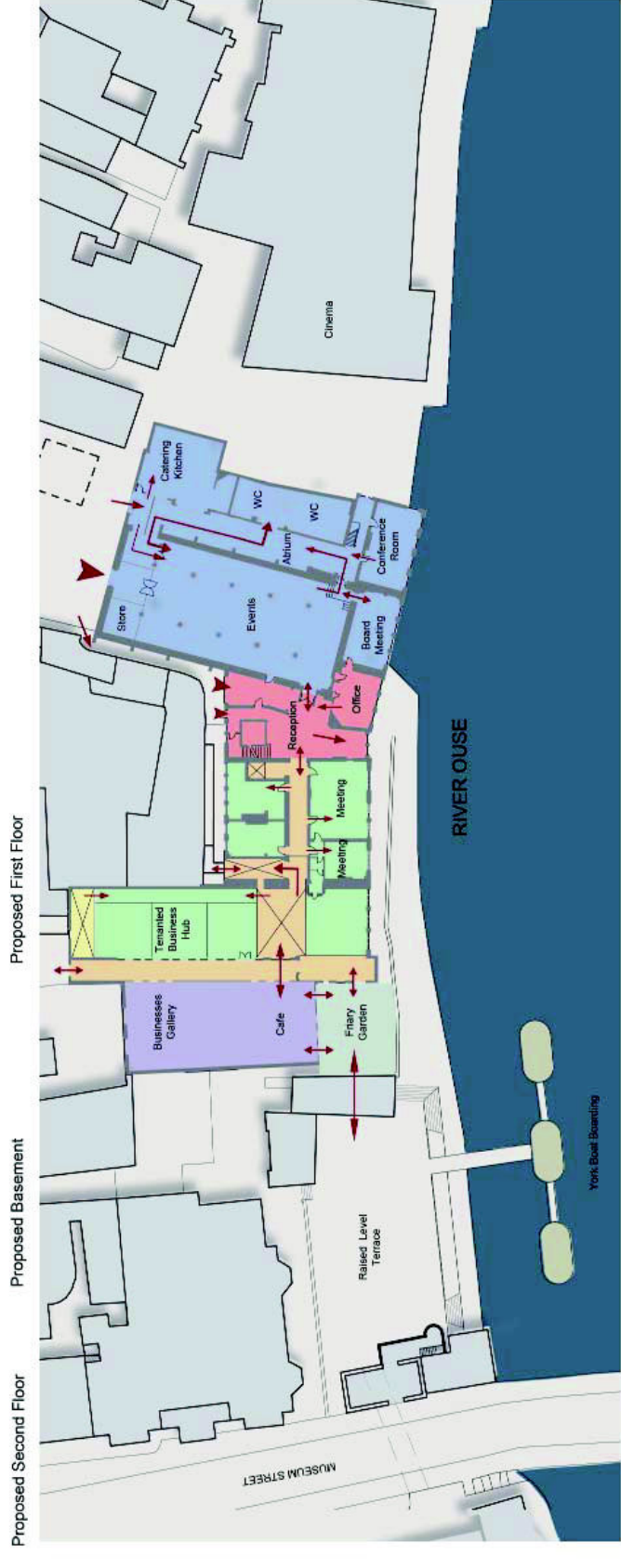
Historically there Guildhall had a north end minstrels gallery and likely partition screen below. It is proposed this feature be re-constructed. This will enable the existing small and unwelcoming porch could be replaced with a larger more welcoming entrance vestibule, to the west could be a designated storage room. To the east would be the lobby to the atrium and above a viewing gallery to the space.

Potential environmental improvements to the Guildhall include:

- Addition of 150mm rigid foam insulation above the existing roof decking, formation of warm roof ventilation void and re-leading. Abutments and gutters would need to be carefully detailed to avoid additional chasing of weathering into masonry.
- Provision of slim-line double or secondary glazing units in minimal bronze frames set between the vertical mullions 25 mm from the existing 1950's glazing, terminated at the head at the high level ferramenta bars. This would significantly reduce heat loss with the space. (A trial could be arranged to assess visual impact).
- Consider the need for replacement and improvement of the current underfloor heating system. A specialist historic buildings heating engineer should evaluate this together with
- Consider use of renewable energy such as photovoltaic cells on the roof.

These proposals would create the potential for the Guildhall to be a highly attractive and accessible community and civic events venue with ancillary accommodation of a high modern standard within the heart of the historic city. The impact of the interventions to achieve this proposal are minimal and would on balance be beneficial to the long-term use and financial viability of the Guildhall.

York Guildhall: Options Appraisal



Proposed First Floor

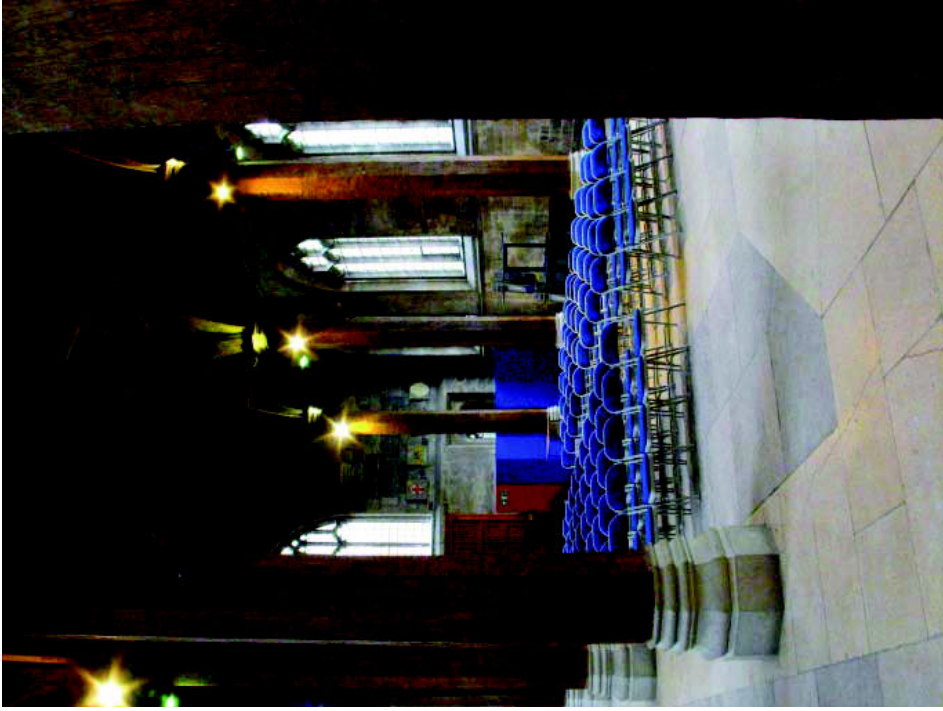
Proposed Basement

Proposed Second Floor

Proposed Ground Floor



Access improvements to the Guildhall will be a necessary part of any development of the spaces (current non-compliant ramp



Guildhall space, arranged for a concert with 100 guests.



The East range and yard offer opportunity to form a glazed atrium space - providing separate access to toilets and meeting rooms from the Guildhall and Common Hall Yard.

The proposed arrangement works would allow the management and operation of the Guildhall as part of the Mansion House complex; or it could be separately operated and managed as a venue in its own right.

Guildhall Offices

The Council Chamber and processional stair within the Guildhall Offices are of high significance and therefore have only, limited potential for change. Any use other than as a council chamber is likely to require substantial alteration to the designed joinery. A number of the other rooms within the building have interesting features and are of medium significance.

The proposal is that the Council Chamber will continue to accommodate the civic duties and meetings required by the Council. In order to do this some of the very concerning limitations of the building need to be addressed, such as the lack of acceptable means of access, as well as technical improvements within the Chamber to improve its efficient use.

The use of the Council Chamber for Council meetings creates a need for ancillary supporting accommodation. This includes on the ground floor a publicly accessible welcoming reception area with adjoining administrative office. This reception space could be opened so that a larger seating is created with riverfront views. From the reception it is proposed a new large accessible passenger lift be installed, that connects vertically all floors of the building.

The small office and vestry briefing space adjoining the Chamber would with roof terrace access, would be retained for council use.

The ancillary accommodation will also require the provision four separate 'political party' briefing rooms and offices. Rooms for Part briefings could also

be utilised in the proposed business hub in the ground floor of the Guildhall Offices.

It is proposed that toilet and vertical circulation accommodation by shared with the proposed redevelopment of the Guildhall Annexe, economising on space and allowing more appropriately sized provision

Guildhall Annexe and Hutments

The twentieth century Guildhall Annexe are designated as only some significance and the Hutments of neutral significance; both sites have a high potential for comprehensive change in such a way that brings beneficial use and is meaningfully sympathetic to the historic setting of the site. The river frontage of the annexe building is of medium significance with respect to aesthetic townscape values and key views of the river, this frontage should therefore be retained.

The site beneath the existing structures will in places be of high evidential significance, being a former Friary.

It is proposed these two sites are redeveloped to form a virtual office and creative business hub; this would include, a shared reception and tenant lounge, conference and meeting spaces that could be available for hire, a display gallery, and a variety of tenanted office incubator units. The annexe could be developed as a three or possibly a four storey building between 1000-1300 square metres of accommodation; the ground floor river frontage rooms could also form a part of this facility, providing a further 100 sq. m of accommodation. The hutments site could be redeveloped as a one or two storey building with glazed atrium covering the lane that leads to Lendal. This could generate between 225 - 450 sq. m of new business accommodation.

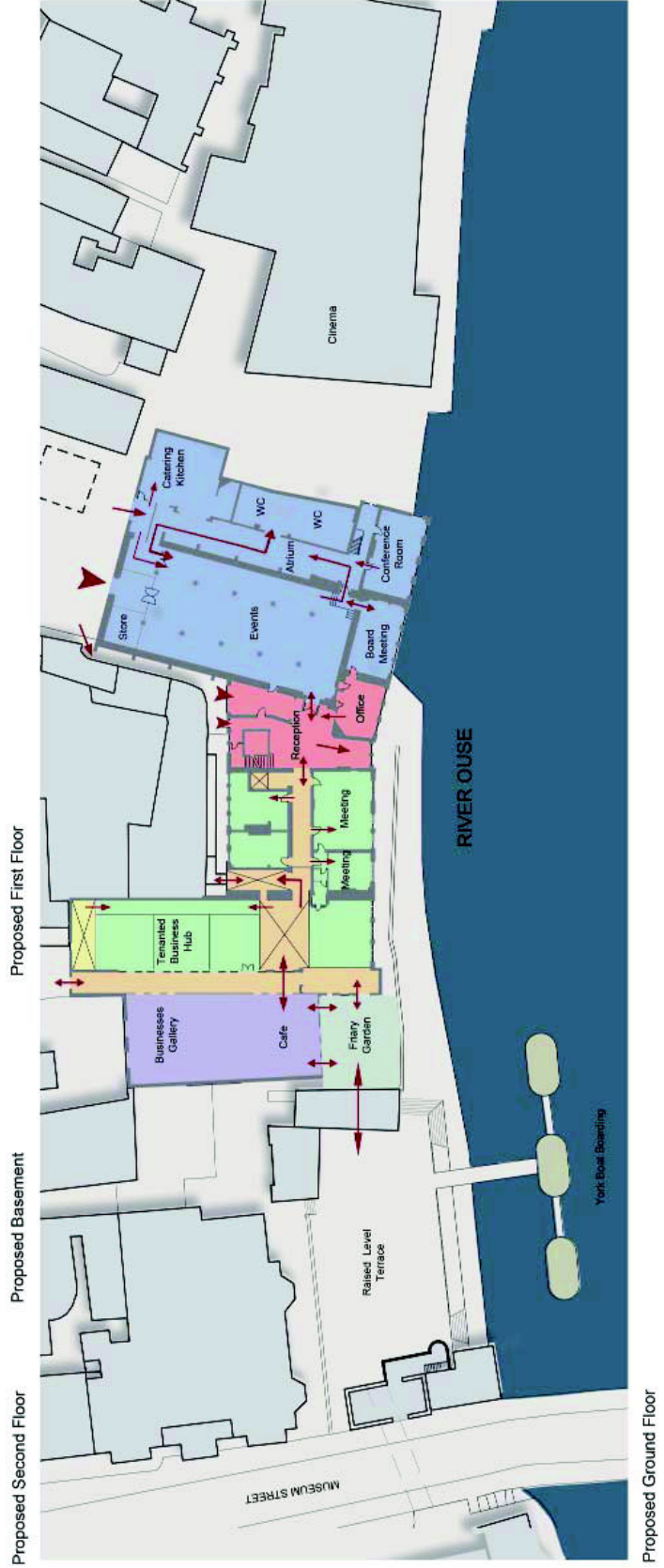
It is proposed the new business hub would be accessed from the lane leading from Lendal. To the south it is suggested the new building on the hutments site is set back to form a river frontage garden space on part of the former Friary site. This space

York Guildhall: Options Appraisal



Key

- Council Chamber, Function and Supporting Spaces - Reception; Offices; Exhibition/Interpretation; Education room. approx. 525m²
- Large Cultural, Social & commercial Events Spaces with Ancillary Accommodation - Kitchen, Toilets, Plant, Conference/Seminar, Meeting Room approx. 900m²
- Virtual Office and Creative Business Hub - Reception; Tenant Lounge; Conference/Meeting space; Gallery; Office units approx. 1500m² + 120m²
- Creative Business Cafe & Exhibition Space approx. 240m²
- Shared service core - Stair, Lift and Accessible Toilets.
- Circulation





The Council Chamber - this highly significant space will continue as the Council Chamber, improvements for accessibility are recommended.



The Guildhall Annexe and Hutments has the potential for redevelopment to form a creative business hub.



The existing Hutments on the site of a former Friary has potential for development.

within the wider scheme presents the potential opportunity of forming a ramped access to Common Hall Lane.

Common Hall Yard

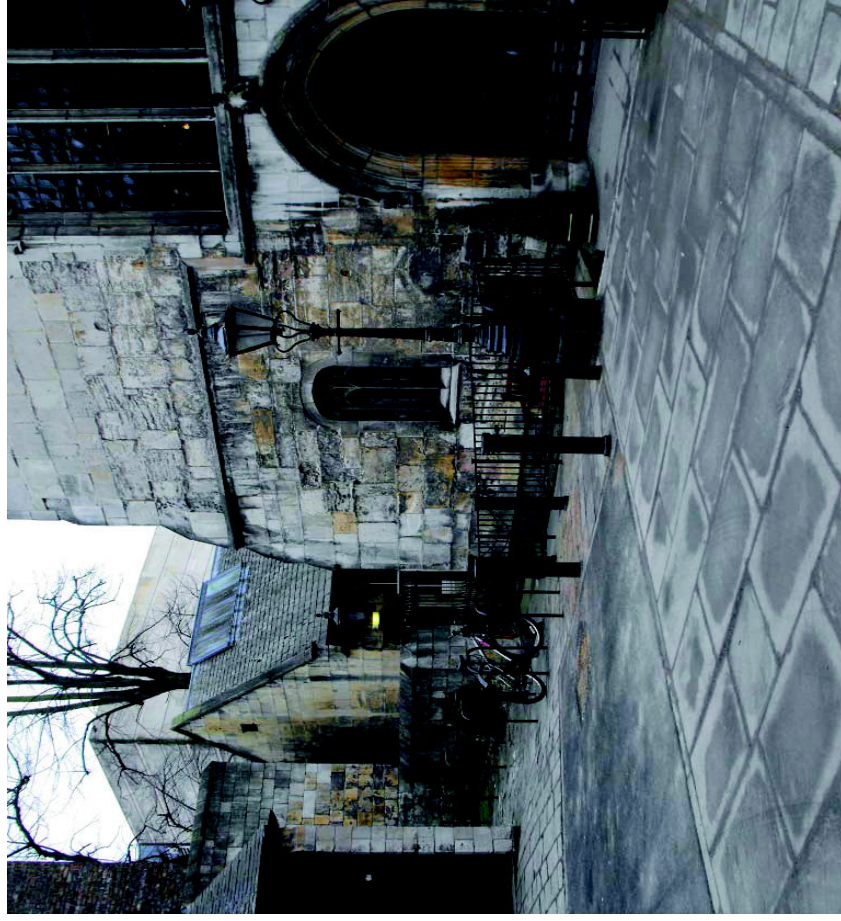
Common Hall Yard is situated between the rear, south elevation, of the Mansion House and the North entrance front of the Guildhall. The principal access to the space is from St Helen's Square through the vaulted passage beneath the Mansion house. The principal urban 'grain' or direction of streets, both historic and current is from St Helen's Square, Lendal and Coney Street, south to the river frontage. There are secondary cross-routes from Common Hall Yard, east to St Martin's Church, West to the Guildhall Offices alley and also via a stair to Common Hall Lane, which passes beneath the Guildhall to the opening at the river front.

Common Hall Yard is a key space that needs to be carefully considered as a creative landscape design challenge that achieves a number of complex objectives. It needs to tackle concerns of accessibility; it needs to provide a worthy urban space and inviting setting for the north front and entrance to the Guildhall; it needs to clearly enable way-finding access to the Guildhall Offices; it needs to be beautifully lit at night, as should the passage from St Helen's Square so that a more inviting space is created. Access should also be considered for those who during restricted hours would like to use Common Hall Lane to access the riverfront.

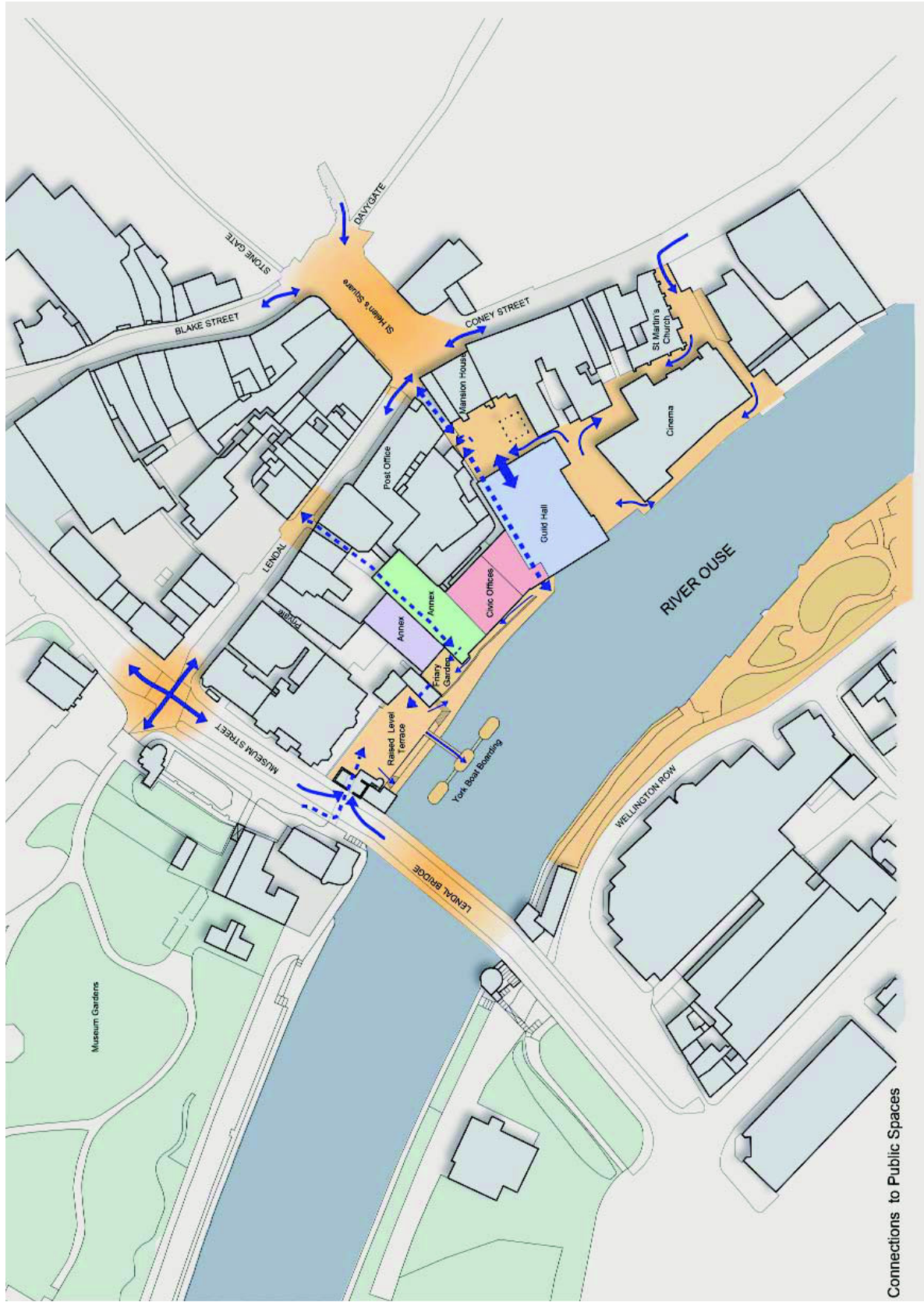
This study proposes the garage is removed from the space so that the design of the landscape is given more space to better resolve the above challenges without the need for it to function as a large vehicle turning space. It is also proposed that the rocky be reviewed within any landscape design proposals. The north elevation of the Guildhall would be more welcoming if it were conserved and cleaned as well as lit architecturally.

The use of Common Hall Lane to connect the river front and St Helen's Square is discussed in the wider site analysis later in this report.

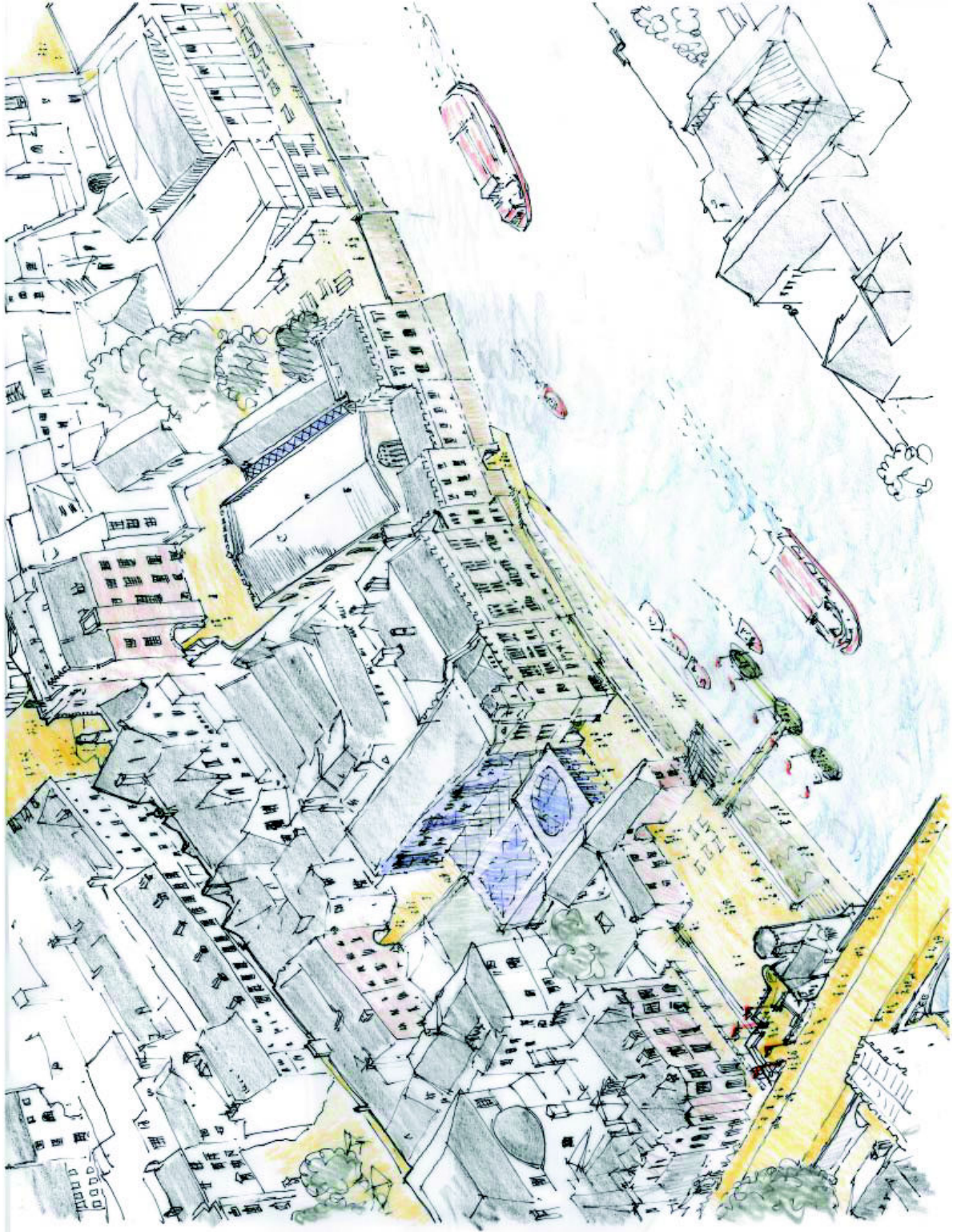
The Access Audit has identified the concerns with access through Common Hall Yard to the Guildhall arising from the slope of the site and its present configuration as well as poor lighting and details.



Common Hall Yard : there is an opportunity to resolve the unsatisfactory access arrangements, presentation of the setting of the Listed Buildings and complex way-finding to the Guildhall Offices, through a well considered high quality landscaping scheme. The removal of the garages may improve the opportunity for creation of a delightful historic public square.



Connections to Public Spaces



Aerial sketch of urban spaces and redevelopment of the annexe and hutments proposed for the wider site.

Site Context Analysis and Urban Opportunities

The wider site analysis has sought to develop two key opportunities within the urban context. First, improving the existing connections from Lendal, St Helen's Square and Coney Street through the current lanes and yards to the river front. Secondly, developing an accessible leisure space along the river frontage from Lendal Bridge to the entry to Common Hall Lane, providing a new boat embarking 'jetty', 'as well as a green space on part of the former Friary.

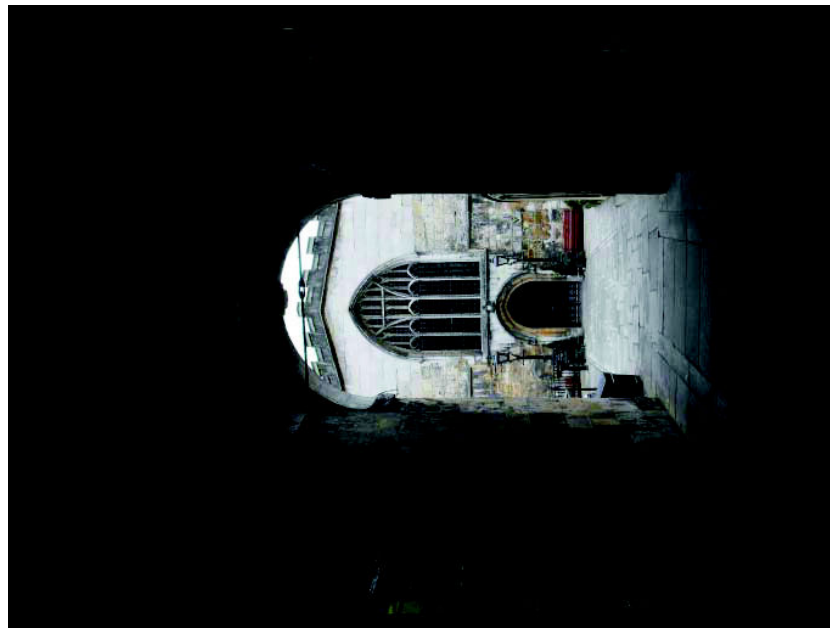
The existing use of the historic connections from Lendal and St Helen's Square are obstructive to the presentation and understanding of this part of the city and hinder the potential using the historic routes to enrich the city's character and activity. A large and dominant portion of the riverbank, which is visually crucial to the setting and views of the historic frontage and building groupings behind them is blighted by the unsightly York Boat Yard.

York Boats are an important business to the vibrant life and character of the City of York; the boats provide an excellent offer to visitors to see York from the river. This study seeks to develop a more visible and better opportunity for this leisure offer by improving access to and visibility of the embarkation point. This proposal would need the York Boat servicing and docking yard to be relocated elsewhere.

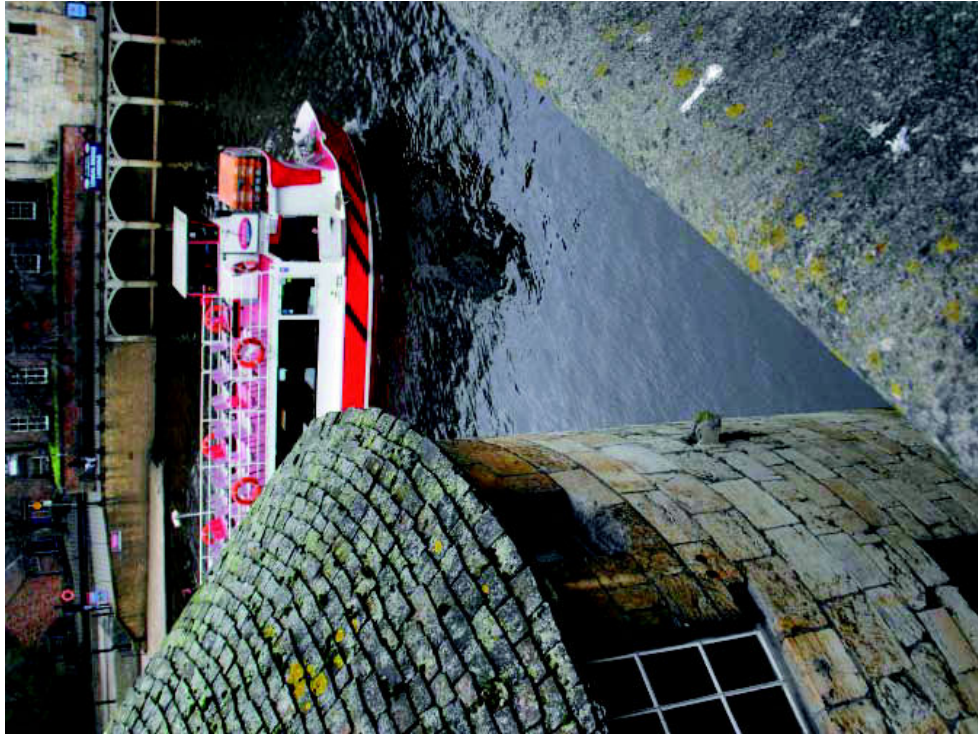
This study has been carried out to identify creative opportunity to create a vibrant riverside leisure space that will enhance the enjoyment and commercial success of the city. In order to set out a range of exciting opportunities within the confines of a relatively short study the details of ownership, rights and technical feasibility have been deferred to the subsequent stage of development.



The Guildhall from the River Ouse



Historic routes from St Helen's Square and Lendal leading down to the river front that could be developed to provide improved access to a public river frontage space.



There are long term strategic opportunities to improve and enhance the River Ouse as a wonderful open space that can be enjoyed, a major opportunity for enhancement is the York Boats Yard. The York Boat landing could be relocated to a more publicly noticeable and accessible space.

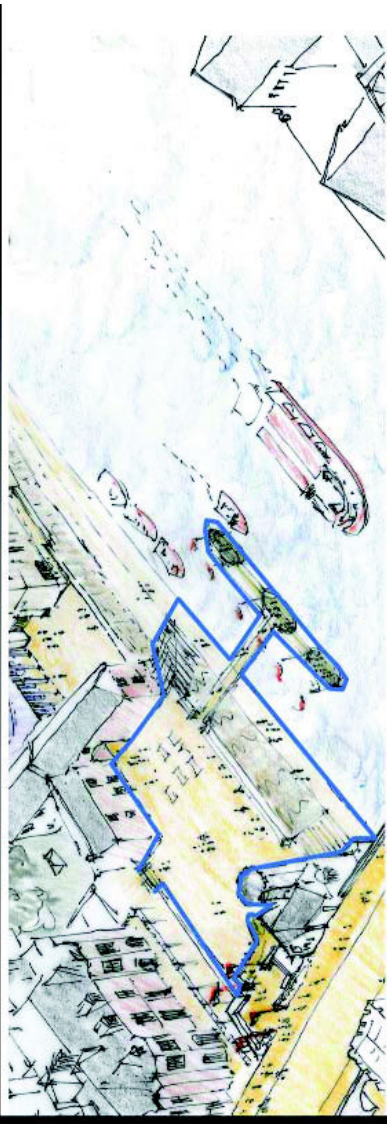
Lendal Bridge Access to Riverfront

From the north end of Lendal Bridge it is proposed that a gated access be formed through the small garden space, this will lead to a new stair and passenger lift that will descend to the proposed river terrace that is presently the boatyard. This access is very well located, to the many visitors who cross Lendal Bridge, which also provides a good space from which to look down cross the river view. Access to the River front terrace will also be maintained beneath the bridge.



Boat Yard Square and Landing Access

The proposal is to create a new raised terraced space, level with the threshold of the present York Boats building, which is above the known flood limit. This level space will be a vibrant leisure space, making easy connections to the basement of York House, and the two adjacent listed buildings, as well as the lane that leads back up to Lendal. The paved terrace will embank down to the river where there will be a lower promenade level connecting to the entrance of Common Hall Lane. From the terrace there will also be an accessible route to the proposed York Boats embarkation landing. These are envisaged as a modern structure floating in the river, providing a unique way to see the river front and bridges.



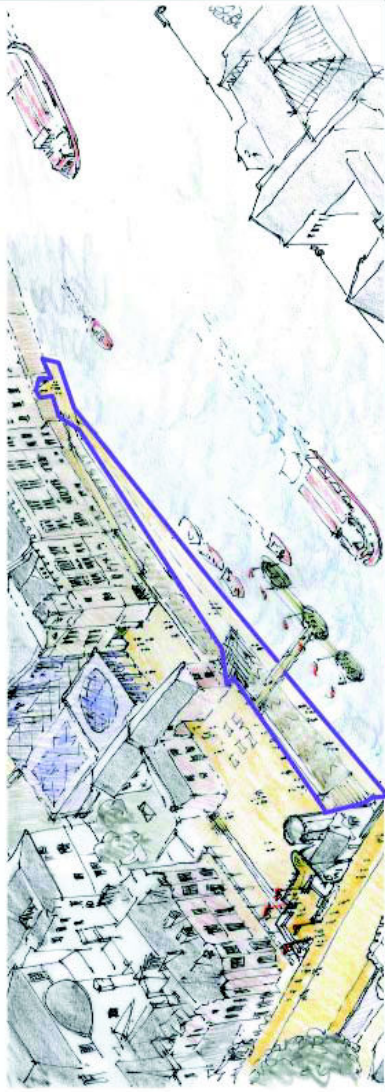
Friary Garden

From the new Boat Yard Terrace, a passage connection could be made through the warehouse building to the 'Friary Garden', this could be a raised green space from which views across the river can be made, as well as access via a ramp behind the existing screen wall down to Common Hall Lane. The Friary Garden will also connect into the new development of the Annexe and Hutment and also via the lane back up to Lendal.



Water Edge

From the proposed Boat Yard Terrace stepped access can be made down to a water edge walk that connects to common Hall Lane. The possibility of this space being accessible from Friary Garden via the ramped access should be explored. This low level river side view of the York Bridges is a delightful experience. When the river is in flood the use of this lower walk would not be possible.



Common Hall Lane, Common Hall Yard and St Helen's Square

The proposal is to allow some controlled access via the water front up Common Hall Lane to Common Hall Yard and St Helen's Square. This will bring back into use one of York's lanes, which will help in enrich the understanding and presentation of this interesting aspect of the city.



Lendal to the new annexe building

From Lendal it is proposed that the lane is developed so that it connects via a covered link to the proposed Friary Garden.



CONCLUSIONS AND RECOMMENDATIONS

The proposed transfer of the Council services to the new west offices will require that a detailed plan for the reuse of the Guildhall complex is developed. This study has identified that this change will be an opportunity to improve the facilities, use and viability of the Guildhall. It has also identified the Guildhall offices need improvement with respect to public accessibility and has suggested both external and internal alterations to this end, as well as reconfiguring the accommodation to provide improved facilities to some of the Council Chamber function. The Annexe and Hutments have potential for a spectacular riverside creative business use and virtual offices supporting services and facilities that would also be available for use by the Council.

As a comprehensive project, there is an opportunity to improve the use of the buildings; address issues of condition and environment; improved accessibility across the whole site; improvements to setting and urban landscape as well as joint with the wider city policies for environmental and heritage improvements. The approach for these improvements has been to use the opportunity to enhance the heritage value and mitigate loss to historic fabric and archaeology. Where possible the opportunity to positively contribute to the wider environment with new buildings and spaces has been proposed.

Equalities Impact Assessment – It is recommended that a process of engagement covering a range of different activities, from formal public consultations to direct engagement with people from protected groups takes place. The level of engagement to be undertaken will depend on the scale of project being developed.

Environmental Conditions in the Guildhall – Consider the appointment of a specialist historic buildings environmental engineer to technically assess the options and benefits of environmental improvements.

Landscape Design Common Hall Yard – consider developing a brief for the landscape design followed selection of a specialist landscape designer with exemplary design credentials.

Guildhall Complex – consider developing the study so that viability of the option can be tested and developed.

Lighting – consider integrated external lighting strategy as any proposals for the site development.

River front - consider further the viabilities of improving connections to the river front by opening the lanes from Lendal and St Helen's Square, consider strategic proposals for the redevelopment of York Boat Yard to form a publicly accessible space that makes apposite contribution to the river frontage setting and heritage assets. Studies that will help inform this include an understanding into the ownership and legal right relating to the site area; the River Authority restrictions and requirements relating to flood levels and protection.

York Guildhall: Options Appraisal







Cabinet

15 May 2012

Report of the Cabinet Member for Leisure, Culture and Social Inclusion

Developing a Thriving Voluntary Sector in the City of York

Summary

1. This paper outlines progress towards the production of a Voluntary Sector Strategy for the City of York. It summarises developments so far and details forthcoming consultation events leading to the development of the final strategy.
2. The paper also makes recommendations around the future funding criteria and management arrangements for merged Voluntary Sector funding pots within the CANS directorate.

Background

3. York's voluntary sector contributes enormously to the economic, social and cultural life of the City at every level. The renewed emphasis on localism and the focus upon neighbourhood working provides an ideal opportunity to capture the value of the Voluntary Sector within a clearly defined strategic document.
4. Cabinet, through the City of York Council Plan 2012-2015, initially commissioned a Voluntary Sector Strategy focusing on ways and means whereby the Council might positively impact upon the sector.
5. A detailed Position Paper was subsequently produced, outlining the current relationship between the Council and the voluntary sector and identifying opportunities for future collaboration and co-production.
6. As part of the consultation process the Cabinet Member for Leisure, Culture and Social Inclusion and the Director of Communities and Neighbourhoods attended an open meeting with voluntary sector representatives on 19th March.

7. The Council's Position Paper was welcomed but there was a clear call for the creation of a Citywide Voluntary Sector Strategy and Action Plan (involving a wider range of public sector partners).
8. Feedback from the consultation event indicated that the production of a Citywide Voluntary Sector strategy should help to inform the agenda of key strategic partnerships such as the Health and Wellbeing Board.
9. Feedback also indicated that the final Voluntary Sector Strategy needed to be a relatively simple document with measurable, achievable outcomes as follows:

A) Grant Funding and Commissioning

The council will provide leadership, ensuring that the voluntary sector will be at the forefront of public agencies' thinking when designing and commissioning services.

- Recognising the important preventative work carried out by the voluntary sector, and the role that the voluntary sector plays in keeping people healthy, safe, well and as independent as possible.
- Establishing clarity and transparency around public sector commissioning and grant making procedures for voluntary sector organisations.
- Strengthening the fabric of front-line voluntary sector organisations, ensuring that they are tender-ready and able to supply or deliver services on behalf of public sector organisations.

B) Localism Agenda

Involving the voluntary sector in the facilitation of community participation, neighbourliness, social connections, and informal local activity that help disadvantaged areas and people.

- Exploring the potential for the voluntary and community sector to deliver neighbourhood services and to act as social enterprises.
- Harnessing opportunities to work with the voluntary sector and local residents to develop new neighbourhood based services and solutions to social problems.

C) Social Enterprise

Exploring and strengthening relationships between the private, public and voluntary sectors.

- Working with the voluntary sector to deliver new public service delivery models through the use of mutuals, co-operatives and social enterprise spin-outs,
- Fostering a more enterprising culture within the voluntary and community sector and providing training in social entrepreneurship for more voluntary organisations
- Encouraging voluntary sector organisations to develop new services and income streams.

D) Volunteering

Supporting the voluntary sector and other partners to achieve the highest standards when involving volunteers.

- Developing projects to extend local and informal volunteering that have the potential to empower people in their communities and reduce social isolation.
- Developing projects designed to support people into employment through volunteering, establishing stronger links between the voluntary and private sector.
- Building a strong and effective Volunteer Centre for the City.

Next Steps

10. Cabinet is asked to endorse the above outcomes as the basis for further work on the strategy. Next steps towards the completion of the finalised Voluntary Sector Strategy will then include a series of further consultation events, involving CYC, other public sector partners and voluntary sector representatives. The intention is to secure City wide agreement on a Strategy and 3 year Action Plan by September 2012:
 - April: Fairness Commission Debate: Communities and Volunteering
 - May: Health & Wellbeing Board Citywide Consultation Event
 - June: Draft Citywide Strategy and Action Plan produced.
 - July: Further consultation with City wide partners around the key objectives and actions contained in the strategy.

- Sept: Final sign-off of the Citywide Volunteering Strategy by the WOW Partnership Board.

CYC Voluntary Sector Funding

11. The Council will clearly continue to play a key role in the development of the Citywide Voluntary Sector Strategy. While this will progress over a number of months, there are key elements of the Council's funding relationship with the Voluntary Sector which require immediate attention.
12. Cabinet's recent decision to pool several existing Communities and Neighbourhoods grant programmes (some former ward funding, core grants and play grants) into a single pot needs to be actioned over forthcoming weeks. A tender process has been initiated to recruit an external partner to oversee the management of this combined funding pot. (An update on this will be provided at the meeting.) The broad parameters for this funding now need to be agreed so that detailed criteria can be established with the new management organisation, once established, and through further consultation with the voluntary sector.
13. The following outline criteria are proposed, based around the Building Stronger Communities priority within the Council Plan:
 - **Community Engagement:** Supporting initiatives which break down barriers between communities and individuals, meeting identified gaps (e.g. initiatives to promote racial harmony, supporting the LGBT community).
 - **Inclusive Communities:** Supporting initiatives that address the needs of communities of interest identified in the JSNA and other relevant needs assessments including assessment undertaken by the communities themselves.
 - **Stronger Voluntary Sector:** Promoting new, innovative volunteering initiatives at a neighbourhood and community of interest level - and investigating alternative, voluntary-sector led service delivery mechanisms.
 - **Healthy, Sustainable Communities:** Supporting voluntary sector initiatives that may realise significant savings to Council services as a result of early intervention and prevention. Priorities will include financial inclusion initiatives and neighbourhood based support for isolated older people.

- **Creating Communities where People Flourish:** Supporting voluntary-sector led play opportunities and facilities throughout the City.
14. Regular reports will be made by the management organisation to the Cabinet Member for Leisure Culture and Social Inclusion on grants made and on the performance of the organisations funded.
 15. Within the new approach outlined above, it is recommended that three voluntary sector infrastructure organisations in the City continue to retain a direct funding relationship with the Council, namely York CVS, York CAB and the Welfare Benefits Unit. The nature of these organisations is to offer specialist, second tier support to all other voluntary sector organisations in the City or to all members of the public and it therefore makes sense for them to be commissioned directly by the Council.
 16. These organisations' funding is currently fixed up to 30 September 2012. It is proposed that they receive 3 year funding agreements from that point reduced by 8% compared to current funding (the average sector reduction). Detailed Service Level Agreements will be brought to the Cabinet Member for Leisure, Culture and Social Inclusion for approval.
 17. It is also proposed to make an ongoing commitment from the Council to supporting the core costs of the York CVS Volunteer Centre. This would entail an additional commitment of £13k per annum for the next three years to York CVS.
 18. As the Voluntary Sector Strategy develops there may also be the potential for bids to Delivery and Innovation Fund to facilitate the development of new and innovative ways of working leading to more efficient and effective services.

Consultation

19. There has been extensive, ongoing consultation with the voluntary sector in York, both in terms of Council voluntary sector funding and the development of the wider Voluntary Sector Strategy.

Options

20. The Cabinet can accept the outcomes and funding criteria suggested or agree alternatives.

Analysis

21. It is envisaged that the approach outlined above will develop the capacity and capability of the voluntary sector to engage with volunteers, support marginalised communities and explore new methods of cross sector collaboration and co-production. It would also retain an element of core support for critical second tier voluntary organisations in the City.

Council Plan

22. The planned approach outlined above would make a direct contribution to the following specific Building Stronger Communities outcomes listed in the draft City of York Council Plan:
- Community Engagement
 - Inclusive Communities
 - Stronger Voluntary Sector
 - Healthy, Sustainable Communities
 - Creating Communities where Young People Flourish

Implications

23. **Financial:** The pooled Communities and Neighbourhoods grant funding pot in 2012/13 will amount to £141 k. It should be noted that the fee to the management organisation will be paid from this pot (to be determined through the procurement process).
24. From 2013/14 a further £146k will be added to the pooled funding pot when existing funding agreements expire.
25. In addition to the pot, £129k has already been committed in 2012/13 to guarantee existing funding agreements up to 30 September.
26. The annual grants for the 3 organisations set out in paragraph 15 from 1 October 2012 (pro rata for the remaining 6 months of 2012/13) are as follows:
- York CVS £17,860 + £13k in respect of the Volunteer Bureau
 - York and District CAB £61,983
 - Welfare Benefits Unit £11,804
27. **Equalities:** EIAs have been undertaken relating to the voluntary sector strategy and the proposed funding arrangements. The

proposed new voluntary sector funding arrangements ensure that communities of interest are in charge of identifying their needs and in charge of solutions to meet them. To enable this we have invested more resources to support an all inclusive service from York CVS and the CAB. What is proposed here contributes towards the relevant outcomes of the Council Plan.

28. It will be a requirement of all recipients of CYC funding to demonstrate and evidence their commitment to equalities outcomes in the work of their organisations. An equality impact assessment has been undertaken and it was established that no negative implications arose from the recommendations contained in this report.
29. **Legal:** The Council has sufficient legal powers in the Localism Act and elsewhere to enable payment of these grants.
30. There are no Human Resources, Crime and Disorder, Information Technology, Property, or other implications arising from this report

Risk Management

31. The potential risks of the planned future approach range from failure of the external voluntary sector funding management body to deliver the agreed service at the appropriate standard, to the closure of voluntary organisations previously in receipt of CYC core grant funding. These types of risks have been considered and will be dealt with carefully through the monitoring, assessment and agreement process put in place by the Council.
32. Whilst the external provider would be responsible for overarching management of CYC voluntary sector funding, distinct lines of reporting and accountability to City of York Council against the key outputs and outcomes would be established.

Recommendations

33. Cabinet are asked to approve:
 - The above outcomes set out in paragraph 9 as the basis for further work on developing the strategy.
 - The outline criteria set out in paragraph 13 as the basis for developing detailed funding criteria for the combined voluntary sector funding pot.

- 3 year funding agreements for York CVS, York CAB and the Welfare Benefits Unit as set out in paragraph 15.

Reason: To strengthen the fabric of the voluntary sector in the city.

Contact Details

Author:	Chief Officer responsible for the report:			
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	Report Approved	✓	Date	3.5.12.
Cabinet Member responsible for the report: Cllr S Crisp Cabinet Member for Leisure, Culture and Social Inclusion				
Specialist Implications Officer(s) N/A				
Wards Affected: <i>List wards or tick box to indicate all</i>			All	✓
For further information please contact the author of the report				

Background Papers: File held by Adam Gray



Cabinet**15 May 2012**

Report of the Cabinet Member for Crime & Community Safety

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**POLICE AND CRIME COMMISSIONER - Update****Summary**

1. The following report outlines the changes in legislation leading to policing and community safety being overseen by a Police and Crime Commissioner, supported by a Police and Crime Panel for each police force area. It also outlines work that has been undertaken in York in preparation for these changes and puts forward proposals to continue to develop the framework for community safety delivery in York and North Yorkshire.

Background

2. The Police Reform and Social Responsibility Act 2011 covers five distinct policy areas: police accountability and governance, alcohol licensing; the regulation of protests around Parliament Square,; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction purposes. This report only focuses on the area of police accountability and governance and its impact on community safety.
3. The Act replaces police authorities with directly elected Police and Crime Commissioners (PCC), with the aim of improving police accountability. PCCs will be elected in November 2012 for a four year term, subsequent elections will occur every fourth year on the first Thursday in May, in line with local and parliamentary elections.
4. Existing police authority staff will transfer to the PCC who will determine their future. The existing police authority Chief Executive will become the interim PCC Chief Executive and the PCC can appoint a deputy.
5. Every police force in England and Wales, with the exception of the Metropolitan Police and City of London (where the mayor will act) will

have a PCC. PCCs will produce a five year police and crime plan, set the force budget and determine the precept. They will have a reciprocal duty to co-operate with Community Safety Partnerships (CSPs) and will have to establish local co-operative arrangements with the Criminal Justice System.

6. PCCs and CSPs will have due regard for each others' priorities ie. Those set out in the Police and Crime Plan and within CSP Strategic Assessments and Partnership Plans. PCCs will be scrutinised by a Police and Crime Panel made up of representatives from each Local Authority in the police force area. Annex 1 sets out the role of the PCC and what that means nationally and for York.

Administration of the elections

7. The City of York's Chief Executive has been designated as the Police Authority Returning Officer (or PARO) for the North Yorkshire Police Authority (NYPA) Area. The PARO is responsible for handling candidate's nominations, ensuring consistent standards across the region and declaring the final result. She will work with the Returning Officers in each District to deliver an effective election
8. Each individual local authority's Returning Officer (RO) is responsible for running the election within their council boundary. Subject to any directions which the PARO may make the local RO will print ballot papers, issue postal votes, run polling stations and manage the count for their area.
9. NYPA has an electorate of around 600,000 with 730 polling stations and approximately 90,000 postal voters.
10. The voting system used in these elections will be the Supplementary Vote (see Annex 3), where each elector may express a first and second preference.
11. Funding for the election is similar to parliamentary (both UK and European) where each Returning Officer (including the PARO) is provided funds direct from the Home Office, the local authority incurs no cost and each Returning Officer must return accounts to the Home Office.
12. This is a large and complex election with obvious difficulties caused by the November timing, a complex nomination process and a complex two stage counting process. Because the election would otherwise have

coincided with the annual canvass the last date for publishing the register this year has been brought forward to the 16th October. This will prevent problems arising with people assuming that they are on the register but who would not have been had the register been published, as usual, in December.

13. However, it presents its own challenges not least being the fact that elections staff will be simultaneously engaged in making arrangements for the canvass, the local elements of the election and the regional elements.

Police and Crime Panel

14. The Act requires the local authorities in each police force area to establish a police and crime panel (panel), as a joint committee, to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.
15. According to the Home Office, "Panels are not a replacement for the police authority. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected police and crime commissioner not through the police and crime panel. The panel will have an important scrutiny role in relation to the commissioner, however it is the commissioner who is taking on the role of the police authority and who the public will hold to account for the performance of their force."
16. The panel will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:
 - the power of veto, by two-thirds majority, over the commissioner's proposed budget and precept;
 - the power of veto, by two-thirds majority, over the commissioner's proposed candidate for chief constable;
 - the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the commissioner intends to dismiss a chief constable;
 - the power to review the commissioner's draft police and crime plan and make recommendations to the commissioner who must take account of them;

- the power to review the commissioner's annual report and make reports and recommendations at a public meeting, which the commissioner must attend;
- the power to require any papers in the commissioner's possession (except those which are operationally sensitive);
- the power to require the commissioner to attend the panel to answer questions;
- the power to appoint an acting commissioner (from within the commissioner's staff) when the elected commissioner is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
- responsibility for all complaints about the commissioner, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

17. The Home Secretary has reserve powers to establish a panel and to appoint members to the panel, if any local authority fails to do so.

Developing the panel arrangements

18. Elected member representatives (leaders or community safety portfolio holders) from the nine local authorities in York and North Yorkshire have been overseeing the development of the arrangements for the North Yorkshire Police and Crime Panel, through a task group established by Local Government North Yorkshire and York.

19. It is proposed that the nine local authorities each agree the formal panel arrangements, establishing it as a joint committee, and appoint their member(s) of the panel at or before their annual meetings in May 2012. This will allow time for the panel, before the commissioner is elected, to appoint co-opted independent members; agree the panel's rules of procedure; be briefed on relevant issues; and agree the panel's work programme for its first year. Until the commissioner takes office on 22 November 2012, following the election on 15 November 2012, the panel's powers will be limited to those necessary to prepare itself.

20. The draft panel arrangements (Annex 2) have been prepared in consultation with officers of the nine local authorities and considered by the elected member task group established by Local Government North Yorkshire and York.

Panel membership

21. In North Yorkshire and York, the panel will consist of ten councillors from the nine local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the panel. If a local authority has an elected mayor, she/he will automatically be a member instead of a councillor. All twelve members will have equal voting rights. When co-opting the independent members, the panel must ensure that, as far as is reasonably practicable, the appointed and co-opted members together have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.
22. It is proposed that City of York Council will appoint two councillors reflecting its relative size, policing issues and unitary status. The North Yorkshire districts and the County Council will each appoint one representative. Discussion is still ongoing with regards the processes for chairing the panel.
23. It is proposed that the lead local authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as is reasonably practicable) that the appointed members represent the political make-up of the local authorities within the police area (when taken together). It is also proposed that the nine authorities should aim to fulfil this duty as far as possible without resorting to additional co-options to the panel as increasing the size of the panel beyond the core 12 members would increase costs and reduce its effectiveness. Any additional co-options would require the approval of the Home Secretary.

Support for the Panel

24. It is proposed that North Yorkshire County Council will be the lead local authority for the panel and, within the overall budget agreed annually by the nine local authorities, will support the panel and its members. This support will be led by a named lead officer supplemented as required by additional specialist officers (eg finance officers when advising the panel on the commissioner's proposed budget and precept, legal officers when advising the panel on dealing with any complaints against the commissioner).
25. It is proposed that the costs of the panel, including support for the panel, will be contained within the grant to be provided by the Home Secretary to the lead local authority. The annual grant will be £53,330 plus £920 towards expenses per panel member, subject to review by the Home

Secretary in future. The LGA and Local Government North Yorkshire and York have both lobbied the Home Office to make a transparent level of funding available on a permanent basis to ensure that there is no burden on local authorities. However, the Act requires that panel arrangements make provision about how the local authorities are to share the costs of the panel.

26. To avoid councillors from different authorities being paid different rates of allowances, if any, for panel membership, it is proposed that the nine local authorities should ask the independent remuneration committee of the lead local authority to make a recommendation on behalf of all the local authorities.
27. The Act requires that the panel arrangements set out how support and guidance will be given to elected members and officers of the nine local authorities in relation to the functions of the panel. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the nine local authorities before the commissioner is elected and annual briefing sessions thereafter; together with written briefings issued at least three times a year.

Potential impact of changes on York

28. In preparation for the changes, key stakeholder organisations eg Local Government Association, National Community Safety Network, Association of Chief Police Officers and the Home Office are advising CSPs to position themselves to evidence a sound track record of delivery and fully evaluated initiatives aligned to their partnership priorities and plans.
29. From April 2013, all community grant funding will be paid to the PCC alongside all other policing and related grants. PCCs may choose to commission all community safety services or to just utilise all funding to support policing. It is also anticipated that some YOT and DAAT funding which the council currently received direct will also be channelled through the PCC. It is therefore critical the CYC evidences a sound track record of delivery and crime reduction and positions itself so that following the introduction of the PCC we can demonstrate that funding directed through our community safety partnership will deliver results.
30. York has a well established CSP: Safer York Partnership (SYP) which has earned an excellent reputation with the Home Office for its implementation of an intelligence led business approach to tackle issues through multi-agency problem solving. The partnership is governed by

an Executive Board comprised of senior representation from the five statutory partners: Local Authority, police, fire and rescue, police authority, primary care trust and probation. The delivery structure is made up of multi-agency task groups addressing each of the priorities within the partnership plan: violent crime, serious acquisitive crime, anti-social behaviour and business crime.

31. Safer York Partnership implemented a National Intelligence Model based delivery structure in 2005 which focuses on victims, offenders and locations identified through multi-agency data and intelligence analysis and delivered through task groups aligned to each priority in the partnership plan. Action plans record the initiatives and projects designed to tackle these priorities and track performance against the targets set out in the partnership plan. All initiatives delivered through this process are fully evaluated on an annual basis.

Impact of Changes on Community Safety Delivery for York & North Yorkshire

32. When the Home Office first introduced Community Safety grant funding to the CSPs in 2002, some of that funding was specifically ring fenced for partnership development and capacity building. In addition, other ring fenced grants were introduced to support the appointment of specialist posts such as anti-social behaviour co-ordinators, and domestic violence co-ordinators.
33. In 2008, SYP undertook a significant staffing review which reduced the number of posts to enable those remaining to be mainstreamed within the Local Authority. A further directorate review in 2010/11 resulted in some changes to roles, responsibilities and realignment of directorate posts within an overarching Community Safety team. Whilst SYP does rely on external income sources to support the team, the posts are funded by and sit within the local authority's staffing structure.
34. The York and North Yorkshire Community Safety Forum set up a task and finish group to look at how the CSPs might need to prepare for the changes in community safety and in particular the election of PCCs. The group concluded that it was the role of each district to determine its own model for delivery of community safety in the future. As a result, some districts have rationalised their staffing structure and others; Selby, Richmondshire and Hambleton have sought to collaborate and share resource.
35. The Home Office is aware that many small CSPs rely on grant funding to sustain staff. Whilst they have encouraged merger of CSPs for some

years, the process by which this could be achieved was bureaucratic and required Home Secretary approval. Hambleton and Richmondshire CSPs opted to merge in line with other shared services between the two local authorities. However, they still rely on Home Office grant funding to support posts even in the merged structure. Under the new legislation, the PCC will be able to approve mergers between CSPs. However, this has to be at the request of the CSPs and cannot be forced by the PCC.

A Partnership Delivery Model

36. In 2010, Selby CSP recognised the limitation of sustaining a CSP delivery structure within the context of diminishing Home Office Grant funding. Because of the geographical location of Selby, there was no natural option to merge with another CSP within North Yorkshire. As Selby and York had worked closely when they formed the Central Area Basic Command Unit within the North Yorkshire police structure, there has been a long history of close work between the areas, although one is a Unitary and the other a district.
37. In order to address funding issues and retain a local delivery structure, over the last 18 months SYP & Selby CSP have developed a partnership approach with SYP providing strategic support (at a cost) to Selby including representation at strategic (county/force wide) meetings, full data and intelligence analysis to support local problem solving, access to SYP's delivery structure and staffing expertise, mediation and financial management of the Selby budget. This has left the local Community Safety Officer in Selby, working directly with local partners to facilitate multi-agency problem solving and develop local responses to local priorities.
38. Whilst initially, some concern was raised by the Selby CSP Board that Selby's interests would be lost within the context of York Unitary priorities, this has not been the case. Selby CSP operates as an entirely separate CSP and any joint work has been in the funding of initiatives pertinent to both CSPs in order to achieve economies of scale through a single purchasing process. With the exception of an increase in Burglary in September and October 2011, crime in Selby has continued to reduce and remained significantly lower than in the previous year. The Safer Neighbourhood Commander and Inspectors all report a significantly better relationship and collaboration between the CSP and the Safer Neighbourhood Policing Teams and Selby Community Safety Officer is well engaged in driving partnership problem solving through the tactical tasking and co-ordination meetings held fortnightly by the police.

39. It is felt that a wider partnership approach with a single strategic body providing the strategic / intelligence functions with local, maybe joint CSP operational delivery structures underneath could provide an successful model for community safety across the force area and be attractive to the new PCC.

Consultation

40. The Head of Community Safety City of York Council chairs the National Community Safety Network (NCSN). This is a practitioner network providing support and information to 500 organisations engaged in community safety across the UK. NCSN is represented on a number of Home Office working groups driving the transition programme for PCC and PCP preparation and has recently been awarded Home Office funding to develop the sharing off effective practice and peer support for practitioners in England and Wales. In addition, York has representation on the Local Government Association Community Safety Board and Advisors Group. Information received through these channels, has enabled SYP to position itself in a strong position to demonstrate value for money and effective delivery in preparation for the PCC.

Options

41. Option 1 – To appoint via annual council two council nominations to represent CYC on the Police & Crime Panel.
42. Option 2 – To await the establishment of community safety delivery processes for York and North Yorkshire police force area after the election of PCC in November 2012
43. Option 3 – To work with the CSPs in North Yorkshire in advance of the elections to develop an options paper setting out a framework for delivery of community safety in York and North Yorkshire that can be presented to the PCC post November 2012.

Analysis

44. At present, funding concerns within the district CSPs are prohibiting the development of long term sustainable solutions to delivery of local community safety priorities. Whilst some partnerships are reducing their service provision to a minimum, others are developing exit strategies to reduce their commitment until any reserves have been fully exploited. Because the PCC will be a completely new appointment with a wide range of responsibilities, it is unlikely that the elected post holder will be in a position to develop new structures for some time after appointment.

This, combined with a predicted rise in crime due to the impact of continued economic recession, could place in jeopardy the partnership problem solving approach which has been achieved to date and significantly lose the focus on community safety leading to increases in crime and fear of crime.

45. York's track record in partnership working combined with the development of a partnership approach with Selby CSP, places it in a strong position to lead on work to develop proposals for the long term delivery of community safety across the county and city. The relationship with Selby has demonstrated that local focus is not lost through taking a collaborative approach and that by broadening this approach there is potential to share resource between the districts, county and City of York.

Council Plan

46. The Council Plan refers to tackling crime and increasing community safety. In the light of legislative changes and given that the PCC will be measured on force crime reduction, York (with 40% of the force's total crime) has a crucial role to play in delivering community safety.

Implications

47. The implications arising from this report are:

- **Financial** – The council currently received approximately £100k to support crime reduction initiatives and £17k from Selby CSP to support the staffing costs of Safer York Partnership. From April 13 this funding will be channelled through the PCC. It is also anticipated that some funding that the council currently received direct which support DAAT & YOT services will also be channelled through the PCC.
- **Human Resources (HR)** - N/A
- **Equalities** – Community Safety is delivered through the Safer York Partnership Community Safety Plan. This plan has undergone a full EIA and its content is inclusive of all communities within the city of York.
- **Legal** - New Structures are determined by the Police Reform and Social Responsibility Act 2011

- **Crime and Disorder** - This report relates entirely to tackling crime and disorder.
- **Information Technology (IT) NA**
- **Property NA**
- **Other NA**

Risk Management

- a. No known risks.

Recommendations

48. The Cabinet is asked to:

- a. Approve option 3, to work with the CSPs in North Yorkshire in advance of the elections to develop an options paper setting out a framework for delivery of community safety in York and North Yorkshire that can be presented to the PCC post November 2012.
- b. Determine who the two CYC appointments to the Police & Crime Panel should be and recommend to Annual Council for appointment.

Reason: To ensure that Safer York Partnership's experience and reputation as a successful CSP is not lost in the process of change to establishment of structures for the force area of York and North Yorkshire.

Contact Details

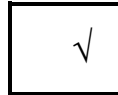
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**Report
Approved**



Date 27th April 12

Wards Affected: *All*

All

For further information please contact the author of the report

Background Papers:

Annex 1 – The Role of the PCC

Annex 2 – Final Draft Panel Agreement

Annex 3 - Supplementary Vote System

The Role of the Police and Crime Commissioner

Responsibility	What this means	What this means for York
Setting the strategic direction and accountability of policing	<p>Being accountable to the electorate</p> <p>Setting strategic policing priorities</p> <p>Holding the force to account through the Chief Constable and consulting and involving the public</p>	<p>Ensuring York's community safety priorities are addressed</p> <p>Paying due regard to the priorities in the CSP plan</p> <p>Linking in to community contracts</p>
Working with partners to prevent and tackle crime and re-offending	<p>Ensuring the police respond effectively to public concerns and threats to public safety</p> <p>Promoting and enabling joined up working on community safety and criminal justice</p> <p>Increasing public confidence in how crime is cut and policing delivered</p>	<p>Link to overview and scrutiny committee and local priorities within wards</p> <p>Ensuring the work of SYP continues including the established involvement with the wider criminal justice system (LCJB, YOT etc</p> <p>Continued proactive media of community safety achievements and successes</p>
Invoking the voice of the public, the vulnerable and victims	Ensuring that public priorities are acted upon, victims and consulted and that the most vulnerable individuals are not overlooked	Continuing work between NYP and CYC in relation to dealing with vulnerable victims

	Complying with the General Equality duty under the Equality Act	Support to the work being undertaken within CYC around Equalities excellence
Contributing to resourcing of policing response to regional and national threats	Ensuring an effective policing contribution alongside other partners to national arrangements to protect the public from other cross-boundary threats in line with the Strategic Policing Requirement	Continuing work through SYP and the Prevent delivery structure in tackling organised crime groups and cross border criminality
Ensuring value for money	<p>Responsible for the distribution of policing grants from central government and setting the precept raised through council tax</p> <p>Responsible for setting the budget, including the police precept component of council tax and how it should be spent</p> <p>Commissioning services from partners that will contribute to cutting crime</p>	<p>Participation through membership of the PCP in relation to the use of funding in York and North Yorkshire</p> <p>As above</p> <p>Ensuring that where commissioning and bidding processes exist, recognition is given to the track record of York in demonstrating value for money</p>

North Yorkshire Police and Crime Panel**Panel Arrangements**

This Agreement is dated the day of 2012.

The Agreement is made between the following:

The Council of the City of York of
The County Council of North Yorkshire of
The District Council of Craven of
The District Council of Hambleton of
The Borough Council of Harrogate of
The District Council of Richmondshire of
The District Council of Ryedale of
The Borough Council of Scarborough of
The District Council of Selby of

In the Agreement the above Authorities are referred to together as 'the Authorities'.

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 North Yorkshire and York is a multi authority police force area ('the police force area'). The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1. 7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.
1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
1. 9 The Panel is a joint committee of the Authorities.
1. 10 The Authorities agree the Panel Arrangements.
- 2. 0 Functions of the Police and Crime Panel**
2. 1 The Panel may not exercise any functions other than those conferred by the Act.
2. 2 The functions of the Panel set out at paragraphs 2.3 - 2.8 below may not be discharged by a Committee or Sub-Committee of the Panel.
2. 3 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and must:
 - a) review the draft Police and Crime Plan (and a variation to it); and,
 - b) report or make recommendations on the draft Plan which the PCC must take into account.
2. 4 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
 - a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act;
 - b) ask the PCC at that meeting such questions about the Annual Report as the Members of the Panel think appropriate;
 - c) review the Annual Report; and,
 - d) make a report or recommendations on the Annual Report to the PCC.
2. 5 The Panel must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereunder.
2. 6 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC in accordance with the requirements set out in Schedule 8 of the Act and will

have a right of veto in respect of the appointment in accordance with the Act and Regulations made thereunder.

2. 7 The right of veto in paragraphs 2.5 and 2.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
2. 8 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
2. 9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
2. 10 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
2. 11 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
2. 12 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel will determine and must also send copies to the Authorities.
2. 13 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel to undertake its functions, provided that such questions shall not:
 - a) relate to advice provided to the PCC by his/her staff;
 - b) in the view of the PCC:
 - i) be against the interests of national safety;
 - ii) jeopardise the safety of any person; or,
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or,
 - c) be prohibited by any other enactment.
2. 14 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

2. 15 The Panel may require the PCC to respond in writing to a report or recommendation from the Panel to the PCC.
2. 16 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
2. 17 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

3. 0 Membership

3. 1 General

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 3 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of fair representation as follows:

3. 5 One Member appointed by each of:

- a) the North Yorkshire County Council.
- b) the District Council of Craven.
- c) the District Council of Hambleton.
- d) the Borough Council of Harrogate.
- e) the District Council of Richmondshire.
- f) the District Council of Ryedale.
- g) the Borough Council of Scarborough.
- h) the District Council of Selby.

3. 6 Two Members shall be appointed by the City of York Council.

3. 7 The Panel shall also include two independent Members co-opted by the Panel.
3. 8 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10.
3. 9 Panel Members will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

3. 9 Appointed Members

3. 10 The Authorities shall each nominate an elected member to be a Member of the Panel, and in the case of the City of York, two Members shall be nominated. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
3. 11 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.
3. 12 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.
3. 13 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to (INSERT DETAILS).
3. 14 An appointed Member may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at (INSERT CONTACT DETAIL) and to their Authority at (INSERT CONTACT DETAIL).
3. 15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
3. 16 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3. 17 Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:
 - a) the PCC for the Police Area.
 - b) a member of staff of the PCC for the area.
 - c) a member of the civilian staff of the Police Force for the area.

- d) a Member of Parliament.
 - e) a Member of the National Assembly for Wales.
 - f) a Member of the Scottish Parliament.
 - g) a Member of the European Parliament.
3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.
3. 21 A co-opted Member shall be a Member of the Panel for four years.
3. 22 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
3. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at (INSERT DETAILS).
3. 24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.
3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:
- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;

- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3. 26 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3. 27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

4. 0 Budget and Costs of the Panel

4. 1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the Authorities on the basis of population, and further also on the basis of the County Council and the respective District Council for a North Yorkshire District Area sharing equally the cost in respect of the population of that Area.

4. 2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.

4. 3 A draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities (for example via Local Government North Yorkshire and York). All costs will be contained within the budget.

5. 0 Lead Authority

5. 1 The County Council of North Yorkshire shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

6. 0 Rules of Procedure

The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

7. 0 Allowances

7. 1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel for North Yorkshire County Council as to whether the payment of such an allowance is appropriate.

8. 0 Promotion of the Panel

8. 1 The Panel arrangements shall be promoted by:
- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
 - b) the issuing of regular press releases about the Panel and its work; and,
 - c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.
8. 2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:
- a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,
 - b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

9. 0 Validity of Proceedings

9. 1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.
9. 2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

INSERT SIGNATURE/EXECUTION CLAUSE

Supplementary Vote System

1. Under supplementary voting there are two columns on the ballot paper. Column one is for votes to mark their first choice candidate, column two is for voters to mark (if they so wish) their second choice candidate.
2. All first choice votes are counted, if one candidate has an absolute majority (ie: 50% +1) they are elected. However, if one candidate does not achieve a majority, the top two candidates continue to a second round count and all other candidates are eliminated. The ballot papers from those eliminated candidates are then reviewed and second choices votes for the remaining candidates are counted. Whichever candidate has the most votes after these second preferences votes have been allocated is declared elected.
3. Every police force in England and Wales, with the exception of the Metropolitan Police and City of London (where the mayor will act) will have a PCC. PCCs will produce a five year police and crime plan, set the force budget and determine the precept. They will have a reciprocal duty to co-operate with Community Safety Partnerships (CSPs) and will have to establish local co-operative arrangements with the Criminal Justice System.
4. PCCs and CSPs will have due regard for each others' priorities ie. Those set out in the Police and Crime Plan and within CSP Strategic Assessments and Partnership Plans. PCCs will be scrutinised by a Police and Crime Panel made up of representatives from each Local Authority in the police force area. Annex 1 sets out the role of the PCC and what that means nationally and for York.

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