



**Notice of a public meeting of  
Executive**

**To:** Councillors Gillies, Orrell, Reid, Runciman, Waller and Brooks

**Date:** Thursday, 15 March 2018

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**A G E N D A**

**Notice to Members – Post Decision 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 **4:00 pm on Monday, 19 March 2018**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

**1. Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 32)  
To approve and sign the minutes of the Executive meetings held on 25 January 2018 and 8 February 2018.

- 3. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday, 14 March 2018**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

“Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, will be uploaded onto the Council’s website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_f\\_or\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

- 4. Forward Plan** (Pages 33 - 38)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

- 5. Modern Slavery and Human Trafficking Transparency Statement** (Pages 39 - 46)

The Assistant Director, Housing & Community Safety, to present a report which asks Members to consider and agree a statement demonstrating the council's commitment to ensuring there are no victims of slavery or human trafficking employed directly by the council, or in its commissioned services or supply.
- 6. Domestic Abuse - Approval for Funding Contribution** (Pages 47 - 54)

The Corporate Director of Health, Housing & Adult Social Care, to present a report which seeks approval for funding of up to £12,300 per month, to be paid in arrears to the Police & Crime Commissioner as lead commissioner for the delivery of Domestic Abuse services.
- 7. Adopting the "Ethical Care Charter"** (Pages 55 - 82)

The Corporate Director of Health, Housing & Adult Social Care to present a report which responds to a motion approved at Full Council on 20 July 2017, by reviewing the implications of the council adopting the "Ethical Care Charter" developed and published by UNISON in respect of Home Care workers.
- 8. Renewal of the Council's Contract with Make it York** (Pages 83 - 108)

The Director of Children, Education and Communities to present a report which proposes the main terms on which the council would let a new contract to Make It York for the period 2018-21.
- 9. Review of the Evidence Base supporting the case for the Extension of Licensing of Houses in Multiple Occupation (HMO) across the City** (Pages 109 - 124)

The Assistant Director of Housing & Community Safety to present a report which responds to a motion approved at Full Council on 26 October 2017, outlining the latest government thinking on this subject and presenting options for an approach to extending the licensing of HMOs.

- 10. Investment at Lincoln Court to create an Independent Living with Support facility** (Pages 125 - 138)  
The Corporate Director of Health, Housing & Adult Social Care to present a report which details the outcome of an investment review and seeks approval for investment at Lincoln Court to create an Independent Living with Support facility.
- 11. Education, Children & Young People's Capital Programme: Proposed School Maintenance Schemes and Basic Need Programme 2018/19** (Pages 139 - 148)  
The Corporate Director of Children, Education and Communities to present a report which provides information on funding available in the School Maintenance Programme for 2018/19 and seeks Executive approval for the proposed programme and for schemes budgeted in excess of £500k each.
- 12. Future Asset Inspection Programme** (Pages 149 - 162)  
The Director of Economy and Place to present a report which asks Executive to endorse and approve an approach to improved highway inspection and maintenance and to support the development of risk-based inspection and maintenance practices across wider asset groups, to ensure that guidance within the updated Well Managed Highways Infrastructure Code of Practice is adopted before its October 2018 implementation date.
- 13. York Central - York Central Access Construction** (Pages 163 - 180)  
The Director of Economy and Place to present a report which seeks approval to begin the procurement process for construction of the York Central access route, to ensure delivery of the route within the timescale of available grant funding, and also seeks in-principle agreement to dispose of the freehold of land in council ownership, using the capital receipt to fund project costs.
- 14. Appointment to the Shareholder Committee** (Pages 181 - 184)  
The Assistant Director, Legal & Governance, to present a report which invites the Executive to consider nominations for appointment of a member to the Shareholder Committee, and to make the appointment.

## **15. Items added to the Agenda under Urgency procedures**

The following two items have been added to the agenda under the urgency procedures set out in the council's Access to Information Protocol, as they were not included on the published Forward Plan 28 days in advance of the meeting.

### **a) James House Temporary Homeless Accommodation - Approval for Budget Revisions and Authorisation to Appoint the Successful Contractor** (Pages 185 - 192)

The Assistant Director for Housing and Community Safety will present a report which seeks approval for a revised budget for the James House project, and for officers to award the works contract and seek further grant funding from Homes England.

The reason for the urgency is that, following the tendering of the contract to refurbish James House as a hostel for temporary accommodation, Executive is required to approve the revisions to the budget and award the contract in time for work to commence before 29 March, to ensure that the grant awarded by Homes England is secured.

### **b) "One Yorkshire" Devolution - an update** (Pages 193 - 208)

The Head of Corporate Policy and City Partnerships to present a report asking Executive to note proposals for a Yorkshire Devolution Agreement submitted to the Secretary of State on 5 March, and to request Officers to continue working with the Yorkshire Leaders group and Chief Executive sub-group on detailed development and report back on progress.

The reason for the urgency is that, given this rapid and significant development, it is necessary to update the Executive on the current status of the proposals and the process for agreement, to ensure that members, residents and businesses are fully sighted on the future decisions required.

## **16. Urgent Business**

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

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@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 and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

City of York Council

Committee Minutes

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Meeting	Executive
Date	25 January 2018
Present	Councillors Carr (Chair), Gillies, Mercer, Reid, Runciman and Waller
Apologies	Councillors Lisle and Orrell
In Attendance	Councillors Looker and Cuthbertson

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **102. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, that they might have in respect of business on the agenda.

Cllr Gillies declared a personal, non prejudicial interest in Agenda Item 10 (Homelessness in York), as his daughter was a trustee of Arc Light.

### **103. Minutes**

Resolved: That the minutes of the last Executive meeting, held on 7 December 2017, be approved and then signed by the Chair as a correct record.

### **104. Public Participation**

It was reported that 8 members of the public had registered to speak at the meeting under the Council's Public Participation Scheme. In addition, one Council Member had requested to speak, and two had submitted written comments.

Representations were made as follows:

#### Item 8 – Future Operation of Rowntree Park and Lodge

Emma Morris spoke on behalf of the Friends of Rowntree Park, querying some of the costings in the report and suggesting that

alternative options for the use of the Lodge had not been adequately considered.

#### Item 9 – A Clean Air Zone for York, Including Anti-Idling Enforcement

Ginnie Shaw spoke as a York resident, expressing disappointment that the proposals related only to buses and did not cover HGVs and diesel vans.

Written representations received from Cllr D'Agorne on behalf of the Green group, supporting the extension of the CAZ to other vehicles and adoption of anti-idling 'option 3' in Annex 6 to the report, were circulated at the meeting.

#### Item 10 – Homelessness in York

Rosie Baker, Policy Officer for York Green Party, spoke on behalf of Cllr Craghill, who had moved the original motion to Council. She queried whether the level of support proposed was enough and suggested bolder efforts were needed to extend Housing First.

#### Item 11 – City of York Local Plan

Eamonn Keogh, on behalf of the Chamber of Commerce, spoke against the recommendations of the Local Plan Working Group (LPWG), on the basis that they would result in a Plan lacking in ambition and certainty.

Stephen Talboy, Director of Estates for the University of York, spoke against the recommendations of the LPWG, on the grounds that reducing the university's expansion site would restrict its ability to contribute to the growth and success of the city.

Martin Hawthorne spoke on behalf of Galtres Garden Village Development Company, pointing out the benefits this development could bring to the city if a slight increase in housing numbers were approved.

Richard France spoke in relation to site ST15 (land west of Elvington Lane), urging Members to accept Langwith's proposed boundary change, in order to make the site viable.



Richard Wood spoke in relation to sites ST7 (land east of Metcalfe Lane) and ST14 (land west of Wigginton Road), stressing the need to increase the site boundaries to make the 'garden village' development deliverable.

Cllr Mark Warters spoke as ward member for Osbaldwick and Derwent, suggesting that an environment capacity survey be commissioned to determine the effects of over-development on the city's character and infrastructure.

Written representations received from Cllr Kramm as ward member for Micklegate, proposing a change to the eastern boundary of York Central, were circulated at the meeting.

**105. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings, at the time the agenda had been published.

**106. Securing a Sustainable Future for Haxby Hall Older Persons' Home**

The Programme Director, Older Persons' Accommodation, presented a report which set out the results of consultation on the option to transfer the ownership and management of Haxby Hall older persons' home to a partner organisation and asked Executive to decide whether to approve the transfer.

Approval to take forward this option had been given by Executive on 7 December 2016 (Minute 85b of that meeting refers). Consultation with residents, relatives and staff had taken place between September and November 2017. The overall response, as summarised in paragraph 12 of the report, had been positive, with a preference for a phased redevelopment enabling residents and staff to remain at the home. Key issues raised at a supplier engagement meeting held on 6 September were highlighted in paragraph 14.

The minimum requirements proposed for the transfer, based on the feedback from consultation, were detailed in paragraph 16. Bidders would be encouraged to submit bids which also delivered additional, viable enhancements to this minimum.

Officers confirmed that the council would maintain oversight of service provision after the transfer. Members paid tribute to the work of staff at the home and welcomed the opportunity to improve facilities for them and for residents.

- Resolved:
- (i) That the results of consultation undertaken with residents, relatives, staff and care providers on the future ownership and management of Haxby Hall residential care home be noted.
  - (ii) That the transfer of the ownership and management of Haxby Hall residential care home to an independent sector provider be approved.
  - (iii) That approval be given to:
    - a) Procure a developer / operator to take over Haxby Hall residential care home as a going concern, with a commitment to deliver improved care facilities on the site;
    - b) Dispose of the site of the care home to the selected bidder by way of freehold sale or long lease, in return for payment of a premium / capital sum;
    - c) Impose a covenant within the transfer deed / lease that the land can only be used as a care home but the council will not unreasonably withhold approval to a different use, subject to the council receiving an additional sum equal to a fair proportion of any increase in value arising from any alternative use (provided that the council could refuse any request for alternative use within an initial period of approximately 25 years unless the provider can show that there is no longer sufficient demand for a care home on the site);
    - d) Procure a contract under which the council would seek to purchase access to a specified number of beds in the care home at a specified rate for a specified number of years;
    - e) Provide relevant pension indemnities to the preferred partner in respect of the staff who will transfer under TUPE; and

f) Pay the cost of this procurement from the agreed Older Persons' Accommodation Programme budget.

(iv) That bids allowing for the residents and staff of Haxby Hall to move to another location for a fixed period of time while re-development takes place be considered and, should this option be favoured by bidders, that it be the subject of consultation with residents, relatives and staff before being adopted.

(v) That Executive receive, at their meeting in September 2018, the recommendation to sell or lease the Haxby Hall site to the preferred partner on the terms agreed via the procurement, in accordance with Financial Regulations.

Reason: To secure the long term provision of care at Haxby Hall and progress the Programme's aim of expanding and modernising older people's care provision in the city, while delivering medium and long term efficiencies.

#### **107. Developing a Centre of Excellence for Disabled Children and their Families in York**

*[See also under Part B Minutes]*

The Corporate Director, Children, Education and Communities presented a report which gave an overview of the proposal to build a Centre of Excellence for disabled children and their families on the site of the former Windsor House Older Persons' Home, as discussed at Executive on 7 December 2017 (minute 98 of that meeting refers), and sought approval to progress the project further.

The project was part of the wider development of services for disabled children and young people across the city. Feasibility and development work had taken a co-production approach, with parents, carers, staff and partner agencies involved at all stages, as well as the children and young people themselves.

After considering options to increase the land available, in line with advice from Specialist Design Consultants, it was proposed

to use of part of Hob Moor School playing fields to develop shared amenities and, potentially, as the site for part of the Centre of Excellence building. Full details were provided in paragraphs 18 to 29 of the report. The proposed business case for the project as a whole was set out in Annex C.

Members welcomed the proposals in the report and placed on record their thanks to Eoin Rush, the council's former Assistant Director, Children & Families, for his work in developing the project.

Resolved: (i) That the business case for the development of a Centre of Excellence for Disabled Children and their families in York be approved.

(ii) That approval be given to progress to the next stage of design, planning and development.

Reason: To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

#### **108. Re-procurement of Managed Stores Service for Building Services & Highways**

The Assistant Director of Housing & Community Safety presented a report which sought approval to proceed with the re-procurement of the Managed Stores service for Building Services and Highways department, in line with finance and governance requirements for the procurement of services worth over £500k.

The existing service was delivered by Crown Commercial Services under a joint framework agreement with City of York Council (CYC) and the University of York (UoY). Following a review of the service, it was proposed that CYC re-procure an on-site Managed Stores Solution, to commence on expiry of the current contract in September 2018. This would enable a longer term contract, that complied with the Public Contract Regulations 2015, to be secured; initially for 6 years, with a right for CYC or UoY to request an extension up to 8 years and then up to 10 years. The contractor would also be granted a lease of the service base at Hazel Court, to run concurrently.

To maximise potential efficiencies, it was proposed that the service be expanded to accommodate supply of materials for the Housing Revenue Account planned maintenance services and the highways service. The total combined financial throughput for the new contract, including UoY, was estimated at over £3m per year.

Resolved: (i) That approval be given to proceed with the procurement, as set out in the report.

(ii) That authority be delegated to the Assistant Director of Housing and Community Safety to approve the award of the contract once the tender process is complete.

Reason: In line with the council's internal governance rules and the requirements of the Public Contract Regulations, and to facilitate a quicker route into the critical mobilisation phase of the project.

#### **109. Future operation of Rowntree Park Lodge and Park**

*[See also under Part B Minutes]*

The Operations Manager, Public Realm, presented a report which sought approval for the allocation of funding to enable the regeneration of the upper floors of Rowntree Park Lodge, and their lease as a Holiday Letting to provide long-term funding for the Park.

Initiatives already taken to meet the ongoing challenge of supporting the running costs of, and capital investment in, Rowntree Park were detailed in paragraphs 8 to 12 of the report. The upper floors of the Lodge, previously a park keeper's residence, had been vacant since the retirement of an employee. Officers had considered the following options to ensure its continued use, maintenance and contribution to core funding:

**Option 1** – sell the leasehold on the open market

**Option 2** – lease as private residential accommodation

**Option 3** – lease as social residential accommodation

**Option 4** – lease for commercial use

**Option 5** – expand the existing Library / Cafe use

**Option 6** – lease as a holiday letting.

Options 1, 2, 3 and 4 were not recommended as they did not comply with the legal requirement to dispose of land classed as open space for recreational use only. Option 5 was not recommended due to the high cost of works required and problems in complying with disability requirements.

In response to matters raised under Public Participation, Officers confirmed that since the move to a mobile workforce the Lodge was not needed for staff accommodation and that the conversion costs in the report were based on professional estimates.

Resolved: (i) That approval be given to lease the upper floors of Rowntree Park Lodge as a Holiday Letting, subject to obtaining the consent of the beneficiary of the covenants imposed when ownership of the Park (including the site of the Lodge was transferred to the council.

(ii) That any net revenue generated be ring-fenced for the upkeep of Rowntree Park.

Reason: To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

#### **110. A Clean Air Zone for York including Anti Idling Enforcement**

The Sustainable Transport Manager presented a report which set out options to introduce a local bus-based Clean Air Zone (CAZ), and improved minimum emissions standard for local bus services contracted by City of York Council (CYC), and to adopt anti-idling measures.

CYC had adopted three Air Quality Management Areas (AQMAs) and a Low Emissions Strategy (LES) and air quality had generally improved at most locations in the city. However, emissions of NO<sub>2</sub> from diesel vehicles had not reduced as rapidly as predicted, due partly to the number of ageing diesel buses. The current proposals had been approved in principle during adoption of AQMA3, subject to further assessment and consultation with bus operators prior to implementation. Significant progress had since been made in terms of electrifying buses, but further measures were needed to meet

the original CAZ proposals and address continued complaints about idling engines.

Two revised options were presented for delivery of the CAZ:  
**Option 1** – a 3-tier approach mandating emissions standards for all vehicles operating on registered local bus services in York.

**Option 2** – a single emissions standard for most vehicles operating on these services, with certain lower frequency buses remaining exempt. This was broadly based on the LEZ operating in Oxford since 2014 and considered lower risk than Option 1, which was without precedent.

With regard to anti-idling, in addition to the measures proposed in AQAP3, an option to designate enforcement powers to specific officers had been investigated. Enforcement would only be undertaken as a last resort, for offences on the public highway.

In response to matters raised under Public Participation, it was noted that air quality standards would be kept under review and that balancing the economic needs of York with improving air quality remained a key challenge for the city.

- Resolved:
- (i) That the introduction of a CAZ in 2020, subject to a consultation on the details of the proposed CAZ, be approved.
  - (ii) That Option 2, as detailed in paragraphs 43-46 of the report, be indicated as the preferred option within the consultation.
  - (iii) That the introduction of a minimum Ultra Low Emission Bus standard for all City of York Council (CYC) contracted bus services when new contracts are awarded be approved.
  - (iv) That a report be brought back to the Executive with options to introduce a similar standard in the procurement of fleet and other buses by CYC.
  - (v) That the use of enforcement to supplement the existing awareness-raising activities to reduce stationary vehicle idling in York, as set out in paragraphs 66 to 69 of the report, be approved.

Reason: To improve air quality in York through the acceleration of improvements to bus emission levels and the reduction of vehicle engine idling.

#### **111. Homelessness in York**

The Assistant Director of Housing & Community Safety presented a report which provided an update on actions completed and proposed in response to the motion on Homelessness agreed by Full Council in October 2017, and on work carried out in preparation for the Homeless Reduction Act 2017.

The report outlined the range of services available to rough sleepers in the context of the statutory homeless and single homeless – resettlement services provided by City of York Council and partner agencies. All known rough sleepers had been offered help and support to access accommodation, though some had been excluded due to their behaviour and some had refused any form of help. As of 3 January 2018, there were 9 rough sleepers in York; this figure fluctuated.

Actions already completed or in progress were listed in paragraphs 39 to 54 of the report. Additional proposals developed in response to the Council motion were set out in paragraphs 56 to 59. Members were invited to decide whether to approve these (Option 1) or reject them (Option 2).

In response to questions from Members and matters raised under Public Participation, Officers confirmed that the street team engaged regularly and directly with rough sleepers, who had also been involved in previous consultation exercises.

Resolved: (i) That the progress made in response to the motion to Council be noted.

(ii) That Option 1 be approved and the following changes and proposals endorsed and agreed, as detailed in paragraphs 55-59 of the report:

- a) To operate severe weather provision continuously throughout the winter period until 28 February 2018, instead of on cold nights only;



- b) To explore innovative ideas to build more one-bedroom properties as part of the allocation in the Housing Revenue Account for the construction of new council properties at an affordable social rent.
- c) To give consideration to expanding the number of emergency beds in the city, using the £125k available over a 3-year period to pilot an innovative scheme to meet the needs of the city.
- d) To consider employing a Private Rented Officer to work with existing services to help individuals access the private rented sector and to offer support and contact for landlords.

Reason: To look at further ways to tackle the challenge of rough sleeping in York, recognising that there is not an immediate solution due to the chaotic lifestyles of some customers and the potential implications of the Homeless Reduction Act 2017.

## **112. City of York Local Plan**

The Assistant Director of Planning & Public Protection presented a report which asked Members to consider any potential changes to the pre-publication draft Local Plan and to confirm the basis on which the Local Plan should be progressed to the Regulation 19 stage, including a city-wide consultation. The pre-publication draft Local Plan (Annex A) had been made available to view online, with copies circulated separately to Members.

The report had been considered by the Local Plan Working Group (LPWG) on 23 January 2018 (Minute 17 of that meeting refers). The recommendations of the LPWG, which differed from Officers' recommendations, were circulated to Members at the meeting and read out by the Chair.

The Executive Member for Transport and Planning thanked Officers for their work on the Plan and moved that the decision on this item be deferred for two weeks to assess the further information presented at the meeting under Public Participation. The motion was not seconded and, following debate, it was

Resolved: (i) That the recommendations of the Local Plan Working Group be accepted and that the changes to the pre-publication draft Local Plan (Regulation 18) as set out in the report and Annex A be agreed, with the exception of the following tables:

- Housing: accept Table 1 and reject Tables 2, 3 and 4
- Employment: accept Table 5 and reject Tables 6 and 7.

*These amendments relate to boundary changes and proposed changes to housing numbers. This is to be reflected in amendments to all relevant policies detailed in the report.*

(ii) That, subject to those changes, the Local Plan be progressed to the Regulation 19 stage

(iii) That authority be delegated to the Assistant Director of Planning & Public Protection, in consultation with the Leader and Deputy Leader, to:

- a) approve all policies necessary for the production of a composite Local Plan for the purposes of public consultation;
- b) consider and approve further technical reports and assessments to support the Local Plan; including, but not limited to, the SA/SEA, HRA, Viability Study and Transport Assessment;
- c) approve a consultation strategy and associated material for the purposes of a city wide consultation, and to undertake consultation on a composite plan in accordance with that agreed strategy.

(v) That the Leader and Deputy Leader keep Group Leaders informed, through Group Leaders' meetings, of progress with the above actions.

Reason: So that an NPPF compliant Local Plan can be progressed.

### **113. Impact of Arts & Culture on the Economy Scrutiny Review Final Report**

Cllr Looker, as Chair of the Scrutiny Task Group set up to review the impact of the Arts & Culture sectors on the economy of York, presented the Task Group's final report, seeking approval of the recommendations arising from the review. These recommendations had been endorsed by the Economy & Place Policy and Development Committee at their meeting on 22 November 2017.

The Task Group had originally been appointed in July 2016 by the former Economic Development & Transport Policy and Scrutiny Committee. Cllr Cuthbertson, as Chair of that committee at the time, attended to make some introductory comments.

Members welcomed the findings of the review and the opportunity they provided to bring together the work of organisations across the city, allowing the council to maintain a strategic overview.

Resolved: (i) That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as detailed in paragraphs 63-65 of the Task Group's final report at Appendix 1, and set out in paragraphs 2-4 of the cover report, be approved.

(ii) That, with regard to the Task Group's recommendation i, the draft Cultural Strategy be brought to the Executive for adoption on behalf of the council and that funding to support the Strategy be allocated via the 2018/19 budget process.

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols.

### **114. WW1 Commemorations 2018 Scrutiny Review**

Members received the final report of the Scrutiny Task Group set up to review the planning of an overall strategy for the council's activities to commemorate WW1, chaired by Cllr Steward. Approval was sought for the recommendations arising from the review.

The recommendations had been endorsed by the Children, Education & Communities Policy and Scrutiny Committee at their meeting on 10 January 2018 (minute 34 of that meeting refers). The Committee had set up the Task Group in response to a Motion approved by Full Council on 30 March 2017, which sought to convene a working group to co-ordinate a series of events to commemorate the end of WW1 in 2018.

Resolved: That the findings of the Scrutiny Task Group be noted and that the recommendations from the review, as set out in paragraph 21 of the Task Group's final report at Annex 1 and paragraph 4 of the cover report, be approved.

Reason: To conclude the Scrutiny Review in line with the council's Scrutiny procedures and protocols.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **115. Developing a Centre of Excellence for Disabled Children and their Families**

*[See also under Part A Minutes]*

The Corporate Director, Children, Education and Communities presented a report which gave an overview of the proposal to build a Centre of Excellence for disabled children and their families on the site of the former Windsor House Older Persons' Home, as discussed at Executive on 7 December 2017 (minute 98 of that meeting refers), and sought approval to progress the project further.

The project was part of the wider development of services for disabled children and young people across the city. Feasibility and development work had taken a co-production approach, with parents, carers, staff and partner agencies involved at all stages, as well as the children and young people themselves.

After considering options to increase the land available, in line with advice from Specialist Design Consultants, it was proposed to use of part of Hob Moor School playing fields to develop shared amenities and, potentially, as the site for part of the Centre of Excellence building. Full details were provided in

paragraphs 18 to 29 of the report. The proposed business case for the project as a whole was set out in Annex C.

Members welcomed the proposals in the report and placed on record their thanks to Eoin Rush, the council's former Assistant Director, Children & Families, for his work in developing the project.

**Recommended:** That Council approve the allocation of a capital budget of £4.274m to support the development of a Centre of Excellence for Disabled Children and their families, of which £850k would be financed by net capital receipts from the sale of The Glen plus the annual repayment charge of £175k from the revenue budget over 30 years, with the remainder to come from borrowing .

**Reason:** To enable the provision of a Centre of Excellence with the potential to be a leader in innovative practice both regionally and nationally, as part of the wider development of services for disabled children and young people across the city.

#### **116. Future Operation of Rowntree Park Lodge and Park**

*[See also under Part A Minutes]*

The Operations Manager, Public Realm, presented a report which sought approval for the allocation of funding to enable the regeneration of the upper floors of Rowntree Park Lodge, and their lease as a Holiday Letting to provide long-term funding for the Park.

Initiatives already taken to meet the ongoing challenge of supporting the running costs of, and capital investment in, Rowntree Park were detailed in paragraphs 8 to 12 of the report. The upper floors of the Lodge, previously a park keeper's residence, had been vacant since the retirement of an employee. Officers had considered the following options to ensure its continued use, maintenance and contribution to core funding:

**Option 1** – sell the leasehold on the open market

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**Option 6** – lease as a holiday letting.

Options 1, 2, 3 and 4 were not recommended as they did not comply with the legal requirement to dispose of land classed as open space for recreational use only. Option 5 was not recommended due to the high cost of works required and problems in complying with disability requirements.

In response to matters raised under Public Participation, Officers confirmed that since the move to a mobile workforce the Lodge was not needed for staff accommodation and that the conversion costs in the report were based on professional estimates.

**Recommended:** That Council approve the allocation of £150,000 capital budget to facilitate the regeneration of the upper floors of Rowntree Park Lodge, to be funded from the revenue receipts generated from future use of the Lodge.

**Reason:** To support Rowntree Park and its stakeholders in developing the facilities for a long term sustainable future.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.43 pm].

Meeting	Executive
Date	8 February 2018
Present	Councillors Orrell, Gillies, Brooks, Mercer, Carr (Chair), Reid, Runciman and Waller
In Attendance	Councillors Looker and Kramm

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **117. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in respect of business on the agenda.

Cllrs Brooks, Runciman and Waller each declared a personal, non prejudicial interest in Agenda Item 5 (Admissions Arrangements for the 2019/20 School Year), as members of the Church of England.

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

Resolved: That the press and public be excluded from the meeting should any discussion arise on Annex 3 to agenda item 8 (Disposal of Willow House, Walmgate) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

### **119. Public Participation**

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

and one request to speak by a Council Member. Two written representations had also been received.

Supt. Lindsey Robson and Insp. Paul Mendham spoke on Agenda Item 6 (City Transport Access Measures) on behalf of North Yorkshire Police, fully supporting the proposals in the report.

June Tranmer spoke on Agenda Item 8 (Sale of Willow House), suggesting that the sale be conditional upon the inclusion of a covenant to protect all of the trees on the site.

Cllr Warters spoke on Agenda Item 11 (Financial Strategy 2018/19 to 2022/23), objecting to the educational exemption from council tax for students and seeking more financial support for waste management and highways repairs.

Hon. Alderman Brian Watson spoke on matters within the remit of the Executive, expressing his views on current issues with the management of the Community Stadium and the involvement of York Football Club.

Gwen Swinburne spoke on matters within the remit of the Executive, expressing her views on the Executive leadership, and on the suspension or dismissal of certain members.

Written representations submitted by Make it York and York Minster, supporting the proposals in the report at Agenda Item 6, were circulated at the meeting.

## **120. Forward Plan**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

## **121. Admissions Arrangements for the 2019/20 School Year**

The Corporate Director, Children, Education & Communities, presented a report which sought approval for the admissions policies for community and voluntarily controlled schools, and for the co-ordinated admissions schemes in the City of York area, for the school year starting in September 2018.



The matter had been referred to the Executive by the Executive Member for Education, Children and Young People at his Decision Session on 16 January 2018 (*Minute 26 of that meeting refers*), as some changes had been made to the admission arrangements in recent years and he thought it important for Executive to be aware of current policies and to consider the policies for 2018/19.

The recommendations in the report and annexes had been prepared following consultation with schools and other interested parties. The Executive had the option to approve, reject or modify the proposals relating to community and voluntary controlled schools, and could choose to raise a statutory objection to voluntary aided and academy school s admission arrangements. The changes to the City of York admissions policies agreed last year, set out in paragraph 25, were minor and consisted mainly of clarifying some definitions and guidance.

Members agreed that future reports could be taken to the Executive Member Decision Session for determination, as before.

Resolved: (i) That the proposal to decrease the published admission number (PAN) for Osbaldwick Primary School from 60 to 45, as outlined in paragraphs 47-58 of the report, be approved.

Reason: To assist the school with more appropriate class organisation and use of resources.

(ii) That, subject to the amendment agreed in (i) above, the proposed PANs for all City of York Council schools for the school year beginning in September 2019, as set out in Annex A, be approved.

(iii) That the co-ordinated schemes and admissions policies for all City of York Council schools for the 2019/20 school year, as set out in Annexes B-G and Y-AA to the report, be approved.

Reason: To meet the statutory requirements of the School Admissions Code of Practice.

## 122. City Transport Access Measures

*[See also under Part B Minutes]*

The Assistant Director of Transport, Highways and Environment, presented a report which set out an approach to developing proposals to ensure safety in York, through a review of transport access into the city centre and areas adjacent to the Minster and York Racecourse.

Keeping residents and visitors safe was a key role and priority for the council, and crucial to protecting the city's economy. Against the background of the national CONTEST strategy aimed at reducing the risk of terrorism, the police had advised a review of Traffic Regulation Orders, and of physical measures in place, to prevent vehicles from accessing areas of significant footfall. The council would engage with key partners to identify areas requiring more detailed work and to mitigate any adverse effects.

The aim was to develop the proposals in a sensitive way, respecting the historic value of York's built environment, and mitigating the impact of the changes on disabled access and traders in particular. Delegated authority was sought to move the proposals forward, in view of the need for speedy delivery of this work. It was proposed that funding be from the Built Environment Fund, supported by partner and other council funds as required.

Members broadly welcomed the proposals, highlighting the need to keep all affected groups informed as the work moved forward.

Resolved: (i) That Officers be requested to work with representatives from North Yorkshire Police, York BID, Make it York, York Minster and York Racecourse to upgrade existing highway infrastructure, and to identify additional locations where vehicle restrictions will take precedence over access requirements due to the potential conflict between pedestrians and vehicles.

(ii) That these proposals be developed and determined at a future Decision Session of the Executive Member for Transport & Planning.

Reason: To ensure that the risks identified by the police are acted upon as soon as possible in the interests of public safety, but in a managed and qualitative way, in consultation with key partners.

(iii) That authority be delegated to the Director of Economy & Place, in consultation with the Executive Member for Transport & Planning and the Interim Deputy Leader, to make decisions in relation to a one year trial, proposals for which will be developed with York Racecourse to minimise the impact on transport infrastructure at the racecourse, principally taxis and buses, to expedite the delivery of a scheme before the first race of the 2018 season.

Reason: To ensure that there are adequate crowd safety measures and protocols in place before the first race meeting of 2018.

(iv) That Officers be instructed to engage and work with key disabled access stakeholders, e.g. Disabled Parking Association and Shopmobility, to review disabled parking within the city centre at the same time as this overall work programme.

Reason: In order to mitigate the potential loss of disabled parking in the city, ensuring a safe city centre which is as accessible as possible to all.

(v) That Officers be instructed to engage and work with York BID and traders' representatives to minimise the impact on the operation of local businesses within the city centre.

Reason: In order to mitigate the potential issues relating to deliveries and servicing local businesses within the city centre.

(vi) That subject to Council approving the funding recommended in Minute 129, approval be given to start the procurement of external contractor support

to bring in the expertise and resources to deliver this scheme, with detailed proposals to be brought to the Executive Member for Transport & Planning.

Reason: In view of the limited resources, and lack of relevant expertise in this field, within the council.

(vii) That the use of any temporary measures to limit vehicle access be continued where appropriate.

Reason: To continue to provide a flexible and responsive approach to public safety within the city.

**123. Proposed Long Term Lease Holgate Bowling Green and Pavilion**

The Assistant Director, Regeneration and Asset Management, presented a report which sought approval to let Holgate Bowling Green to the Trustees of York Railway Institute (RI) Bowls Club.

There had been an ongoing project over the past three years to transfer the care, management and development of council owned bowling greens and croquet lawns to their users, by granting long term leases of the land. The RI Bowls Club was seeking parity in this respect with other clubs that had been granted such leases.

Approval of the proposed community asset transfer would result in the loss of £896 rent per annum; this could be accommodated within existing budgets.

Resolved: That approval be given to let Holgate Bowling Green to the Railway Institute Bowls Club for a term of 30 years, at a peppercorn rent, in accordance with the lease terms set out in the Council's Asset Transfer Policy.

Reason: To develop and operate social, sporting and recreational activities for club members and all sections of the local community.

**124. Disposal of Willow House, Walmgate, York**

The Assistant Director, Regeneration and Asset Management, presented a report which sought approval for the sale of the

former Older Persons' Home at Willow House to the highest bidder.

The proposal followed the withdrawal of a previous bid by Empiric PLC, as reported to the Executive (Calling-In) meeting on 23 November 2017 (Minute 15 of that meeting refers). Bidders had been asked to submit their best and final offers by 19 December. Five bids had been received, as detailed in Annex 2 to the report and listed in exempt Annex 3.

The highest bid, at £2,750k, was from Cavendish and Gloucester Ltd., who proposed to convert the existing 2-storey building to a 3-storey development of 36 residential apartments, retaining the mature Corsican pine tree. The second highest bid involved the felling of the tree. The third highest bid would leave the tree in place and was only £3k lower than the second. It was therefore proposed to retain Bidder 3 as a reserve bidder should the first bid fail.

In response to comments made under Public Participation, Officers confirmed that retaining all the trees on site was a matter to be dealt with under the Planning process rather than by covenant. Members agreed that future decisions on disposal of land should take into account any relevant issues of community use.

Resolved: (i) That the sale of Willow House to Cavendish and Gloucester Properties Ltd., as the highest bidder, be approved.

(ii) That Bidder 3 be retained as a reserve bidder and, should Cavendish and Gloucester Properties Ltd. fail to complete the purchase of Willow House, that Willow House be sold to Bidder 3.

Reason: To achieve the best consideration for the Willow House site, and facilitate investment in the Older Persons Accommodation Programme.

### **125. 2017/18 Finance and Performance Monitor 3**

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which detailed the council's overall finance and performance position for the period 1 October 2017 to 31 December 2017.

The latest forecast indicated that the council was facing financial pressures of £272k, an improvement on the projected overspend of £446k reported at Monitor 2. Variations within each directorate were detailed in paragraphs 6 to 39 of the report and summarised in Table 1 at paragraph 5. It was noted that allocations from contingency, currently standing at £761.6k, might be needed to deal with some of these pressures. However, it was expected that by the end of the year an underspend would again be achieved.

Performance against the priorities in the 2015-19 Council Plan was set out in paragraphs 42 to 122 of the report. Details of performance relating to major projects, employees and customers were provided in paragraphs 123 to 149. All performance data was available to view on the council's open data platform at [www.yorkopendata.org](http://www.yorkopendata.org). Key statutory services, in particular, continued to perform well. Overall, the current financial and performance position provided a sound platform from which to deal with continuing future challenges.

Resolved: That the finance and performance information provided in the report be noted.

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

## **126. Capital Programme - Monitor 3 2017/18**

*[See also under Part B Minutes]*

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the projected out-turn of the council's 2017/18 capital programme, including any under / overspends and adjustments, and asked Executive to recommend the adjustments to Full Council.

A decrease of £19.324m was reported on the approved capital budget of £111.638m, resulting in a revised programme of £88.586m. Variances in each portfolio area were summarised in Table 1 at paragraph 6 of the report, and detailed in paragraphs 8 to 53. The effect of the revisions was shown in Table 2, paragraph 54.

The changes included the re-profiling of £1.337m from the Built Environment Fund into 2018/19 to fund the review of city centre access points, as detailed in Agenda Item 6 (Minutes 122 and 128 refer).

Resolved: (i) That the 2017/18 revised budget of £88.586m, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2017/18 to 2021/22, as set out in Table 2 at paragraph 54, be noted.

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

## **127. Financial Strategy 2018/19 to 2022/23**

*[See also under Part B Minutes]*

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the council's financial strategy for 2018/19 to 2022/23, including detailed revenue budget proposals for 2018/19. It was noted that the income and expenditure proposals, if approved, would result in a 3.49% increase in the City of York element of the council tax, of which 1.5% would relate to the social care precept.

Officers reported at the meeting that details of the final settlement from government for 2018/19 had been received on 6 February and included additional social care funding of £457k.

Members welcomed the additional funding, thanked Officers for producing a balanced budget in difficult circumstances, and noted that the proposed council tax increase was one of the lowest in the region. The Interim Deputy Leader / Executive Member for Environment outlined some additional proposals aimed at addressing pressures on the CCG budget and residents' concerns about waste management services; these were supported, and it was

Resolved: (i) That the average rent decrease of 1%, described in paragraph 158 of the report and shown in Table 14 at paragraph 159, be applied to all 'social housing rents' for 2018/19.

Reason: As required by legislation.

(ii) That the average rent increase of 4%, described in paragraph 60, be applied to all rents which fall outside the definition of 'social housing rents' for 2018/19.

Reason: To ensure the ongoing financial stability of the HRA and allow work on improving the quality of the council's affordable housing to continue.

(iii) That the receipt of an additional £457k adult social care grant announced in the final settlement on 6 February be noted.

Reason: So that this can be taken into account in the recommendations to Council.

- (iv) That Officers be requested to:
- a) Provide more management data on council owned garages (*there is income being lost from poor promotion of vacant garages in areas where there is demand*);
  - b) Develop schemes to promote a system for nearby residents to combine bulk waste requests, as trialled with the Community Recycling Scheme (*subject to results of the trials*);
  - c) Work with Yorwaste to reduce charges at the Household Waste Recycling Centre for inert domestic waste.

(v) That the Chief Executive and Director for Adult Social Care be requested to set up a meeting of organisations including the Clinical Commissioning Group(CCG), NHS Trust and other partners, to examine plans for the resolution of funding pressures on health services for residents, covering the 'winter pressures' and delayed transfer of care.

Reason: To ensure that these areas of particular concern for residents are properly addressed.



## **PART B - MATTERS REFERRED TO COUNCIL**

### **128. City Transport Access Measures**

*[See also under Part A Minutes]*

The Assistant Director of Transport, Highways and Environment, presented a report which set out an approach to developing proposals to ensure safety in York, through a review of transport access into the city centre and areas adjacent to the Minster and York Racecourse.

Keeping residents and visitors safe was a key role and priority for the council, and crucial to protecting the city's economy. Against the background of the national CONTEST strategy aimed at reducing the risk of terrorism, the police had advised a review of Traffic Regulation Orders, and of physical measures in place, to prevent vehicles from accessing areas of significant footfall. The council would engage with key partners to identify areas requiring more detailed work and to mitigate any adverse effects.

The aim was to develop the proposals in a sensitive way, respecting the historic value of York's built environment, and mitigating the impact of the changes on disabled access and traders in particular. Delegated authority was sought to move the proposals forward, in view of the need for speedy delivery of this work. It was proposed that funding be from the Built Environment Fund, supported by partner and other council funds as required.

Members broadly welcomed the proposals, highlighting the need to keep all affected groups informed as the work moved forward.

**Recommended:** That the Built Environment Fund allocation (£1.187m) set aside in the Capital Programme to develop a business case for Public Realm improvements be used to fund the delivery of initial proposed access restrictions.

**Reason:** To provide the necessary financial resource to enable the scheme to be progressed.

**129. Capital Programme - Monitor 3 2017/18**

*[See also under Part A Minutes]*

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the projected out-turn of the council's 2017/18 capital programme, including any under / overspends and adjustments, and asked Executive to recommend the adjustments to Full Council.

A decrease of £19.324m was reported on the approved capital budget of £111.638m, resulting in a revised programme of £88.586m. Variances in each portfolio area were summarised in Table 1 at paragraph 6 of the report, and detailed in paragraphs 8 to 53. The effect of the revisions was shown in Table 2, paragraph 54.

The changes included the re-profiling of £1.337m from the Built Environment Fund into 2018/19 to fund the review of city centre access points, as detailed in Agenda Item 6 (Minutes 122 and 128 refer).

Recommended: That Council approve the adjustments to the programme detailed in the report and contained in Annex A, resulting in a decrease of £19.324m in the 2017/18 budget.

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

**130. Financial Strategy 2018/19 to 2022/23**

*[See also under Part A Minutes]*

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the council's financial strategy for 2018/19 to 2022/23, including detailed revenue budget proposals for 2018/19. It was noted that the income and expenditure proposals, if approved, would result in a 3.49% increase in the City of York element of the council tax, of which 1.5% would relate to the social care precept.

Officers reported at the meeting that details of the final settlement from government for 2018/19 had been received on 6 February and included additional social care funding of £457k.

Members welcomed the additional funding, thanked Officers for producing a balanced budget in difficult circumstances, and noted that the proposed council tax increase was one of the lowest in the region. The Interim Deputy Leader / Executive Member for Environment outlined some additional proposals aimed at addressing pressures on the CCG budget and residents' concerns about waste management services; these were supported, and it was

Recommended: (i) That the £46k cut to the OAP Garden Scheme (HRA4) in the Housing Revenue Account (HRA) savings proposals at Annex 6 to the report be deleted, to be replaced by a balancing increase to the Housing Repairs savings (HRA1) through improved IT systems to avoid wasted appointments.

(ii) That, subject to that amendment, Council approve the budget proposals as outlined in the report; in particular:

- a) The net revenue expenditure requirement of £121.877m;
- b) A council tax requirement of £85.898m;
- c) The revenue growth proposals outlined in the body of the report;
- d) The 2018/19 revenue proposals outlined in Annex 2;
- e) The fees and charges proposals outlined in Annex 4;
- f) The Housing Revenue Account (HRA) budget set out in Annex 5 and the HRA savings proposals set out in Annex 6;
- g) The dedicated schools grant proposals outlined from paragraph 162;
- h) The use of £373k New Homes Bonus funding to fund one-off investment, as outlined in paragraph 54;
- i) An £800k increase in the contingency budget to fund adult social care, in particular winter pressures and delayed transfers of care, subject to a further report to Executive;

- j) The receipt of an additional £457k adult social care grant announced in the final settlement on 6 February, to be considered alongside i) above and subject to a further report to Executive;
- k) The release of one-off funding of £450k from the transport reserve to fund ongoing expenditure;
- l) The use of £38k of the £156k funding from the Leeds City Region Business Rates Pool (*as per the budget report to Executive on 9 February 2017; Minute 121 of that meeting refers*) to support the city's cultural centre by progressing the development and promotion of a clearly defined Cultural Strategy with the Cultural Leaders Group, as set out in a recent Scrutiny report to Executive.

Reason: To ensure that a legally balanced budget is set.

### **131. Capital Strategy 2018/19 to 2022/23**

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which set out the council's capital strategy for 2018/19 to 2022/23, and in particular new capital schemes, and asked Executive to recommend the revised programme to Full Council.

The report set out details of £54.767m new investment over the five year period, of which £11.530m was externally funded, £32.611 to be met from the Housing Revenue Account (HRA) and £10.626m to be funded by the council. Key priority areas for new or increased investment included transport schemes, highways, housing, information technology and disabled facilities grants.

During their discussion, Members commented on aspects of the programme within their individual portfolio areas, including the importance of ongoing investment in flood defences, sustainable transport and public realm footpaths. In relation to CCTV, efforts to secure a contribution from the police would continue.

Recommended: That Council:

- (i) Approve the revised capital programme of **£314.611m**, reflecting a net overall increase of **£54.767m** (as set out in Table 10 at paragraph 81 of the report and in Annex B), key elements of which include:
- Extension of prudential borrowing funded Rolling Programme schemes totalling £8.270m, as set out in Table 3 and summarised in Table 10;
  - New schemes totalling £8.506m, including an increase in prudential borrowing of £2.356m, as set out in Table 4 and summarised in Table 10;
  - Extension of externally funded Rolling Programme schemes totalling £5.380m, as set out in Table 5 and summarised in Table 10;
  - An increase in HRA funded schemes totalling £32.611m, funded from a combination of HRA balances and Right to Buy receipts, as set out in Table 6 and summarised in Table 10.
- (ii) Approve the full re-stated programme totalling **£314.611m**, as set out in Table 11 and Annex A.

Reason: In accordance with the statutory requirement to set a capital budget for the forthcoming 2018/19 financial year.

### **132. Treasury Management Strategy Statement and Prudential Indicators**

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which asked Executive to recommend to Full Council the Treasury Management Statement and Prudential Indicators for the 2018/19 financial year.

This regular annual report covered the council's capital plans (including prudential indicators), minimum revenue provision policy, treasury management strategy and annual investment strategy.

It was reported that CIPFA (Chartered Institute of Public Finance & Accountancy) had issued revised Prudential and Treasury Management Codes requiring all local authorities, as from 2019/20, to prepare an additional Capital Strategy report including an overview of how activity contributed to service provision, the management of associated risk and implications for future financial sustainability. Most of this was already covered by the existing Capital Strategy report (item 12 on the agenda), but Officers would continue to review the information provided to ensure it complied with statutory guidance.

Recommended: That Council approve:

- a) The proposed Treasury Management Strategy for 2018/19, including the annual investment strategy and the minimum revenue provision policy statement;
- b) The Prudential Indicators for 2018/19 to 2022/23 detailed in the body of the report;
- c) The specified and non-specified investments schedule at Annex B;
- d) The scheme of delegation and the role of the Section 151 Officer in Annex D.

Reason: To enable the continued effective operation of the treasury management function and ensure that all council borrowing is prudent, affordable and sustainable.

## **CHAIR'S COMMENTS**

Cllr Carr announced that this was the last Executive meeting he would attend as Chair. He expressed his thanks to Members and Officers for their support during his tenure, which had been both a privilege and a pleasure.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 6.52 pm].

**Forward Plan: Executive Meeting: 15 March 2018**

**Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 26 April 2018**

Title and Description	Author	Portfolio Holder
<p><b>Duncombe Barracks</b>  <b>Purpose of Report</b>                      To seek Executive approval to purchase the site from the Ministry of Defence.</p> <p>Executive will be asked to: Agree to the purchase of Duncombe Barracks, provided negotiations with the MoD are successful, with a view to developing the site for much-needed affordable housing.</p>	<p>Paul Landais Stamp</p>	<p>Executive Member for Housing &amp; Safer Neighbourhoods</p>
<p><b>Joint Waste Management Agreement with North Yorkshire County Council</b>  <b>Purpose of Report</b>                      To update the Executive on the progress of the Allerton Waste Recovery Park (AWRP) project. This is a 25 year project in Partnership with North Yorkshire County Council (NYCC) with the objective of delivering a sustainable alternative to landfill for the treatment of residual waste. The project is entering its final stages and service will commence, on schedule, at the beginning of February 2018. A key element is the strengthening of the partnership between City of York Council (CYC) and NYCC, the waste disposal authorities.</p> <p>Executive will be asked to: note progress on the project and partnership between City of York Council and North Yorkshire County Council.</p>	<p>Dave Atkinson</p>	<p>Executive Member for Environment (Interim Deputy Leader)</p>
<p><b>Animal Welfare Licensing Policy</b>  <b>Purpose of Report</b>                      To obtain final approval for the Licensing Policy and conditions in relation to animal welfare licensing.</p>	<p>Lesley Cooke</p>	<p>Executive Member for Culture, Leisure &amp; Tourism</p>

Title and Description	Author	Portfolio Holder
<p>Executive will be asked to: give final approval to a Licensing Policy and conditions relating to animal welfare licensing (animal boarding establishments, dangerous wild animals, pet shops, riding establishments, dog breeding, zoos, performing animals). The Policy was approved by Gambling, Licensing &amp; Regulatory Committee on 6 March 2018.</p>		
<p><b>A Further Phase of the Older Persons’ Accommodation Programme: Deciding the Future of Morrell House Older Persons’ Home</b></p> <p><b>Purpose of Report</b></p> <p>To provide Members with the results of the consultation undertaken with the residents, relatives and staff of Morrell House residential care home to explore the option to close the home with current residents moving to alternative accommodation, and for Members to make a decision about whether to close Morrell House. The context for this decision is that the Older Persons’ Accommodation Programme aims to meet people’s changing needs for accommodation with care, and in-particular the needs of those with dementia and the demographic challenges faced by the city, through delivering additional Extra Care accommodation and new, good quality, residential and nursing care accommodation.</p> <p>Executive will be asked to: Consider whether to close Morrell House residential care home and, if a decision is made to close it, require that residents’ moves to their new homes are carefully planned and managed in line with the Moving Homes Safely protocol. Should a decision to close be made, the report will also seek agreement for the future use of the site.</p>	<p>Roy Wallington</p>	<p>Executive Member for Adult Social Care &amp; Health</p>



**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 21 June 2018**

Title and Description	Author	Portfolio Holder
<p><b>Library Services Procurement</b>  <b>Purpose of Report</b>                      This report seeks authority to initiate the procurement process for the operation of the Council’s library and archives service.</p> <p>The Executive will be asked to:</p> <ul style="list-style-type: none"> <li>• Agree the key elements of the services specification for the new contract;</li> <li>• Agree the financial envelope for the contract;</li> <li>• Agree the process by which:                             <ul style="list-style-type: none"> <li>(i) The procurement framework will be developed and</li> <li>(ii) The contract will be awarded at the end of the process.</li> </ul> </li> </ul>	Charlie Croft	Executive Member for Culture, Leisure & Tourism
<p><b>Treasury Management Annual Report and Review of Prudential Indicators</b>  <b>Purpose of Report</b>                      To provide the annual treasury management review of activities and the actual prudential treasury indicators.</p> <p>The Executive will be asked to: Note the issues and approve any adjustments as required to the prudential indicators or strategy.</p>	Debbie Mitchell	Executive Leader (Incorporating Finance & Performance)
<p><b>Capital Programme Outturn</b>  <b>Purpose of Report</b>                      To provide Members with the out-turn position on the capital programme.</p> <p>The Executive will be asked to: Note the outturn and recommend to Full Council any</p>	Emma Audrain	Executive Leader (Incorporating Finance & Performance)

Title and Description	Author	Portfolio Holder
changes as appropriate.		
<p><b>Q4 Finance and Performance Monitor</b></p> <p><b>Purpose of Report</b> To provide an overview of the Council’s overall finance and performance position at the end of Quarter 4.</p> <p>The Executive will be asked to: Note and approve the report.</p>	<p>Ian Cunningham, Debbie Mitchell</p>	<p>Executive Leader (Incorporating Finance &amp; Performance)</p>

**Table 3: Items Slipped on the Forward Plan**

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p><b>Duncombe Barracks Purpose of Report</b></p> <p>For details, see Table 1 above.</p>	<p>Paul Landais Stamp</p>	<p>Executive Member for Housing &amp; Safer Neighbourhoods</p>	<p>15 March</p>	<p>26 April</p>	<p>Discussions with the Reserve Forces and Cadets Association are ongoing but have not yet reached the stage where a firm proposal to purchase the site can be brought to the Executive. It is therefore felt that the paper should be deferred until the April meeting of the Executive.</p>
<p><b>Joint Waste Management Agreement with North Yorkshire County Council Purpose of Report</b></p> <p>For details, see Table 1 above.</p>	<p>Dave Atkinson</p>	<p>Executive Member for Environment (Interim Deputy Leader)</p>	<p>15 March</p>	<p>26 April</p>	<p>Due to the extended commissioning period, prior to the agreement being formally reached, this item has been deferred to the 26 April Executive.</p>

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Report of the Chief Executive

Portfolio of the Executive Member for Housing & Safer Neighbourhoods

**Executive**

**15 March 2018**

## **Modern Slavery and Human Trafficking Transparency Statement**

### **Summary**

1. The purpose of this report is to consider and approve the content of the Council's Modern Slavery Act Transparency Statement.

### **Recommendation**

2. Executive is asked to consider and agree the statement in Annex A which demonstrates the Council's commitment to ensuring that there are no victims of slavery or human trafficking employed directly by the Council, in its commissioned services or supply.

Reason: To comply with the Modern Slavery Act 2015 to publish a statement.

### **Background and analysis**

3. The Modern Slavery Act 2015 aims to address slavery and trafficking in the 21<sup>st</sup> century by enhancing support and protection for victims and consolidates various offences relating to human trafficking and slavery.
4. The Act provides a definition of what constitutes slavery, specifically servitude, forced labour, sexual exploitation for money, human trafficking and forced or servile marriage. The industry areas where slavery is most likely include agriculture, construction, hospitality and the manufacturing sector. The Council has a duty to notify the Secretary of State of suspected victims of slavery or human trafficking.
5. Section 54 of the Act requires commercial organisations to produce a modern slavery and human trafficking statement for each financial year setting out what they have done to ensure there is no modern slavery in its supply chains or any part of its business. A link to this statement must be published in a prominent place on their website's homepage. A Bill

currently before Parliament will confirm that local authorities are covered by this provision.

6. In addition to the Council's own statement, procurement documentation will need to be amended in order to ask particular questions in future tender exercises to ensure potential suppliers are meeting this duty before awarding contracts.
7. The actions the Council will undertake during the forthcoming financial year include:
  - a. An update on Modern Slavery in the members training programme
  - b. Ensuring clear cross reference to the statement within safeguarding policies
  - c. Ensuring Modern Slavery continues to be included in the staff training programme
  - d. Review the information provided to and required from suppliers
  - e. Reviewing the Council's procurement documentation to include Modern Slavery provisions
  - f. Working with strategic partners and current suppliers to ensure they are aware of the provisions of the Modern Slavery Act 2015
  - g. Developing awareness campaigns for staff
  - h. Identifying areas at potential risk of modern slavery and human trafficking and taking steps to manage that risk

## **Consultation**

8. This statement has been the subject of discussions with safeguarding teams for both adults and children, Council Management Team and the Community Safety Team.

## **Implications**

9. The legal implications are set out in the body of the report. There are no financial, human resources, One Planet Council / equalities, crime and disorder, information technology, property or other implications.

## **Risk Management**

8. Failure to produce a modern slavery transparency statement could result in legal challenge and result in reputational damage to the Council. Failure to complete the actions outlined could result in victims of human slavery or human trafficking being used to deliver Council contracts.

**Contact Details**

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**Chief Officer Responsible for the report:**

Mary Weastell  
Chief Executive

**Report  
Approved**

**Date** 20 February 2018

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

**All**

**For further information please contact the author of the report**

**Annex A - Modern Slavery Act Transparency Statement 2018/19**

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## **City of York Council**

### **Modern Slavery Act Transparency Statement 2018**

This statement sets out City of York Council's commitment to understanding and addressing all potential modern slavery risks and includes details of practices already in place and planned actions to ensure there is no slavery or human trafficking (defined by reference to the Modern Slavery Act 2015) in either its own business or associated supply chains.

The Council recognises its responsibility to take a robust approach to modern slavery and human trafficking as an employer, commissioner and buyer of goods and services and acknowledges its duty to notify the Secretary of State of suspected victims of slavery or human trafficking as required by section 52 of the Modern Slavery Act 2015.

The Council is committed to preventing slavery and human trafficking in its activities and to ensuring that its supply chains are free from slavery and human trafficking. This statement sets out the Council's existing policies and specific actions in response to the Modern Slavery Act 2015.

#### **Organisation**

This statement covers the full activities of City of York Council as determined by the Council's organisational structure.

#### **Council Plan & People Plan**

The Council Plan clearly states our aim to support and develop the people it employs, growing their knowledge and skills, now and for the future.

#### **Policies**

The Council and its strategic partnerships regularly review strategies and policies with input from employees, team leaders, management teams, HR, unions and members (portfolio holder). This is to ensure that the Council's policies and procedures remain compliant and fit for purpose.

The following policies and procedures are considered to be key in meeting the requirements of the Modern Slavery Act 2015:

#### **Constitution, Financial Regulations and Contract Procedure Rules**

The Council's constitutional arrangements are regularly reviewed and updated to take account of legislative requirements and best practice.

#### **Employee Code of Conduct**

The Council's Employee Code of Conduct makes clear to employees the actions and behaviours expected of them when representing the Council. The Council strives to maintain the highest standards of employee conduct and ethical behaviour and breaches are investigated and, if appropriate, remedial action taken.

### **Recruitment**

The Council's recruitment processes are transparent and reviewed regularly. This includes robust procedures in place for the vetting of new employees and ensures they are able to confirm their identities and qualifications, and they are paid directly into an appropriate, personal bank account.

### **Agency Workers**

The Council uses only reputable employment agencies to source labour and verifies the practices of any new agency it is using before accepting workers from that agency.

### **Pay**

The Council operates a job evaluation scheme which ensures that all employees are paid fairly and equitably. In addition to this, the Council has introduced the foundation living wage.

### **Whistleblowing**

The Council encourages all its employees, customers and other business partners to report any concerns related to the direct activities or the supply chains of the Council. The Council's whistleblowing procedure is designed to make it easy for employees to make disclosures, without fear of retaliation.

### **Councillors' Code of Conduct**

The Council expects all Councillors to demonstrate the highest standards of conduct and behaviour. All Councillors are required to abide by a formal Code of Conduct. Breaches are investigated by the Monitoring Officer.

### **Councillors' Declarations of Interests**

The Council expects all Councillors to record and declare personal and prejudicial interests.

### **Councillors' Induction and Training**

Councillors induction training on election, includes equality and diversity training and Safeguarding training.

***ACTION: include an update on Modern Slavery and Human trafficking in the members training programme.***

### **Safeguarding**

The Council embraces its responsibility to develop, implement and monitor policies and procedures to safeguard the welfare of children and vulnerable adults and protect them from harm. The Council has a comprehensive policy which all staff and councillors are expected to read and work within. The Council works within multi-agency partnerships to protect and safeguard people and is a member of the North Yorkshire and York Modern Slavery Partnership. The policy includes details of reporting mechanisms regarding suspected or confirmed instances of Modern Slavery.

***ACTION: review Safeguarding Policy to include clear cross reference to this statement***

### **Training**

The Council has a programme of training that all employees should complete, including safeguarding awareness training. Particularly, in adults and children's social care the training enables officers in community-facing roles to identify and know how to report incidents of abuse and neglect, including modern slavery and trafficking.

***ACTION: ensure training on Modern Slavery continues to be included in the staff training programme***

### **Contractors and Service Providers**

The Council expects its key contractors to have safeguarding policies, procedures and training in place including policies and statements required by the Modern Slavery Act 2015. Larger companies will be expected to demonstrate that they have a modern slavery statement in place.

***ACTION: review the information provided to and required from key contractors in relation to Modern Slavery***

***ACTION: review the Council's standard terms and condition for the procurement of goods and services to include Modern Slavery provisions***

***ACTION: work with current suppliers to make them aware of the provisions of the Modern Slavery Act 2015***

### **Partnership Working**

The Council works in partnership with a wide range of agencies to prevent neglect and abuse, to detect and report occurrences and to support victims.

***ACTION: actively raise awareness with strategic partners across the City and use the Councils influence where appropriate to ensure issues are resolved.***

### **Awareness Raising**

The Council recognises the importance of promoting awareness of Modern Slavery among all employees.

***ACTION: develop awareness campaigns/events/programmes with various staff groupings and include Modern Slavery on the agenda of relevant standing groups.***

### **High Risk Areas**

The Council recognises that high risk areas will require most surveillance and due diligence. In some instances, detailed supply chain audits may be undertaken.

***ACTION: the Council commits to working with service managers to review work areas and identify any potential risk of slavery and human trafficking, and develop any appropriate steps to manage that risk.***

### **Approval and review**

This statement has been approved by the Executive and will be reviewed and updated annually. The statement, and any actions included with it, will be reported to the Community Safety Partnership each year for monitoring and assurance purposes.



## Executive

15 March 2018

Report of the Corporate Director of Health, Housing & Adult Social Care  
Portfolio of the Executive Member for Cllr. C Runciman

### Domestic Abuse - approval for funding contribution

#### Summary

1. To meet the Council's Financial Regulations an Executive decision is required as a Key Decision to approve a total of up to £12,300 per month, to be paid in arrears to Police & Crime Commissioner as lead commissioner for the delivery of Domestic Abuse services. The proposal has no direct financial implication for the Council. The contracts awarded will be commissioned for up to 5 years making a maximum total financial implication of £738,000 over the lifetime of the contracts.
2. The current service provision commissioned is as follows:

Service	Provider	Gender	Victim/ Perpetrator	Quantity of provision	Annual Contract Value	Expiry date
Domestic Violence Refuge	IDAS	Women Only	Victim	10	£114,993	31/5/2020
Urban Outreach Service	IDAS	Women & Men	Victim	70	£108,446	30/09/2018
Making Safe	Foundation	Men	Perpetrator	8	£39,143	30/09/2018
Total				88	£262,582	

3. The decision does not include the Women's Refuge which was commissioned separately.
4. That approval of tender awards through the Police & Crime Commissioner will be made at a Director level.

## **Recommendations**

5. The Executive is asked to:
  - 1) Approve funding contribution up to £12,300 per month to be paid in arrears to the Police & Crime Commissioner representing a contribution for Domestic Abuse services across York & North Yorkshire.  
  
Reason: to enable the services to go out to tender as planned.
  - 2) Delegate decision making for the award of contracts to Corporate Director of Health, Housing & Adult Social Care

## **Background**

6. Definition - The National Police Chief Council's (NPCC) definition of domestic abuse is 'any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over, who are or have been intimate partners or family members regardless of gender or sexuality'. Family members are defined as: mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.
7. The Domestic Violence Services commissioned were initially part of the Council's Supporting People Services but have been part of Adult Social Care "base" budget provision since April 2012. Services provided are non-statutory and on the whole not provided to customers who are eligible for social care services. The provision however is seen as a vital aspect of the Council's preventative approach.
8. It was agreed through Council executive on 28th April 2016 that an approach was needed where efficiencies could be achieved by a consolidation of existing Services taking a transformational view of the

Service model. The executive, have agreed that the Domestic Violence Services would be excluded from the other community wellbeing tender proposals and that a separate decision was required for this client group.

9. A Domestic Abuse Joint Commissioning Group was set up to model and administer the commissioning approach which (Police & Crime Commissioner, North Yorkshire County Council & City of York Council) will be commissioned based on lots. The funding contribution allocated from City of York Council includes £108,446pa for the community victims support provision and £39,143pa for domestic abuse perpetrator provision.
10. It has been agreed through the Children's and Adults Safeguarding Boards to transfer the decision making process and funding arrangements to the Joint Coordinating Group in respect to the funding contribution from City of York Council for delivery against the York & North Yorkshire Domestic Violence strategy.
11. The lead commissioner is the Police & Crime Commissioner with the City of York Council having representation on each tender panel as well as representation through the Domestic Abuse Joint Commissioning Group in respect to specifying the service model prior to tender.
12. A full needs analysis has been carried out with the report due to be released shortly by the Police & Crime Commissioner.
13. The services will be commissioned against the following lots:
  - Lot 1: Victims Community-based Services (£108,446pa contribution)
  - Lot 2: Adult Perpetrator Services (£39,143pa contribution)
  - Lot 3: Young Perpetrator Services
  - Lot 4: Children & Young Victims Services
  - Lot 5: Independent Sexual Violence Advisors
  - Lot 6: Target Hardening

## **Consultation**

14. Consultation of stakeholders took place through membership of the Domestic Abuse Joint Co-ordinating Group. A pre-procurement event will take place in February prior to tender release currently scheduled for end of March 18. New services will start on 1st November 2018 to align with

the expiry date of existing contracts (Victims support – IDAS, perpetrator support – Foundation).

## Options

**Option 1** - to approve funding proposal as specified in section 5

## Analysis

15. This will allow the City of York Council to re-commission Domestic Abuse services using the approach agreed through the Vulnerable People Strategic Group; Domestic Abuse Joint Coordination Group, Children's Safeguarding Board and Adult Safeguarding Board
16. This will allow the Council to deliver services inline with Financial Regulations.
17. This will allow services to be commissioned in line with the York & North Yorkshire Domestic Abuse Strategy and York & North Yorkshire Joint Commissioning Strategy which outlines:

### ***Outcomes to be Delivered by the Domestic Abuse Joint Commissioning Strategy***

*Sign-up to the strategy represents partners' commitments to the principles underpinning the Domestic Abuse Joint Commissioning Strategy and to supporting the delivery of the following five outcomes:*

- 1. To improve the safety of victims and children who witness and experience domestic abuse.*
- 2. To enable the development of services based on evidenced need improving the quality of monitoring, recording of outcomes and impact to ensure the success of services.*
- 3. To deliver equitable, coordinated and consistent services across the county working towards alignment of services across York and North Yorkshire.*
- 4. To provide a funding framework for current and future domestic abuse services by coordinating commissioning.*



*5. To evidence our long-term commitment to reducing the impact of domestic abuse and to deliver the City of York and North Yorkshire Domestic Abuse Strategy.*

**Option 2**- not to approve the allocation on funding specified in section 5

## **Analysis**

18. If this option were to be agreed, it would prevent the Council from entering into its agreed partnership approach with the Police & Crime Commissioner and North Yorkshire County Council to Commission Domestic Abuse services from October 2018 onwards.

## **Council Plan**

19. The paper is submitted to approve continued funding to enable Domestic Abuse services to be continued to be delivered. This delivers against:
- A focus on frontline services

### ***A city where:***

- *All York's residents live and thrive in a city which allows them to contribute fully to their communities and neighbourhoods*
- *Delivering frontline services for residents is the priority*
- *All children and adults are listened to, and their opinions considered*
- *Support services are available to those who need them*
- *Every child has the opportunity to get the best possible start in life*
- *Residents are encouraged and supported to live healthily*
- *Residents are protected from harm, with a low risk of crime*

## **Implications**

- **Financial**  
There are no financial implications if option 1 is approved. The funding commitment is cost neutral and in the Base Budget.
- **Human Resources (HR)**  
There are no HR implications

- **One Planet Council / Equalities**  
There are no environmental implications  
There are no equalities implications is option 1 is approved
- **Legal**  
There are no legal implications is option 1 is approved
- **Crime and Disorder**  
There are no crime and disorder implications is option 1 is approved
- **Information Technology (IT)**  
There are no IT implications is option 1 is approved
- **Property**  
There are no property implications
- **Other**  
There are no other known implications if option 1 is approved

## **Risk Management**

- 20 Any risks will be kept under review and resolved accordingly. The Domestic Abuse Joint Coordinating group is responsible for identifying any risks in respect to services available for domestic abuse. The Children's and Adults Safeguarding Boards are also well placed to identify any risks that may occur and support any mitigations that may need to be implemented.
- 21 Due to the level of complexity in specifying the re-commissioning of provision across three partners there is a risk in the identified and agreed timetable not being delivered on schedule. However Commissioners are represented across all partners and are able to activate and procedures required to meet financial regulations and extend any existing arrangements to prevent any gaps in service delivery, if required.

**Contact Details**

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**Chief Officer's name:** Marin Farran  
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& Adult Social Care

**Report**  **Date** 14 February 18  
**Approved**

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

**All**

**Abbreviations used:**

IDAS      Independent Domestic Abuse Service

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**Executive****15 March 2018**

Report of the Corporate Director of Health, Housing and Adult Social Care  
Portfolio of the Executive Member for Adult Social Care and Health

**Adopting the “Ethical Care Charter”****Summary**

1. Following a Council motion and amendment on the 20<sup>th</sup> July, this report reviews the implications of the Council adopting the “Ethical Care Charter”. The Charter was developed and published by UNISON after they conducted a survey of Home Care workers in 2012.
2. The motion agreed by Members on the 20<sup>th</sup> July stated “This Council notes that the UNISON Ethical Care Charter sets minimum standards to protect the dignity and quality of life for people who need homecare. It commits councils to buying homecare only from providers who give workers enough time, training and a living wage, so they can provide better quality care for thousands of service users who rely on it. This council recognises the important job that carers do and believes that the time allocated to visits should match the needs of the clients. Clients should be allocated the same homecare worker wherever possible and zero-hours contracts should not be used in place of permanent contracts. Homecare workers should be paid for their travel time, travel costs and other necessary expenses. Visits should be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.

This Council asks the Corporate Director: Health, Housing and Adult Social Care to prepare a report for the Executive setting out the Council's current position in the different areas covered by the Charter, and the implications of signing up to it”

3. UNISON's objective behind publishing the charter was to establish a minimum baseline for the safety, quality and dignity of care. In November 2017, Hartlepool became the latest Council to adopt the Charter, however to date, approximately 25% of Council's across the UK have agreed to adopt the Charter.
4. This report highlights the implications of adopting the Charter for the City of York and evidences York's strong position and approach that already exists in this area.

## **Recommendations**

5. The Executive is asked to:
  - a) Agree to the Council adopting stages 1 and 2 of the Charter, noting the implications and actions required.
  - b) Note the implications of adopting stage 3 and agree further work to be undertaken to clarify the impact and financial implication and to bring back a further report at a later date.

**Reason:** To promote high quality care services and support the recruitment and retention of care staff.

## **Background**

6. As previously highlighted, UNISON in publishing the Charter wished to establish a minimum baseline for the safety, quality and dignity of care. This Council would be fully supportive of providers having to meet high quality thresholds in the provision of care and works closely with the Care Quality Commission (CQC) in ensuring high quality provision across the City
7. The Adults Commissioning Team work closely with CQC in the sharing of concerns and information relating to provision but the Council also adopts its own monitoring process (Quality Development Framework). The standards that it sets are high and providers are expected to achieve compliance in all aspects. Should performance fall below the level that is acceptable, a provider will be placed on enhanced monitoring or

improvement plans. This can also lead to placements being suspended, often on a mutual basis, until quality and performance improves. The team on occasions will also undertake visits jointly with colleagues from the PCU and the Vale of York Clinical Commissioning Group where it felt necessary or there are safeguarding concerns.

8. As a result, out of 38 home care settings that have been inspected in York, 35 or 92.1% are rated as good and only 3 providers as requiring improvement. The national figures published by CQC recently in their “State of Adult Social Care” report show that 80% of all providers are rated as good or outstanding which shows York as above the national average and is evidence of the quality of care provided across the City.
9. However, The Ethical Care Report not only looks at quality and dignity across the sector but other factors such as the appropriateness of 15 minute visits, zero hours contracts, and at Stage 3 payment of the Foundation Living Wage and implementing an occupational sick pay scheme. Some of these areas will have and especially the adoption of Stage 3 will have financial implications for the Council and these are detailed within this report.
10. The majority of Local Authorities who have signed up to the charter to date, have indicated that in relation to Stage 3 and the adoption of the Living Wage, they would work in partnership to support organisations and Hartlepool recently “pledged to help providers move towards paying the Foundation Living Wage to all employees”. We do understand however that Islington and Camden have set the requirement to pay the London Living Wage.
11. The Current Living Wage as set by the Resolution Foundation is £8.75 per hour for areas outside of London. The rate set by the Foundation and overseen by the Living Wage Commission is based on the best available evidence about living standards in London and the UK. The National Living Wage which is a legislative requirement is currently £7.50 per hour and will increase to £7.83 per hour from April 2018 with an expectation that this may increase to £9.00 per hour by 2020.
12. The University of Greenwich published an evaluation of the Ethical Care Charter in 2017 and found that the adoption of stage 3 to be the most challenging aspect especially the introduction of occupational sickness schemes and stated that it remained as an aspiration for the majority of case studies, due to cost and administrative implications

13. Legal advice received previously by Adult Social Care challenged if the Council could contractually insist on providers meeting the Foundation Living Wage. Further legal advice will be required as part of the evaluation of adopting Stage 3.
14. The Unison Charter proposes that Council's take a two-stage approach to adopting it's requirements, seeking an immediate commitment to stage one and the development of an action plan for adopting stages two and three commencing with a review of all visits under thirty minutes in length in conjunction with homecare workers and people in receipt of services. It is however been proposed that the Council is in a position to sign up to stages 1 & 2 as indicated within this report.
15. A full response of the Council's position against the proposals within the Charter is included within this report. Members should also note that the Council has also recently commenced a review of its Home Care delivery Model. As we have evidenced in York, providers are been asked to deliver increasingly intensive care packages to a smaller number of people with more complex needs. Consequentially the average hours per customer has increased from 10 to 10.9 over the last twelve months.
16. Fee Rates have risen in York with the average rate now approaching £17 per hour which is in line with rates proposed by the UK Home Care Association(UKHCA) Further increases in the National Minimum Wage will put further pressure on fee rates but the overwhelming challenge is the lack of people who are wishing to work in the care sector in a City that has full employment. Recruitment and retention of staff is the key challenge for all providers.
17. We are reviewing our current model to support providers to recruit a more stable workforce. We are committed to reviewing the approach and examine our model of commissioning, challenge the continued use of a time/task culture despite specifications being outcomes focused but importantly look to utilising community assets to avoid people entering long term care services so as we focus the resources on those who have the highest needs. We also need to consider how greater integration between Health and Social Care can support the delivery of a new service model and continue to focus on the following:
  - Supporting People to remain living independently at home
  - Enabling Market stability and retaining sufficient providers and capacity to meet local need.



- Prevent avoidable admissions to hospital and residential care
  - Providing a responsive and reliable service
  - Promoting choice and control
  - Develop a diverse range of services in the market that enable choice and control over a wide range of services.
  - Promote physical and mental well-being;
  - Equip the workforce with the necessary skills;
  - Provide a generic service that is not client group specific.
18. The review is also examining the use of short visits and will seek input from care staff and providers regarding models of care, staff contracts and other aspects raised within the Charter.

## **Consultation**

19. Discussions take place on a regular basis with Providers through Business Meeting, Reviews and Performance updates where issues highlighted in the UNISON charter would be discussed. There has however been no formal consultation to date with providers, home care staff or customers regarding the Council adopting the Charter and its implications.
20. The Independent Care Group (ICG) are the representative body of the significant proportion of care organisations across York and North Yorkshire, they have advised that “We don't have a formal position on the Ethical Care Charter, but it is referred to it in several places, including the Minimum Price for Homecare that the UKHCA have developed and to which the ICG is signed up to. The aspirations are difficult to argue with, other than the complete incredulity that councils who like the idea of the Independent Sector signing up have no appetite to actually pay. There is, of course, more to the Ethical Care Charter than just the Living Wage, but similar principles apply: councils need to pay for the commitments to staff terms and conditions that they are trying to procure.”
21. They go on to state “Commissioning should be about client need and not time or task. Many providers already pay travel payments as well as an additional supplement for car drivers and also for people’s mobile

phones. Travel time between visits to allow travelling between them and not cutting other calls short is essential. All providers should pay people statutory sick pay. Providers do their best to allocate the same carer to clients as often as possible. A lot of providers have zero hour contracts as many staff like them which helps suit their partner’s working patterns and child care and so quite often their hours will vary from one week to the next. Many providers provide guaranteed hours where they can. All providers should have a very robust client complaint procedure with people well trained in safeguarding. Competent providers host team meetings regularly as well as team leaders meeting up with carers in their teams for supervisions and monitoring”

- 22. Finally they (ICG) feel “Both of these points will require a massive injection of money into the sector in order to achieve them. One of our biggest concerns would be occupational sick pay schemes. We can definitely understand the benefit of why they are suggesting it but we need to fully understand the potential implications / impact to ensure it does not put further pressure on delivering a quality service. .
- 23. We will be consulting further with partners, customers, the workforce and providers as part of the on-going Home Care review process and this additional information will support any decision regarding the Council adopting the Charter.

**Analysis**

- 24. The summary below outlines the Council’s current position in relation to the requirements of the Ethical Care Charter:

**Stage 1**

Requirement	Current Position
The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients.	Specifications are outcomes focused, however aware that there is still work to be done in terms of addressing a time/task approach across social work. Through the Future Focus Programme, the council needs to work more collaboratively with its partners to share the responsibility of developing a resilient community whereby individuals are encouraged

	<p>to explore their own resources and communities, and public sector staff supported them to maintain independence.</p> <p>Embedding a strengths-based approach to each interaction and decision within assessment and care management will be critical. There are a number of opportunities to improve both the effectiveness and efficiency of assessment and care management at CYC. This will help improve citizen experiences, outcomes, and financial sustainability for the system; as well as support staff to refocus on social care practice.</p>
<p>The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients.</p>	<p>A review has been initiated by HH&amp;ASC on all visits under thirty minutes in duration, this is to ensure that they are all conducted in a "dignified" manner in line with the statements of the Charter and in line with the nature of the tasks required by the customer. The review will also focus on visits where a more appropriate asset based approach could be adopted with the voluntary and community sector and other options are considered for tasks such as meal preparation and pension collection.</p> <p>Customers have not through surveys or consultation raised 15 minute visits as a significant concern and it is felt that through the review and the approach identified that the Council can meet the requirements of the charter.</p> <p>15 minute visits are often provided</p>

	<p>supporting a larger package of care and often at the request of customers who are keen to only pay for shorter visits. The review of the existing home care model and future model will look at requirements of 15 minute calls and review whether a minimum call time is more appropriate. We are aware that short visits have a detrimental effect on staff recruitment and remuneration and this will also be considered as part of the review.</p> <p>Feedback from partners suggests that in many instances a shorter visit is sufficient and that customers don't want staff to stay longer than is required. One provider has introduced a 20 minute visit call slot which allows for social interaction with a customer and this is been explored further as part of the existing review.</p> <p>Consideration also has to be given to Extra Care Housing where "visits" are often below 30 minutes in duration, in terms of the provision this would be appropriate so any amendments to minimum call times would need to reflect the need to keep a flexible approach for Extra Care support.</p>
<p>Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones.</p>	<p>The Council operates a "Framework approach" to the commissioning of home care services, as such providers when seeking inclusion on the Council's framework would submit rates that are inclusive of all elements of their business and this would include all the elements detailed.</p> <p>There are however different methods adopted and these include;</p>

	<p>Paying a fixed mileage rate per mile, this is usually based on an online maps mileage distance e.g. Google maps with some staff paid a fixed amount of time for travel.</p> <p>Some staff who are on fixed contracts have travel time included within their fixed hours.</p> <p>One Provider has a scooter loan purchase scheme for their staff so they can buy a scooter to access calls.</p>
<p>Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.</p>	<p>In the last Home Care Customer Survey approximately 80% of customers state that they did not feel rushed when carers visit. Whilst this figure needs to increase, providers acknowledge the issue and work with all care staff and customers in ensuring staff have sufficient time to make visits.</p>
<p>Those homecare workers who are eligible must be paid statutory sick pay.</p>	<p>We are advised that all carers are provided with SSP following the applicable accrual period.</p>

## Stage 2

<b>Requirement</b>	<b>Current Position</b>
<p>Clients will be allocated the same homecare worker(s) wherever possible.</p>	<p>This is a question that is asked during Customer consultations (25% of Home Care Customers are surveyed annually. In the recent survey 87% of customers said yes to the question – Do you usually have regular carers? It is not possible to ensure the same worker on all occasions but the feedback illustrates that this is not felt by customers to be a significant area</p>

	of concern.
Zero hour contracts will not be used in place of permanent contracts.	<p>Across the Council's Framework of Home Care providers, there are a range of employment options available to prospective employees. These range from Zero Hours contracts, Fixed Hours, Guaranteed minimum number of hours and permanent full time posts.</p> <p>This enable providers to offer a range of options to ensure they have a core staff and then flexible options for care workers.</p> <p>Feedback from the sector has always been that some carers do choose zero hours contracts because it gives them the flexibility to pick up shifts when they want to and they can fit this around other commitments such as childcare, and caring for parents etc.</p> <p>Around a third of providers across the City only offer zero hours contracts as an option whilst others often offer a broad spectrum of options and some simply focus on contracted hours. Having a range of options enables choice in the workforce and care workers are able to choose the best employment solution to meet their own requirements and this supports the capacity of service provision in an area of difficult recruitment.</p> <p>As part of the current review we are planning to undertake a survey of care workers to better understand their thoughts on this position and as to whether a choice i.e. flexible or fixed hours affords staff a flexible</p>

	<p>approach and supports employment in the sector. We are also mindful of the model that we wish to implement and how “guaranteed” hours for providers would enable them to offer set shifts and patterns of work. We will be considering all factors in the future and listening to partners, providers and staff in reviewing the options.</p> <p>Our preferred stance would be to allow zero hour contracts where the employee chooses it and ensure there is a range of options available for prospective employees.</p>
<p>Providers will have a clear and accountable procedure for following up staff concerns about their clients’ wellbeing.</p>	<p>All providers within the Council’s Framework are monitored and we are able to evidence through our Quality Development Framework records of communication with the office, resultant changes in care plans etc. Providers may need assistance to develop a clear procedural approach to this, although they work closely with our social work teams regarding client wellbeing concerns. The charter also predates the Care Act wherein providers need to ensure that all employees are aware of their safeguarding responsibilities.</p>
<p>All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time).</p>	<p>The Council offers free training to all providers in the key areas of medication, moving and handling, mental capacity and safeguarding. This compliments the Provider’s own induction and training programmes and these are reviewed and monitored through the Council’s Quality Development Framework. Key providers in York undertake training as part of the paid induction and we are not aware of staff been</p>

	charged for meeting training requirement although there is evidence that some providers defer payment until the end of the training period.
Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation.	Providers offer staff the opportunity to meet and discuss practice with colleagues in a variety of ways across the sector. One of the main providers in York facilitates team meetings amongst staff from localities it operates within during the year but it is recognised that the logistics of facilitating events can be difficult for the sector. Some agencies facilitate a drop-in approach in their offices for care workers to get a hot drink, heat up food and catch up with other workers.

### Stage 3

Requirement	Current Position
All homecare workers will be paid at least the Living Wage which is currently £8.75 an hour for the whole of the UK apart from London. If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract.	There are some organisations within the City where staff are on fixed rates of pay (inclusive of travel time), set above the level of the Foundation Living Wage. However it needs to be acknowledged that the average headline rate is approximately £8.25/hour, which is marginally below the Foundation Living Wage but higher than the National Living Wage, and that rates of “take home” pay are dependent on specific arrangements made by each employer for payment of travel time and therefore on the hours worked and how these hours are deployed. Employers use a range of approaches to ensure that take home pay exceeds National Living Wage (NLW) when calculated



	<p>according to the current case law.</p> <p>An analysis of the potential financial implications of increasing rates to ensure all staff receive the Foundation Living Wage is included within the Financial section of this report, however the exact impact depends on whether this would apply to headline or take home pay.</p> <p>The Council when externalising the Reablement Service in 2012 complied with requirements of TUPE and has ensured that the provider was funded appropriately to maintain terms and conditions where applicable throughout the period of its contractual agreement.</p> <p>Legal advice received previously by Adult Social Care as highlighted above also questions whether the Council can contractually insist on providers meeting the Foundation Living Wage.</p>
<p>All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients</p>	<p>As previously detailed, all carers are provided with SSP, which is a legal requirement. Discussions with Providers have highlighted that there would be a reluctance to extend this to offer an occupational sickness pay scheme. Providers often face difficulties with staff calling in “sick” on shifts that are considered “undesirable” such as weekends and evenings and feel that such a scheme which is not commonplace in the sector would have the potential to add significant costs to the provision of services which they would need to pass onto the Council in the form of further increased rate levels.</p>

## **Council Plan**

25. The proposals to be considered within this report are in line with the three key corporate priorities as set out in the Council's Plan 2015-19, a prosperous City for all, a focus on Frontline Services and a Council that listens to residents.

## **Implications**

### **Financial**

26. Whilst it is not anticipated there being financial implications from adopting Phases 1 & 2 of the Charter, there are a number of areas within the proposed Charter in Phase 3 which would have a financial implication on the Council should it be adopted. Assuming that is accepted that the Council ensures that all visits of 15 minutes in duration do not "undermine the dignity of customers" the key implications would be in a requirement to pay Foundation Living Wage as a "take home" minimum pay level and the introduction of an occupational sickness pay scheme.
27. In relation to the Foundation Living Wage, if the Council were in a position to adopt this requirement, decisions would need to be taken as to whether this would apply to headline or "take home" rates. If applicable to the latter, it is projected that the additional cost would be a minimum of £335K. In relation to Occupational Sickness Pay Schemes, it is difficult to place a cost on the implications as the risk is not quantifiable at this stage. Providers have indicated that in their view both an insistence on having such a scheme and "knock on" impacts of other aspects may mean significant increases in fee levels above those they would need to add in for Living Wage.
28. It is projected that the adoption of the Charter could lead to an increases in costs for Adult Social Care as a minimum of £335K but the final costs are likely to be significantly higher than this figure once the impact of an occupational pension scheme is factored in.
29. As identified in paragraph 10, further increases in the National Living Wage by 2020 will also mean increases in the Foundation Living Wage and this may lead to additional financial implications on Adult Social Care Budgets as a result of the adoption of the Foundation Living Wage.

## **Legal**

30. As highlighted above, further discussions with legal colleagues will be required particularly around Living Wage in order to determine an agreed position should Members agree to receive a further report considering the adopting of Stage 3 of the Ethical Care Charter.

## **Equalities**

31. There are not felt to be any equalities issues at present although this will be kept under review.

## **Human Resources (HR)**

32. There are no direct Human Resource implications associated with this report although there will be an impact on staff employed by external partners in the delivery of services to the Council.

## **Crime and Disorder**

33. There are no crime and disorder implications

## **Information Technology (IT)**

34. There are no Information Technology implications

## **Property**

35. There are no Property implications

## **Other**

36. There are no other known implications at this stage.

## **Risk Management**

37. Any risks identified will be kept under review and will be pro-actively managed. There is the risk that fee levels will increase further as a consequence of the Council adopting the charter but this will be reviewed in line with the new service model and approach that is being considered for home care. The key risk is the unknown financial consequence of the

Council adopting Stage 3 of the Charter and the impact on fee rates of providers having to implement occupational sickness pay schemes.

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**Report**  
**Approved**

**Specialist Implications Officer(s)** List information for all

None

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

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

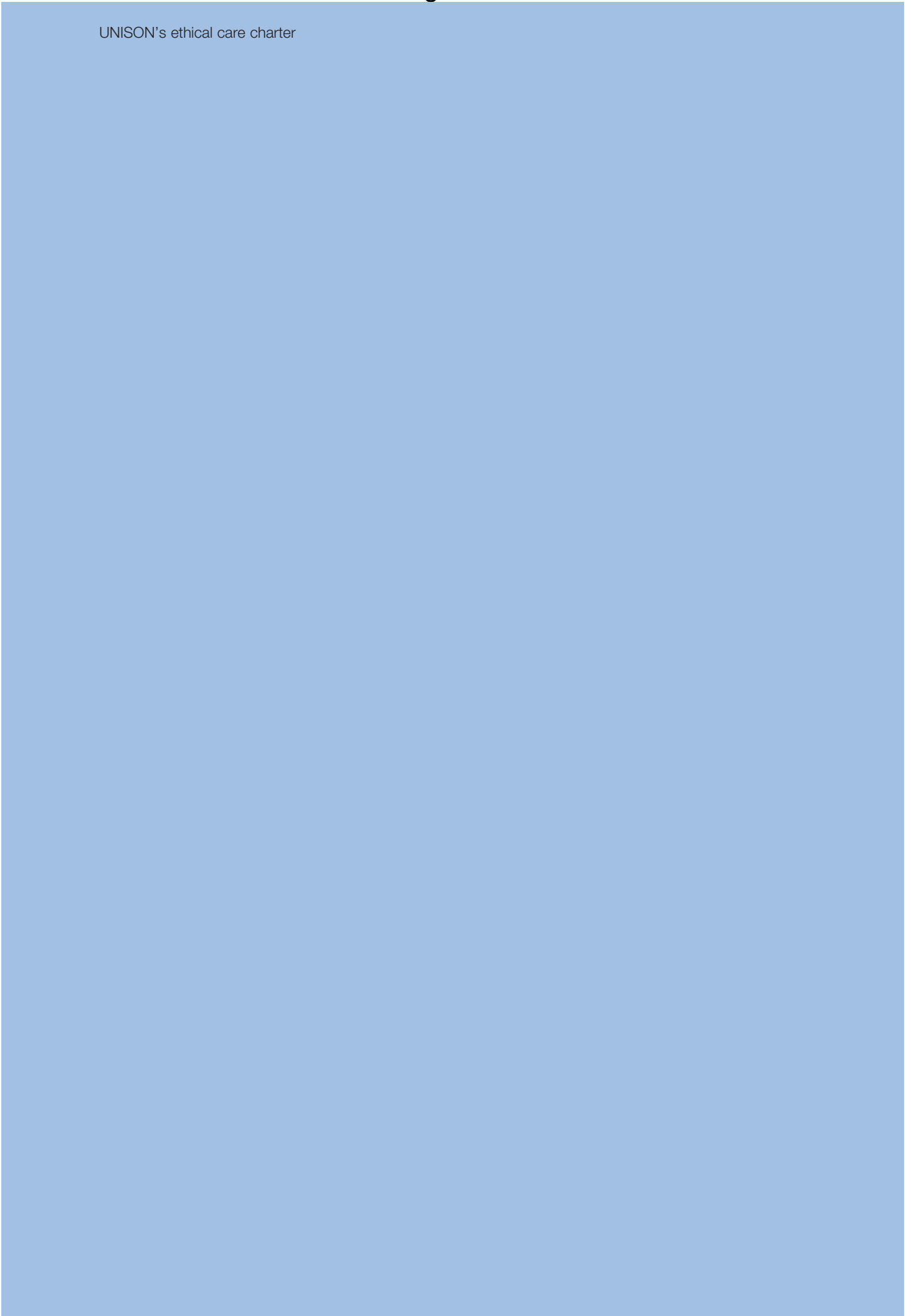
**All relevant background papers must be listed here.**

**Annexes – Copy of UNISON Ethical Care Charter**

# UNISON's ethical care charter



UNISON's ethical care charter



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## Introduction

A number of reports from client organisations, consumer groups, and homecare providers have recently been produced which have been highly critical of the state of homecare services in the UK. Little consideration however has been given to the views of homecare workers themselves as to why there are so many problems in this sector.

UNISON, the largest public service union, conducted a survey of homecare workers entitled “Time to Care” to help address this imbalance and to illustrate the reality of homecare work. The online survey which was open to homecare workers who were either UNISON members or non-members attracted 431 responses between June and July of 2012.

The responses showed a committed but poorly paid and treated workforce which is doing its best to maintain good levels of quality care in a system that is in crisis. The report highlights how poor terms and conditions for workers can help contribute towards lower standards of care for people in receipt of homecare services.

## Key findings

- 79.1% of respondents reported that their work schedule is arranged in such a way that they either have to rush their work or leave a client early to get to their next visit on time. This practice of ‘call cramming’, where homecare workers are routinely given too many visits too close together, means clients can find themselves not getting the service they are entitled to. Homecare workers are often forced to rush their work or leave early. Those workers who refuse to leave early and stay to provide the level of care they believe is necessary, also lose out as it means they end up working for free in their own time.
- 56% of respondents received between the national minimum wage of £6.08 an hour at the time of the survey and £8 an hour. The majority of respondents did not receive set wages making it hard to plan and budget. Very low pay means a high level of staff turnover as workers cannot afford to stay in the sector. Clients therefore have to suffer a succession of new care staff.
- 57.8% of respondents were not paid for their travelling time between visits. As well as being potentially a breach of the minimum wage law, this practice eats away at homecare workers’ already low pay.
- Over half the respondents reported that their terms and conditions had worsened over the last year, providing further evidence of the race to the bottom mentality in the provision of homecare services.
- 56.1% – had their pay made worse
- 59.7% – had their hours adversely changed
- 52.1% – had been given more duties
- 36.7% of respondents reported that they were often allocated different clients affecting care continuity and the ability of clients to form relationships with their care workers. This is crucial, especially for people with such conditions as dementia.
- Whilst the vast majority of respondents had a clearly defined way of reporting concerns about their clients’ wellbeing, 52.3% reported that these concerns were only sometimes acted on, highlighting a major potential safeguarding problem.
- Only 43.7% of respondents see fellow homecare workers on a daily basis at work. This isolation is not good for morale and impacts on the ability to learn and develop in the role.
- 41.1% are not given specialist training to deal with their clients specific medical needs, such as dementia and stroke related conditions.

The written responses to our survey paint a disturbing picture of a system in which the ability to provide some companionship and conversation to often lonely and isolated clients is being stripped away. Some recounted the shame of providing rushed and insufficient levels of care because of the terms and conditions of their job, whilst many detailed insufficient levels of training that they had been given to carry out the role. Others made the point that rushed visits are a false economy leading to a greater likelihood of falls, medication errors and deterioration through loneliness.

However the survey also showed the selflessness and bravery of homecare workers who, to their own personal cost, refused to accept the imposition of outrageously short visits and worked in their own time to ensure that their clients received good levels of care. Some homecare workers were doing tasks and errands for their clients in their spare time, despite the seemingly best efforts of the current care model to strip away any sense of personal warmth or humanity.

Homecare workers are personally propping up a deteriorating system of adult social care, but they are being pushed to breaking point. That they are still willing to deliver good levels of care in spite of the system is nothing short of heroic. For the system to work it needs to be underpinned by adequate funding and a workforce whose terms and conditions reflect the respect and value they deserve. Crucially they must be given the time to care.

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**“ I never seem to have enough time for the human contact and care that these people deserve. ”**

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**“ A lot of the people I care for, are old and lonely, they are not only in need of physical support, but they are also in need of company and someone to talk to. The times given to these people are the bare minimum to get the job done, no time for a chat, just in and out. ”**

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**“ People are being failed by a system which does not recognise importance of person centred care. ”**

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**“ We are poorly paid and undervalued except by the people we care for! ”**

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**“ I have worked as homecare worker for 15 years. Things have to change but not at the expensive of clients. It’s appalling the care they receive now. ”**

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# Ethical care councils

In light of UNISON's findings, we are calling for councils to commit to becoming Ethical Care Councils by commissioning homecare services which adhere our Ethical Care Charter.

The over-riding objective behind the Charter is to establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels. Rather than councils seeking to achieve savings by driving down the pay and conditions that have been the norm for council – employed staff, they should be using these as a benchmark against which to level up.

Councils will be asked to sign up to the Charter and UNISON will regularly publish the names of councils who do.

## Ethical care charter for the commissioning of homecare services

### Stage 1

- › The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients
- › The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients
- › Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones
- › Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time
- › Those homecare workers who are eligible must be paid statutory sick pay

### Stage 2

- › Clients will be allocated the same homecare worker(s) wherever possible
- › Zero hour contracts will not be used in place of permanent contracts
- › Providers will have a clear and accountable procedure for following up staff concerns about their clients' wellbeing

- › All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time)
- › Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation

### Stage 3

- › All homecare workers will be paid at least the Living Wage (as of November 2013 it is currently £7.65 an hour for the whole of the UK apart from London. For London it is £8.80 an hour. The Living Wage will be calculated again in November 2014 and in each subsequent November). If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract
- › All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.

## Guidance for councils and other providers on adopting the charter

### Seeking agreements with existing providers

1. Convene a review group with representation from providers, local NHS and UNISON reps to work on a plan for adopting the charter – with an immediate commitment to stage 1 and a plan for adopting stages 2 & 3
2. Start by securing agreement for a review of all visits which are under 30 minutes. The review will include getting views of the homecare workers and client (and/or their family) on how long the client actually needs for a visit and what their care package should be

### Looking for savings

3. Are providers' rostering efficiently – for example are there cases of workers travelling long distances to clients when there are more local workers who could take over these calls?
4. How much is staff turnover costing providers in recruitment and training costs?
5. How much are falls and hospital admissions amongst homecare clients costing the NHS and could some of these be prevented by longer calls and higher quality care?

6. Are there opportunities for economies of scale by providers collaborating around the delivery of training and networking/mentoring for workers?
7. Are there opportunities for collaboration between providers to achieve savings on procurement of mobile phones, uniforms and equipment for workers?

### The commissioning process

1. UNISON's evidence, along with that of other bodies such as the UKHCA, shows that working conditions are intrinsically bound up with the quality of care.
2. When councils are conducting service reviews and drawing up service improvement plans, the Charter will provide a helpful benchmark for ensuring service quality – whether for an improved in-house service or in relation to externally commissioned services.
3. Where a decision has been taken to commission homecare externally, identify how the elements of the charter will be included as service delivery processes, contract conditions or corporate objectives in the invitation to tender documents. It must explain how these are material to the quality of the service and achieving best value.

### **Service monitoring**

1. Work with providers and trade unions to agree how service quality will be monitored and compliance with the Charter assured
2. Build regular surveys of homecare workers into this process to gain their views and consider establishing a homecare workers panel from across local providers who can provide feedback and ideas on care delivery

**The provisions of this charter constitute minimum and not maximum standards. This charter should not be used to prevent providers of homecare services from exceeding these standards.**

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**Executive**

15 March, 2018

## **Renewal of the council's contract with Make it York**

### **Introduction**

1. This paper proposes the main terms on which the Council will let a new contract to Make it York (MIY) for the period 2018-21.

### **Recommendations**

2. The Executive is asked to:
  - Agree to enter into a further 3 year contract with MIY
  - Agree the priorities on which the new service specification are to be based as set out in paragraph 16 and following
  - Agree that further work is undertaken to develop the outcomes and service levels schedule of the contract (the SLA) and that this be brought back to the Executive Member for Economic Development and Community Engagement for approval

### **Background**

3. In 2015 the council decided to establish MIY as a wholly owned, local authority company in order to deliver a new approach to marketing, culture, tourism and business development in the city. The Council entered into a three year contract with the new company to provide these services. The council was able to enter into this contract without the need for a procurement exercise as the company is 'Teckal' compliant, i.e. the council has control of all the shares in the company and exercises effective day-to-day control over its affairs, and at least 80% of the activities of the company are carried out in the performance of tasks entrusted to it by the controlling contracting authority.
4. This first contract comes to an end on 31 March, 2018 and it is therefore now necessary to decide on next steps. To inform this, officers have undertaken a review of the first three years of operation. Annex 1 provides a summary of their analysis. This shows that the model has proved very successful, with MIY carrying

out the requirements of the SLA, adding value across all areas of the business through new services and activities, and reducing the need for council subsidy by increasing commercial income generation.

5. At the same time, some learning points have emerged which need to be addressed, principally that:
  - a. the council needs to play a stronger strategic leadership role in respect of both the economy and culture commensurate with its over-arching place-making role.
  - b. the respective responsibilities of the council and MIY need to be clarified especially for those interested in investing in the city
  - c. MIY's governance arrangements need to be clarified

### **Way Forward**

6. In response to these learning points officers have considered the options available to members including bringing part or all of the functions of MIY back in-house. Given the broad success of the current model and the high level of cost that would be incurred in dismantling the current arrangements this is not recommended. Rather, in entering into a new contract, it is proposed that the council ensure that:
  - a. MIY's Teckal company status is retained
  - b. MIY continue to provide tourism, city centre and markets, culture and events functions broadly as now
  - c. The relationship between the council and MIY in the area of economic development is recalibrated so that CYC provides a clear strategic lead, and
  - d. MIY recasts itself first and foremost as the builder of entrepreneurial partnerships. As such its role would be to deliver the council's commission primarily through working with others to bring projects to life rather than necessarily delivering them on its own
  - e. The council's financial contribution to MIY is reduced by a further £100k from April 2018 (following a reduction of £100k in 17/18) and MIY be asked to identify the potential for further subsidy reduction over the life of the contract

### **Economic Development**

7. The Council wishes the new service specification for the contract, (often referred to informally as the "service level agreement" or

“SLA”), to reflect the Council’s lead role in a new economic and cultural model which will involve the Council in:

- a. Co-ordinating shared strategic ambition / vision, action and partnerships
- b. Addressing areas of market failure
- c. Creating a conducive business environment

At the same time it will give MIY complementary delivery capacity to act as a conduit to assist the Council in the above roles as well as to facilitate and deliver day to day activity on behalf of the city, as determined by the city’s agreed policy context.

8. In this model, the Council’s internal economic function (with 3 officers and a small revenue budget) will be responsible for:
  - a. Setting the overall strategic direction, working with the Corporate Management Team and the Executive procuring specialist advice as necessary.
  - b. Leading operational relationships with key delivery partners (e.g. LEPs, BID) using its limited revenue budget to leverage in third party funds.
  - c. Coordinating economic policy and investment opportunities where they relate to Council functions, e.g. supporting Local Plan, Major Projects, economic input into Local Plan; transport; major projects
  - d. Supporting Council services’ engagement with businesses
  - e. Assembling business cases for a city investment pipeline of priority projects
  - f. Identifying required interventions to address the big issues e.g. graduate retention, inclusive growth, sectoral interventions, university led growth, lobbying for investment
9. MIY’s role will be to add value to this by animating sector-led activity or bringing together partners to develop proposals and business cases. This approach will make best use of resources, harnessing the significant expertise, ability and willingness of people and organisations in the city to achieve outcomes otherwise not possible. The Ambassadors programme is a good example of this, and it is hoped that more could be done in this way.
10. MIY’s staff capacity in the areas of business development, Science City, culture and events will be responsible for:

- a. Taking the adopted city strategies such as the Economic Strategy and determine with the sectors as appropriate subordinate strategies, notably Culture, Creative Industries, and Tourism strategies including delivery plans and mechanisms to facilitate the agreed strategic objectives
- b. Facilitating cross-organisational activity around agreed strategic priorities
- c. Signposting of business enquiries to the council / city
- d. Brokerage and 'making sense' of business support from a range of sources (part funded by Growth Hub)
- e. Identifying and agreeing interventions to address agreed strategic objectives e.g. graduate retention, university led growth, lobbying for investment
- f. Promoting inward investment into York in accordance with agreed strategic objectives and priorities, generating leads through Ambassadors programme, and targeted intermediaries
- g. Web-based promotion of the city in accordance with strategic objectives and the business and inward investment offer
- h. Facilitating the strategically important key account relationships across the city
- i. Picking up inward investment leads
- j. Accepting commissions from the council or other partners to deliver specific projects in line with strategic objectives and the company's business plan.

### **Ways of working**

11. It must be stressed that the council is seeking not merely to carve up a particular area of work slightly differently but rather to signal a more fundamental shift in the way that MIY is perceived in the city. The council believes that MIY should be seen first and foremost as a "builder of entrepreneurial partnerships and project animator". In thinking about this the following hierarchy (drawing on that traditionally used in the world of emergency planning) has proved helpful in bringing a sense of clarity and simplicity:



12. The Gold level represents the highest leadership function of defining strategy, priorities, and areas for focus. This is the “strategic space” that the council needs to ‘reoccupy’ as lead partner.
13. The Silver level is about putting together the coalitions to make things happen, co-ordinating partnership activity, assembling the necessary funding. This recognises that many of the outcomes desired will only be achieved through the efforts and inputs of others beyond the council and Make it York, such as the Universities, Chamber of Commerce, business support organisations, LEPs, funders, businesses and cultural organisations. It is about spearheading the drive on the strategically agreed priorities, and translating it into detailed operational plans or projects.
14. Bronze is operational. For much of this, there will be a range of delivery organisations, with those best qualified to deliver being commissioned to do the work. For example, in the case of putting on large-scale cultural events, existing cultural providers in the city would normally be the provider of choice; neither the council nor MIY should set themselves up as rivals to these. However, for some tasks e.g. working with inward investment leads, articulating York’s pitch, or organising the city’s Christmas offer, the council, or MIY on the council’s behalf, will remain the most appropriate delivery organisation.
15. The council wishes to see a refreshed focus on partnership building and tactical interventions, with MIY leading in this ‘silver’ territory. The aim should be to harness and coordinate resources and

contributions beyond simply the council or Make it York acting as one of many delivery organisations.

### **Priorities for the Service Specification**

16. It is proposed that the priorities for MIY, in terms of the services it provides for the Council, should be driven by the city's Economic Strategy and its four long-term targets:
  - Wages above national average by 2025
  - Priority high value sector growth at least 20% faster than predicted
  - Business space and housing requirements fully met
  - Employment rate, skills and connectivity comparative advantages maintained
17. MIY should place a focus on high value job creation whilst continuing to recognise the importance of tourism and retail sectors to the city's economy and continuing to work to develop these.
18. It is proposed that further work is now undertaken to identify key activities to be included in the SLA against the relevant "to dos" within the Economic Strategy:
  - a. **York Central Enterprise Zone:** In the case of this and other key development sites the SLA is likely to identify a supporting role for MIY, assisting the Council with a signposting and conduit function to help bring investment to and to fill these sites.
  - b. **Take practical steps to develop and retain talent in the city:** the SLA will define tasks as part of MIY's wider engagement function, working primarily through sector groupings to be specified by the council, bio-sciences, food and drink, and so on.
  - c. **Lobby for investment:** here MIY can be expected to have a supporting role, helping with the strategic placement of the city in respect of key government initiatives.
  - d. **Make a fresh loud statement of cultural and visual identity:** MIY will be required to provide leadership and facilitation to the production of a cultural strategy for York, working through the Cultural Leaders Group. This strategy, which will bring greater ambition and profile to the city's cultural offer, will be approved and adopted by the Council on behalf of the city.

Key delivery areas will concern events and markets strategies to ensure that the city has a vibrant all-year-round offer, coordinating activity to maximise the benefit of York's UNESCO City of Media Arts designation for the city, and ensuring that York's cultural excellence is recognised and promoted.

- e. **Bring people and businesses together in creative, low-cost ways:** The SLA will define MIY's key account management relationship with companies and how it will support the council in follow-up activity. It will also define MIY's role in providing a 'front door' in York for businesses and start-ups as well as in providing business support.
19. MIY will continue to develop the other areas of its role as the city's marketing and destination management organisation. For these areas it receives no direct funding from the Council but does use the council's assets, notably the Shambles Market and Parliament Street, in order to generate revenue. The outcomes that the Council wishes to see will also be specified in the service specification, albeit at a lower level of detail. Key areas will be:
- a. **Visitor economy:** Facilitating cross-sector work to increase the value of the visitor economy
  - b. **Business tourism:** Attracting new business tourism to the city
  - c. **Visitor & cultural information:** Ensuring visitors and residents have high quality information and support
  - d. **City centre management and improvement:** Managing the city centre space as a safe, dynamic and attractive place
  - e. **Place marketing:** Marketing the city in national and international markets; working with partners to promote coherent brands for the city in areas relevant to MIY's remit and within the city's overarching branding strategy to be led by the Council

### **Next Steps**

20. Following approval of this report further detailed discussion will take place with MIY, involving the Head of Economic Growth and other key officers as appropriate, to flesh out the above areas and to agree key outcomes to be achieved and developed into the final SLA. This work will also take account of input made by a recent meeting of the Economy and Place Policy Development Committee.

21. MIY's business plan will be presented to the Shareholder Committee in March (accepting that the service specification will not be fully formulated at that point).
22. The fully detailed specification, once negotiated, will be approved by the Executive Member for Economy and Community Engagement.

### **Governance**

23. The new contract needs to have, built in, sound performance management arrangements. A more facilitative, partnership building role for MIY will, of course, make it harder to measure the discrete outputs of the company: it will be impossible to ascribe success to any one organisation within the partnership. The relationship with the council will therefore need to rely more on trust. In these circumstances the key elements with respect to performance management, in order to provide a good balance of collaboration and control, should be:
  - A strong and proactive client relationship, covering the whole service specification. This will be convened by the Assistant Director (Communities & Equalities) but will also involve the Head of Economic Growth through regular client meetings as well as ongoing project work.
  - A strengthened relationship between MIY and the relevant Executive Member with regular meetings and a formal annual sign-off of any updates to the service specification
  - Annual review of the specification and MIY's performance against it

As well as providing performance information, these arrangements need to facilitate a regular flow of information between the council and MIY with regard to activities and business intelligence so that the two entities are able to work closely and effectively together. They will be supplemented by regular engagement between MIY and the council's corporate management team.

24. Existing arrangements will remain and be strengthened whereby:
  - The Shareholder Committee exercises a general oversight of MIY's performance and approves the annual business plan. As a sub-committee of the Executive, the Shareholder Committee represents the council's interests as the sole shareholder, scrutinising the affairs and performance of Make it York and maintaining an element of control of the business without affecting the operational management.



Meetings of the Shareholder Committee will normally be held in the spring to approve the business plan and in the autumn to review progress.

- MIY reports to the two relevant scrutiny committees twice each per year on its performance
25. The council will continue to appoint two board members to the MIY board of directors.
26. The contract will also set out relevant contractual issues relating to performance such as break clauses.
27. The council recognises that the MIY board will need to review its staffing structures at all levels under the new contract to take account of:
- The shift in ways of working that the council seeks
  - The revised arrangements in the area of economic development
  - The £100k reduction in council financial contribution

### **Options**

28. The principal options available to the Executive are to:
- Enter into a new service contract with MIY to deliver the priorities set out in this report or any amended priorities that the Executive may suggest, or to
  - Ask officers to seek alternative delivery mechanisms for some or all of the services currently provided by MIY

### **Analysis**

29. In view of the analysis contained in Annex 1 concerning the success of the current model and the high level of cost that would be incurred in dismantling the model in order to create alternative delivery arrangements, the council is likely to obtain better value for money by entering into a new contract with MIY.

### **Implications**

30. **Finance:** The council's funding of MIY over 2018-21 will be £299k p.a. a reduction of £100k compared to 2017/18. The contract will require MIY to identify further scope for reduction in Council subsidy over the life of the contract.

31. **Legal:** The Council can make a direct award of this contract to MIY without undergoing a procurement process while it remains a Teckal compliant company. This requires the Council to exercise similar control over the company as it does over its own departments, that at least 80% of the activities of the company are those entrusted to it by the Council, and that there is no direct capital participation from the private sector in MIY.
32. **One Planet Council:** The Better Decision Making tool has identified positive impacts from this proposal. The evaluation phase has identified the potential for further engagement around the diversity and accessibility of the city's tourism offer and cultural product. These issues will be addressed in the final SLA.

### **Council Plan**

33. MIY contributes to the Council Plan priority of "A prosperous city for all".

### **Risk Management**

34. In compliance with the council's risk management strategy the main risks arising from this report have been identified. These risks are mainly ones that could lead to the inability to meet business objectives (Strategic) and to deliver services (Operational), leading to financial loss (Financial), non-compliance with legislation (Legal & Regulatory), damage to the council's image and reputation and failure to meet stakeholders' expectations (Governance).
35. Measured in terms of impact and likelihood, the risk score has been assessed at 14. This "medium" risk level is acceptable but means that regular active monitoring is required.

### **Annex: Make It York Performance**

**Contact Details**

<b>Author:</b>	<b>Chief Officers responsible for the report:</b>		
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<b>Report Approved:</b>	✓	<b>Date:</b>	22.2.18.
<b>Specialist implications officers:</b>			
Andy Docherty Assistant Director (Legal & Governance)	David Gladders Accountant		
<b>Wards Affected:</b>	All		

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## **Make It York - Performance**

1. This annex provides information on MIY's performance during the period 2015-18 in three categories:
  - i. Activity specifically commissioned by the Council
  - ii. Commercial exploitation of the city's assets, e.g. the city centre
  - iii. Activity undertaken for members and other businesses
2. The final section of the paper covers stakeholder views.

### **i) Activity Commissioned by the Council**

3. In this area MIY has broadly maintained and built upon the level of delivery that the Council previously undertook at the point of transfer, except in the area of Science City York where MIY has been able to increase capacity through externally funded projects. MIY has enabled CYC to reduce its funding through increasing income.
4. The following are the key areas of activity set out in the SLA:
  - a. High-value job growth initiatives**
5. This forms the largest element of the commission. Targets for this area by 2018 were: 500 jobs created above the national median wage, 100 jobs safeguarded, 500 businesses assisted to improve their performance, 250 inward investment enquiries from businesses outside of the region with 20 projects converted.
6. MIY's performance reports throughout the year have highlighted the significant number of MIY's achievements, wide range of activity delivered, and businesses engaged. These undoubtedly go beyond the output of what was delivered when these functions sat within the Council. MIY have continued to step these up over the period of the contract. Issues to note, however, are:
  - a) Whilst there has been a significant amount of activity, the principal target of that activity in terms of high value job creation and retention is not on track to be achieved. This is not a reflection of MIY's performance, but it does highlight an issue to address in the new contract. Firstly, there is a complex relationship between the factors influencing job creation and retention. MIY and CYC both acknowledge that business support activity alone is not sufficient; wider infra-structure and policy interventions are also needed. Even then there is a limit to the influence that the public sector can exert.

- b) It can also be difficult to make the link between activity delivered and job outputs, especially where activity is indirect such as a workshop or a response to a business support enquiry. With more agencies operating in this space, a multi-agency approach to economic development is required, but this makes the additionality of the individual organisation's contribution harder to quantify. For example, MIY is increasingly working with the LEPs on inward investment in a supportive capacity.
  - c) All these factors point to future commissioning decisions focussing less around 'are Make it York performing well as a business and inward investment support agency?' and more about 'with the resources it has identified, what should the Council commission that will make a fundamental difference to high value job retention and creation in York, and which parts of this are Make it York best placed to deliver?'
  - d) This also raises a question about the importance that the council places on commissioning a locally-focussed public business support, sector development and signposting offer as opposed to relying on only private sector and LEP funded support. Whilst a local service may not achieve significant direct job outputs, it can form part of encouraging an environment in the city conducive to business.
7. On specific elements of the SLA:
- e) MIY is attempting to broaden the resource deployed on inward investment through the Business Ambassador Scheme. There are now 50 business ambassadors agreeing to help promote the city for inward investment. This is already bearing fruit with 3 enquiries received as a result. It is worth noting that both LEPs have inward investment capabilities and MIY spend a lot of time working with and through them. There could be a case for setting up a new co-ordinating meeting for involving the LEPs, MIY, CYC and key partners.
  - f) There is currently a high level of business enquiries from potential new start ups. There have been over 150 enquiries this year to date leading to 81 one-to-one meetings.
  - g) MIY has invested in a new, high quality commercial property system which has made their response to requests and reporting capabilities much slicker. York Central will be a game changer when we have the space to sell; however, delivery is likely to be through the YCP/developer partnership.

- h) MIY's Quarterly Business Insight report tells us about their key account holding responsibility with 100 high value companies. Again it is difficult to be certain about the outcomes from these key account relationships; however, the service is seen as an important element in maintaining business confidence. A quarterly meeting is planned between CYC and MIY covering these key account relationships, to share insights gained and plan what we can do collaboratively to address any issues.

MIY, in conjunction with the York Press and York St. John University, have also produced a 'Top 100' publication ranking the biggest companies with a registered office in York. It gives a good insight to the commercial make-up of the city.

MIY's report back shows recruitment and skills being prominent on the agenda together with premises issues. Strategy / commissioning around skills sits within the Council and there may be a case for commissioned or delivery activity for both economic development and skills being more closely aligned, for example by deploying Make it York or an in-house resource on more targeted business engagement activity and specific interventions around skills. In the case of MIY this could mean directing them to have particular conversations with specific organisations rather than ongoing relationship management.

- i) Science City York (SCY) is not specifically mentioned in the current SLA but makes a contribution towards many of the contracted delivery requirements, e.g. key account management and the development of sector networks. Much reduced at the point of its handover from CYC (it had 15 people at its peak), it concentrates on 3 key activities :
- Bringing together the 3 key networks of creative, bioscience and digital/IT (newsletters, directors' forums, events etc.)
  - Finding and running funded projects e.g. SIAFS (Stimulating Innovation in the Agri-food Sector). This is a £1.7m ERDF funded project in partnership with FERA aiming to assist 220 businesses in the expanding regional agri-food sector to grow through innovation
  - Supporting the Mediale, to include folding in Illuminating York, and the Guild of media Arts

8. In terms of the external environment:

- j) Since the inception of MIY, Growth Hubs focussed on being the 'front door' for business support in the area have been set up for both LEP geographies that York is part of. The York, North Yorkshire and East Riding LEP is more of a web-based solution, sign-posting more to private sector business support as well as European funded programmes. The Leeds City Region LEP has more capacity around business advisers and a number of programmes facilitated often on a distributed model across Local Authority Areas, so there is a member of staff (partly funded) associated with the Leeds City Region Growth Hub operating out of Make it York supplementing the Council funded resource. This person looks after the 'Ad:Venture' start-up business programme on behalf of York.
- k) Responsibility for the economic development strategy rests with CYC with MIY contracted to deliver against certain parts of it; however, since MIY was set up before the strategy was put in place, its structures and resources do not necessarily reflect the strategy. Many of the Economic Strategy's priority 'essential to dos' are delivered through specific project teams, such as the Local Plan or York Central; a relatively small element of the priorities involve publicly funded business support, sector development or inward investment promotion. The current model, where some economic development delivery resource is committed within MIY, does not give CYC flexibility to shift resources e.g. to choose to commission an established graduate brokerage service rather than business support workshops through MIY.
- l) As CYC has reduced its capacity in the economic policy area there has been a deficit in terms of providing effective strategic influence over commissioning delivery activity. This will now be addressed through the establishment of a new Economic Growth Team and this new development will inform the new SLA with MIY.
- m) Make It York has so far had a peripheral role with regard to the major developments such as York Central and the Guildhall. MIY's future role in this area will be clarified in the new SLA.



**b. Initiatives making a fresh loud statement of cultural and visual identity**

9. The target by 2018 is improved perception of York as a creative and enterprising city. Issues are:

n) The cultural sector in York is large and varied. Having limited resource to support the sector MIY has concentrated on 3 main areas:

- Organising the annual York Culture Awards event,
- Supporting the newly formed Cultural Leaders Group, and
- Developing the UNESCO City of Media Arts status, notably the Mediale where the necessary funding and partnerships structures are being put in place.

This represents a sensible focus; however, it has led to some uncertainty amongst cultural organisations about where the strategic lead lies. This uncertainty needs to be addressed by implementing the recommendations of the recent scrutiny reviews of the impact of arts and culture on the city's economy. This will include:

- The council once again picking up the cultural leadership role
- The council demonstrating its commitment to the city's cultural sector by progressing the development and promotion of a clearly defined Cultural Strategy through the Cultural Leaders Group, with the Council showing leadership in its creation and formal adoption
- The council holding key relationships, notably with the Arts Council and their funded National Portfolio Organisations
- The council increasingly working with the Cultural Leaders Group as the key strategic partnership group (York@Large is nonetheless likely to continue in its role of helping to improve the cultural product in the city)
- MIY and CYC working together with the Cultural Leaders Group to produce an events strategy for the city
- The council ensuring that MIY:
  - Develops a narrative about York's ambitions with cultural partners
  - Improves its collaboration with Welcome to Yorkshire
  - Facilitates greater collaboration and co-operation between the cultural sub-sectors in the city

- Co-ordinates future funding bids to the benefit of all cultural providers
- o) The Events Strategy referred to above needs to bring focus to raising the city's ambition, placing York on an international stage, emphasising our place at the heart of Yorkshire and securing and developing important existing festivals such as ASFF, mystery plays and the Early Music Festival. It must also reflect the recommendation of the scrutiny reviews of the impact of arts and culture on the city's economy that MIY focus on higher quality events and festivals in the city centre to protect the York festival brand and maximise their GVA. This will begin to be delivered in 2018 with significant new programmes, notably The Mediale, but also Shakespeare's Rose Theatre and Bloom!
- p) The new SLA also needs to reflect the recommendation of the scrutiny review of the impact of arts and culture on the city's economy that MIY should work with the BID and other interested parties to devise a comprehensive 21st century system of way-finding within the city using all available methods and technologies incorporating smaller cultural providers into those way-finding opportunities to expand the city's promotion of its full cultural offer.

**c. Initiatives bringing people and businesses together in creative, low-cost ways**

10. MIY's performance report shows a particularly strong range of activity in this area including through the SCY brand.

**d. Community-based economic initiatives**

11. MIY's activity in this area is focussed on developing a toolkit for retail groups in line with the Bishopthorpe Road model. MIY has created strong links to a number of trade groups in the city and is an active sponsor/supporter of the Indie York initiative.

**e. Events, city centre and market management**

12. MIY is widely recognised to have made strides with the performance of the Shambles market notably through the development of the food court and associated activities. Monthly income compared to last year is showing a marked up-turn (see below). Issues are:
- q) There are a number of 'grey areas' in the relationship between Make It York and CYC. Footstreet infrastructure needs constant maintenance and upgrading (e.g. Parliament Street benches). There is currently no revenue budget allocation for this within

either Make It York or CYC. There is also lack of clarity about who has responsibility for management issues, e.g. the future of finger posts and the fountain. The ambition for more joined-up management for the city centre has not been realised to date; indeed, there has been more fragmentation. This issue needs to be addressed in the new contract.

- r) Another activity not as 'joined up' as it might be relates to street trading consents. MIY has responsibility for market licences and one-off events in the footstreets whilst CYC manage the street trading consents. Pricing is inconsistent and there is no collaboration on what is best for the city.
- s) This fragmentation also impacts commercially in that the current model encourages, or indeed compels MIY to protect the Shambles Market from competition from potential economic developments that the Council may be promoting. Arguably MIY's commercial landlord status can occasionally create a conflict with their wider role in the city centre's economic growth and promotion agenda.
- t) Illuminating York was well received in 2016. Mediale will take place for the first time in 2018.

#### **f. Visitor economy development**

13. The last full economic impact report for tourism was run in 2015. This showed there were 6.9m visitors to York who spent £564m supporting 19,000 jobs. More recent data shows:

- u) In 2016:
  - Hotel occupancy increased 4% year on year with average room rate increasing 8%
  - Visits to attractions remained at 2015 levels despite a poor first quarter caused by the aftermath of the Boxing Day floods
- v) The VY dashboard for November 17 shows the following picture:
  - For the year to date, across all of the attractions visitor numbers were 4% higher than in 2017. Visits to attractions with a York Pass were up by 57% compared to last year
  - Hotel occupancy averaged 80% across the year with room rates 2% higher than last year,
- w) Conference enquiries were down on last year. City centre footfall was flat against last year but up by 1.3% over the Christmas period. York footfall figures compare favourably to the rest of the

UK.MIY intends to review and refresh the Tourism Strategy this year. Following the publication of the York Economic Strategy it has become clear that there was a dissonance between the previous Tourism Strategy's focus on a headline of doubling the size of the sector, and the overall economic strategy's concern with increasing average wages through rebalancing growth towards higher value sectors. The Council will need to decide how it will ensure that the next refresh is fully joined up.

- x) The biggest current issue is the shortage of good 'hospitality' staff (more and more hotels/restaurants chasing a diminishing pool of people). MIY is seeking to lead on addressing this.
- y) MIY has improved the performance of the VIC which is budgeted to make a small surplus in 2017/18 before overheads are taken into account:

Year	Revenue	Profit/(Loss)	Overheads	Net Loss
2015/16	£537k	(£26k)	(£87k)	(£113k)
2016/17	£605k	(£19K)	(£94k)	(£113k)
2017/18	£673k	£20k	(£100k)	(£80k)

It is increasing well-used and MIY plans to increase revenue through the introduction of new products. The aim is for the VIC to be self-sustaining though it needs to be recognised that this is not easy: VICs are closing all around the country. An additional facility has been introduced at the railway station and the VIC assists up to half a million visitors a year.

- z) A good working relationship is now in place between CYC, MIY and WtY with regular meetings at both senior and operational levels.
- aa) Constructive discussions are also taking place with bordering local authorities about Visit York offering its services on tourism development. Selby and Ryedale are particularly interested in more collaboration and initial discussions have also taken place with Hambleton, East Riding and Harrogate. Selby have commissioned MIY to devise and write their tourism strategy.

## **ii) Commercial exploitation of the Council's assets**

14. Issues are:

- bb) Shambles Market remains hard going in a context of national decline in markets. But, so far this financial year, off the back of

investment in the food court, Shambles Market revenue is up 23% year on year, a sign that a corner has been turned.

The Shambles Market will need further capital investment in the future if the full potential of the commercial opportunity is to be realised (for example it is acutely under-supplied with electricity which is a significant business limitation). We need to determine how capital can most efficiently be raised for reinvestment.

- cc) Christmas market revenue represents MIY's greatest revenue success: 15/16 - £586k, 16/17 - £671k, 17/18 - £752k This additional revenue has helped to invest more significantly more money into the Christmas programme and fund/underpin a number of things that MIY wouldn't otherwise have been able to do. York was named as the "UK's most festive City" in a Virgin Trains survey.
- dd) Ambitious revenue targets have been put in place for Parliament Street events. Activities such as the Great Yorkshire Fringe generate revenue for MIY and MIY sees scope to increase commercial activity in the key foot-streets of the city.
- ee) If and when Parliament Street is upgraded it will potentially have a significant impact on Make It York's short-term revenue capabilities. A major programme of work would mean the temporary suspension of some of the festivals that take place and this will require careful planning. The revenue impact will need to be factored in to any capital expenditure proposal.

### iii) Activity undertaken for members

15. This section covers activities funded by and carried out on behalf of VY members. Issues are:

ff) VY Membership :

Year	New members	Total members	Value (£)
<b>2014/15</b>	77	580	£247k
<b>2015/16</b>	137	581	£251k
<b>2016/17</b>	157	608	£262k
<b>2017/18 (budget)</b>	160	710	£279k

Visit York is unique within Yorkshire, including WtY, in generating the vast bulk of its revenue from the private sector. This compares with Visit Leeds which is fully funded by Leeds City

Council. In 2014/15, the year prior to the creation of MIY, the comparative expenditure on Visit York was £1,720k. Over 3 years the growth in expenditure (2017/18) is £242k. Revenue in that time has grown by £194k. For every £1 of membership revenue there is £7 worth of VY expenditure. That is because VY has a number of other revenue sources (e.g. publications, VIC, York Pass etc.) which between them adds a further £1,713k into the pot.

gg) With a new Head of Visit York, a fresh look at Visit York activity is taking place. Immediate plans include a significant investment in a new Visit York website, a city-wide collaboration on social media, improved direct marketing campaigns and continued improvement of York's marketing collateral.

hh) Visit York direct expenditure in 2017/18 will be £1,962k. This breaks down as follows :

- VY membership £109k
- VIC £653k
- Website/digital £85k
- Leisure marketing £111k
- York Pass £457k
- Publications £188k
- PR £111k
- Conference marketing £104k
- Head of VY £44k
- VIC specific overheads £100k

From time to time, VY leverages additional funding. For example, in 2016/17, VY was instrumental in putting together a £350k marketing campaign post-flooding, "York City Adventure." £200k came from Visit England, £150k came from CYC, NYCC and Virgin. In 2017/18, VY is involved in 4 national projects funded by Visit Britain.

## **Stakeholder Views**

16. MIY recently conducted a survey of businesses. The survey was sent to a wide range of businesses in the city as a follow-up to the invitation to MIY's annual stakeholder event. Approximately 145 responses were received. Key findings from this are:

- 56% of respondents feel "engaged" or "very engaged" with MIY
- MIY's 4 core values were rated on a scale of 1-5 as follows:

- Entrepreneurial            3.85 average
  - Collaborative            3.97 average
  - Respectful            4.22 average
  - Ambitious            3.97 average
  - MIY's biggest achievements most often cited were:
    - Markets
    - Events
    - Culture awards
    - Cohesiveness of response
    - Establishing the brand
    - Promoting York as a destination
    - The business support offer
  - A request for written comments about MIY's work over the last two years received a great variety of responses; however, they were overwhelming positive and there was a common theme about MIY having made a good start in what is a complex set of circumstances
  - Businesses are most familiar with MIY's tourism, events and city centre activities; they are less familiar with its inward investment activities
  - Businesses think progress has been made in all of MIY's areas of activity. In the area of Tourism, 76% consider that some or much progress has been made, whilst in the area of Inward Investment 35% consider that some or much progress has been made and 49% say that they don't know
  - The core VY service of marketing York, supporting tourism businesses and maximising the economic benefits of tourism was rated on a scale of 1-5. The average rating was 3.76
  - Top areas identified as requiring further work were:
    - Raising awareness of MIY's offer / services and clarifying remit
    - Building partnership and collaboration across all sectors and particularly engaging businesses
    - Supporting small businesses
17. MIY is working closely with the BID, collaborating in a number of areas despite maintaining separate agenda. So, for example, MIY is

handing over its Christmas lights budget (now £50k) to the BID so that, with their money, the city will have a new, co-ordinated Christmas lights programme, i.e. one budget rather than two.

## Financial Performance

18. MIY exceeded its budget projections in year 1 notwithstanding the budget reductions CYC made in setting up MIY. MIY met the budget in year 2 and is ahead of budget so far this year. When MIY was set up the agreed revenue budget for MIY was £3.8m. MIY has increased its total income of £4.3m in 15/16 to a projected £4.7m in 17/18. This is a 22% increase on the original budget in 3 years. MIY is using the additional revenue (together with cost reductions) to:

- Increase its annual payment to the Council by £125k from £374k to £499k (£25k dividend + £100k increased city centre rental)
- Invest an additional £155k in inward investment, business support and SCY activity.
- Invest in UNESCO City of Media Arts
- Increase city marketing activities, notably the *York Adventure* campaign
- Invest in VY activities such as the Residents Festival
- Invest in the Food Court in the Shambles Market

19. The proportion of CYC revenue to MIY income is shown below:

	2015/16	2016/17	2017/18 (f/c)
<b>Revenue</b>	£4,323,032	£4,605,897	£4,664,448
<b>CYC contribution</b>	£544k	£524k	£424k
<b>% CYC / Revenue</b>	13%	11%	9%

20. MIY has also:

- Begun to turn around the performance of the Shambles Market showing an increase in income.
- Improved the performance of the VIC
- Maintained its membership income despite the additional pressure on business of the BID
- Assembled a budget for Mediale from a variety of sources with core funding of £375k from key partners and aiming towards a £1 million festival



21. For 2017/18, MIY has a budgeted surplus of just £23k. This is largely because MIY has committed to maintaining all activity under the SLA agreement despite effectively a reduced contribution from CYC of £125k. This increasingly puts the emphasis on MIY generating private income to make up for the reduction in public subsidy. This is not easy or necessarily sustainable. Any future tightening of private sector belts could impact heavily on MIY and there would be a tight margin before MIY went into deficit. MIY has a reserve forecast to be £90k at the end of 17/18. This is much reduced because of the need to provide for pension liability insurance (£153k).

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**Executive**

15 March 2018

Report of the Assistant Director Of Housing and  
Community Safety

**Review of the Evidence Base supporting the case for the Extension of  
Licensing of Houses in Multiple Occupation (HMO) across the City****Summary**

1. This report provides an update to the Executive following the Council motion on the 26<sup>th</sup> October 2017. The motion stated  
“To request that the Executive undertakes a review of the evidence supporting the case for extended licensing across a proportion of the city (where the density of HMOs is the greatest) to assess the case for the introduction of additional discretionary HMO licensing”

The report provides the latest Government thinking on the subject and seeks to ask the Executive to consider the recommendation to focus on the extension of the national HMO licensing scheme and to ask Officers to report back within three years whether there is a case to locally extend licensing through an additional discretionary HMO licensing scheme.

**Recommendations**

2. Members are asked to note the update and to recommend the approach outlined in option 3

Reason: To ensure that we raise standards in the worst performing sector but in a programmed way focussing on the larger HMOs first but keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs.

**Background****Current position**

3. City Of York Council operates the national mandatory licensing scheme for Houses in Multiple Occupation (HMO). All HMOs which are 3 storeys

with 5 or more occupants who form more than 1 household are required to be licensed. We currently license 480 HMOs. Most are within the central wards of the city.

4. HMO licensing seeks to improve the condition and the management of the properties. Critically it doesn't seek to control the number and distribution of HMOs this is through Planning and specifically the Article 4 direction
5. For landlords who rent HMOs outside of the mandatory licensing scheme either because of they are too small (either lacking the number storeys or smaller numbers occupants or both) we do have also have an Accreditation Scheme called YorProperty. The scheme has an excellent website which aims to promote properties and landlords who meet certain criteria. We do have some landlords who are both licenced and accredited.
6. In 2015 we commissioned the Building Research Establishment to carry out a desk top analysis of data and they identified that generally housing conditions in York were better than the national average.
7. However the research found that a third of all hazards <sup>1</sup> in the city were found in the Private Rented Sector (PRS). The research was used to refresh our Private Sector Housing Strategy 2016- 2021 which was agreed by Executive in June 2016<sup>2</sup>.
8. One of the Strategy's five aims was to tackle poorer conditions in the PRS.

***“Encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect”.***

9. As part of that aim we agreed to that we would review the case and specifically evidence base to introduce Additional Licensing of HMOs in the city.
10. However at the same time of writing the strategy we became aware of the Government intention to extend the national scheme to include smaller HMOs in mandatory licensing. The Government published in

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<sup>1</sup> Housing Health and Safety Rating System

<sup>2</sup> Item 11 <http://democracy.york.gov.uk/ieListDocuments.aspx?CIId=733&MIId=9191&Ver=4>

October a consultation paper Houses in Multiple Occupation and residential property licensing reforms .They asked for views on how to implement through secondary legislation the decision to

- Remove reference to storeys from the prescribed description of HMOs so that most HMOs, occupied by five or more people from two or more separate households are subject to mandatory licensing
- Include flats above and below business premises, occupied by five or more people from two or more separate households within the scope of mandatory licencing and
- Clarify the minimum size to be applied to rooms used for sleeping accommodation in HMOs

10. The City of York Council formally responded before the deadline in December 2016, since then we have been waiting for the Government response. This was released on December 28th 2017. A full copy of the response can be found:

<https://www.gov.uk/government/consultations/houses-in-multiple-occupation-and-residential-property-licensing-reforms>

In short, it is proposed in England, subject to parliamentary approval to:

- Extend mandatory licensing to all HMOs (other than section 257 HMOs and flats in larger purpose built blocks) that are occupied by 5 or more persons in two or more separate households;
- Introduce mandatory conditions in all licensed HMOs concerning minimum sleeping room sizes and maximum number of occupants;
- Introduce a mandatory condition in all licensed HMOs concerning the provision of refuse storage facilities.

11. Since then the Government has on the 23<sup>rd</sup> February 2018 laid an order advising that the law will be implemented on the 1<sup>st</sup> October 2018 <http://www.legislation.gov.uk/uksi/2018/221/made> . We are still waiting for the accompanying regulations to be laid.

We are currently working through the implications which according to the order, become effective from the 1<sup>st</sup> October 2018 and will bring a further report forward to the Executive Member for Housing and Safer Communities about how we will be implementing the scheme in York.

## Consultation

12. There is no formal consultation period for extending the national mandatory HMO licensing scheme. However before the regulations become effective on the 1<sup>st</sup> October 2018 the council would work with a range of partners and the sector to ensure that they are aware of the changes that have been proposed.
13. Should the council seek to consider a scheme outside of the mandatory one then the Housing Act 2004 states requires the Council to complete a formal 10 week consultation before the introduction of Additional Licensing can be considered

## Options

14. In summary the options are:

- **Option 1: Statutory action**
  - Extend the current mandatory licensing scheme for HMOs in line with the Government proposals
- **Option 2: Introduction of an Additional Licensing Scheme for HMOs occupied by five or more unrelated people across the area designated for Article 4 Planning Directive**
  - Simultaneously implement both the provisions outline in the Government proposals and build the evidence base/ consult on the case as to whether we can introduce a local Additional Licensing Scheme relating to smaller HMOs which are occupied by four or less unrelated people who share basic facilities such as a kitchen or bathroom.
- **Option 3: Focus on extension of the current mandatory scheme in line with the proposals but consider whether there is sufficient evidence to come back to members within three years to consider the need for a local scheme.**
  - To allow the council to focus on the mandatory extension of the licensing and critically ensure that two key new licence conditions relating to room sizes and refuse storage are implemented smoothly. However to use information gathered through licensing regime coupled with evidence from others including statutory agencies (Police, Immigration services, North Yorkshire Fire and Rescue ) and other stakeholders ( Landlord associations, Universities etc ) to determine whether there is evidence to adopt a local scheme.

## Analysis

15. **Option 3 is the preferred option.** This will enable the council to fully focus on the reforms. We will use the six month grace period outlined in the reforms to concentrate on ensuring that the sector (tenants, landlords and agents) and others full understand the reforms. However it will signal to the sector that we are determined to tackle the housing with the poorest conditions, in a programmed way starting with the larger HMOs It should be noted that the Integrated Planning team are considering a piece of work around article 4. No fixed timetable has been set but if we are able to we would seek to compliment this piece of work. When we have more detail we will be able to advise members if there are any cost implications.

**Option 2:** Would mean that the council would be stretching resources thinly as we would need to both implement the mandatory national provisions and at the same time carry out a significant consultation process. The council is committed through its enforcement policy to ensuring that we have effective and well- targeted regulation by helping and encouraging businesses and individuals to understand and comply with the law. The council would be at significant risk of not being able to support effectively those in the sector to have the necessary information to be compliant

**Option 1:** Would mean that we were implementing the mandatory scheme and the council would be fulfilling its statutory requirements. However it doesn't signal to those in the sector that we are willing to keep under review all options to tackle poor standards and poor practises.

## Council Plan

- 16 The Private Sector housing Strategy aligned to the three key priorities for the council
- **a prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - **a focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities

- **a council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities

## Implications

17. The report is for information only and there are no other implications at this stage for the following:
- **Financial.** Any income generated from the licensing scheme must be used to cover costs incurred by the council to carry out the licensing function.
  - **Human Resources (HR).** Currently we are considering the resource implications. These would be fully funded from the fee income
  - **Equalities.** Attached is the One Planet York Assessment (Appendix A)
  - **Legal.** We will have a statutory duty to implement the extension of any Mandatory HMO licensing scheme. If we consider extending the scheme to include HMOs outside of any national scheme i.e. additional licensing then we must follow the procedure outlined in Part 2 of the Housing Act 2004.
  - **Crime and Disorder.** The government is clear that this is part of their strategy to tackle poor landlord practises which has led to overcrowding, poor management of tenant behaviour, failure to meet the required health and safety standards, housing of illegal immigrants and intimidation of tenants when legitimate complaints are made. Although only a minority of landlords the impacts of their practises are disproportionate putting safety and welfare of tenants and risk and adversely affecting local communities
  - **Information Technology (IT) –** We are working with ICT to develop a simple solution
  - **Property –** Additional desk space will be required in West Offices to accommodate additional staffing
  - **Other – None**

## Risk Management

18. There are no risks associated with this report



## Contact Details

**Author:**

**Ruth Abbott**

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Adaptations Manager

Housing Services

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**Chief Officer Responsible for the  
report:**

**Tom Brittain**

Assistant Director Of Housing and  
Community Safety

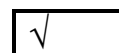
**Report  
Approved**



**Date**

**Wards Affected:**

**All**



**For further information please contact the author of the report**

### **Background Papers:**

Proposals Regarding the Introduction of a Voluntary Landlord Accreditation Scheme in York – report to Cabinet 4<sup>th</sup> December 2012

“YorProperty” – The Introduction of a Voluntary Landlord Accreditation Scheme in York – report to Cabinet Member 13<sup>th</sup> June 2013

Approval steps for additional and selective licensing designations in England – DCLG Guidance Document

Relevant research documents and details relating to specific schemes – details available from the author on request

Private Sector Stock Condition Survey 2008

Findings of York Private Rented Sector Consultation Oct/Nov 2014

Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Review – report to Cabinet 7<sup>th</sup> January 2014

### **Annexes**

Annex A – Better Decision Making Tool



The 'Better Decision Making' tool has been designed to help you consider the impact of your proposal on the health and wellbeing of communities, the environment, and local economy. It draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services by considering the equalities and human rights implications of the decisions we make. The purpose of this tool is to avoid decisions being made in isolation, and to encourage evidence-based decision making that carefully balances social, economic and environmental factors, helping us to become a more responsive and resilient organisation.

The Better Decision Making tool should be used when proposing new projects, services, policies or strategies, or significant amendments to them. The tool should be completed at the earliest opportunity, ideally when you are just beginning to develop a proposal. However, it can be completed at any stage of the decision-making process. If the tool is completed just prior to the Executive, it can still help to guide future courses of action as the proposal is implemented.

**The Better Decision Making tool must be attached as an annex to Executive reports. A brief summary of your findings should be reported in the One Planet Council / Equalities section of the report itself.**

Guidance to help you complete the assessment can be obtained by hovering over the relevant question.

Please complete all fields. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

#### Introduction

<b>Service submitting the proposal:</b>	Housing Standards and Adaptations
<b>Name of person completing the assessment:</b>	Ruth Abbott
<b>Job title:</b>	Housing Standards and Adaptations Manager
<b>Directorate:</b>	HHASC
<b>Date Completed:</b>	13th February 2018
<b>Date Approved</b> (form to be checked by head of service):	16.02.18 Denis Southall

#### Section 1: What is the proposal?

<b>1.1</b>	<b>Name of the service, project, programme, policy or strategy being assessed?</b> Review of the Evidence Base supporting the case for the extension of licensing of Houses in Multiple Occupation (HMO) across the city
<b>1.2</b>	<b>What are the main aims of the proposal?</b> The report provides the latest Government thinking on the subject and seeks to ask the Executive to consider the recommendation to focus on the extension of the national HMO licensing scheme and to ask Officers to report back within three years whether there is a case to locally extend licensing through an additional discretionary HMO licensing scheme.
<b>1.3</b>	<b>What are the key outcomes?</b> To ensure that we raise the standards in the worst performing sector but in a programmed way focussing on the larger HMOs first but keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs

#### Section 2: Evidence

<b>2.1</b>	<b>What data / evidence is available to support the proposal and understand its likely impact?</b> (e.g. hate crime figures, obesity levels, recycling statistics) The extension of the national HMO licensing will be a mandatory requirement on the LA to implement.
<b>2.2</b>	<b>What public / stakeholder consultation has been undertaken and what were the findings?</b> None this has been completed by the national government

	<b>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</b>
2.3	N/A



### Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on residents or staff.  
This section relates to the impact of your proposal on the ten One Planet principles.

For 'Impact', please select from the options in the drop-down menu.  
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

#### Equity and Local Economy

Does your proposal?	Impact	What are the impacts and how do you know?
3.1 <b>Impact positively on the business community in York?</b>	Positive	Raising the standards in the sector occupied by students, young professionals etc will support universities/research led businesses and other businesses attract and retain talent. In addition poor
3.2 <b>Provide additional employment or training opportunities in the city?</b>	Positive	Improving the sector used by a significant number of young people and students will support businesses /colleges of further education to improve the sector
3.3 <b>Help improve the lives of individuals from disadvantaged backgrounds or underrepresented groups?</b>	Positive	Due to the changes in the Local Housing Allowance shared properties are the only source of accommodation which is available for people on low incomes and benefits

#### Health & Happiness

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 <b>Improve the physical health or emotional wellbeing of residents or staff?</b>	Positive	Improve the health and wellbeing of residents
3.5 <b>Help reduce health inequalities?</b>	Positive	The BRE research 2015 advised that this HMO sector as part of the PRS had the highest concentrations of hazards across tenures
3.6 <b>Encourage residents to be more responsible for their own health?</b>	Positive	There is significant body of evidence ( Marmot Review) which
3.7 <b>Reduce crime or fear of crime?</b>	Positive	Entry by Intruders is one of the 29 HHSRS which is considered by officers as part of the HMO inspection programme
3.8 <b>Help to give children and young people a good start in life?</b>	Positive	A significant proportion of students and young adults under the age of 35 live in HMOs.

#### Culture & Community

Does your proposal?	Impact	What are the impacts and how do you know?
3.9 <b>Help bring communities together?</b>	Positive	Through licensing conditions and the subsequent inspection programme it aims to raise the property and management standards of the larger HMOs
3.10 <b>Improve access to services for residents, especially those most in need?</b>	Neutral	There is an opportunity to promote other services to new licence holders and tenants living in the sector
3.11 <b>Improve the cultural offerings of York?</b>	Positive	By having a healthy private rented sector and HMO attracts new residents and their visitors to the city.
3.12 <b>Encourage residents to be more socially responsible?</b>	Positive	There is a significant body of evidence that improving housing conditions improves neighbourhoods

#### Zero Carbon and Sustainable Water

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	<b>Minimise the amount of energy we use and / or reduce the amount of energy we pay for?</b> E.g. through the use of low or zero carbon sources of energy?	Positive	Part of the licensing conditions aim to ensure that low cost energy efficiency measures are installed such as loft/cavity wall insulation
3.14	<b>Minimise the amount of water we use and/or reduce the amount of water we pay for?</b>	Neutral	This is not a licence condition

#### Zero Waste

	Does your proposal?	Impact	What are the impacts and how do you know?
3.15	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Positive	There is an opportunity to impose a new licence condition relating to refuse storage for all new licensable properties

#### Sustainable Transport

	Does your proposal?	Impact	What are the impacts and how do you know?
3.16	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Unsure	Having a better understanding of the location of the properties which need to be licensed and the number of occupants will help to inform on street parking policy. However the law does not enable a licence condition to
3.17	<b>Help improve the quality of the air we breathe?</b>	Unsure	See above

#### Sustainable Materials

	Does your proposal?	Impact	What are the impacts and how do you know?
3.18	<b>Minimise the environmental impact of the goods and services used?</b>	Neutral	

#### Local and Sustainable Food

	Does your proposal?	Impact	What are the impacts and how do you know?
3.19	<b>Maximise opportunities to support local and sustainable food initiatives?</b>	Neutral	

#### Land Use and Wildlife

	Does your proposal?	Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Neutral	
3.21	<b>Improve the quality of the built environment?</b>	Positive	By improving the physical standards of the properties
3.22	<b>Preserve the character and setting of the historic city of York?</b>	Positive	there are a few properties which are within the walls of the city by ensuring that the properties are well managed will help to preserve the properties
3.23	<b>Enable residents to enjoy public spaces?</b>	Positive	Improving the physical standards of the properties has a positive impact on the built environment

#### 3.40 Additional space to comment on the impacts

The implementation of the extension of Licensing of HMOs will be a national mandatory requirement which the council will have a duty to impose

**Section 4: Impact on Equalities and Human Rights**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

**Equalities**

Will the proposal **adversely impact** upon 'communities of identity'?  
 Will it **help advance equality** or **foster good relations** between people in '**communities of identity**'?

		Impact	What are the impacts and how do you know?
4.1	Age	Positive	there is a significant population of students/young adults whose only source of affordable housing is the shared house in multiple occupation. It is important to ensure that good quality accommodation is provided to ensure the health of the
4.2	Disability	Neutral	
4.3	Gender	Neutral	
4.4	Gender Reassignment	Neutral	
4.5	Marriage and civil partnership	Neutral	
4.6	Pregnancy and maternity	Neutral	
4.7	Race	Neutral	
4.8	Religion or belief	Neutral	
4.9	Sexual orientation	Neutral	
4.10	Carer	Neutral	
4.11	Lowest income groups	Positive	Due to the changes in Local Housing Allowance rates, shared housing is often the only source of accommodation available for people on benefits and low income. It is important that such properties are improved
4.12	Veterans, Armed forces community	Neutral	

**Human Rights**

Consider how a human rights approach is evident in the proposal

	Impact	What are the impacts and how do you know?
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4.13	<b>Right to education</b>	Positive	Provision good quality accommodation supports a range of students to live in the city
4.14	<b>Right not to be subjected to torture, degrading treatment or punishment</b>	Positive	We are getting increasing number of referrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal
4.15	<b>Right to a fair and public hearing</b>	Positive	The introduction of the legislation provides the right of internal rights of appeal and also the right of appeals to first tier tribunals
4.16	<b>Right to respect for private and family life, home and correspondence</b>	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard
4.17	<b>Freedom of expression</b>	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard
4.18	<b>Right not to be subject to discrimination</b>	Neutral	
4.19	<b>Other Rights</b>	Positive	We are getting increasing number of referrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal

4.20	<b>Additional space to comment on the impacts</b>		





**Section 5: Planning for Improvement**

5.1	<p><b>What have you changed in order to improve the impact of the proposal on the One Planet principles?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)</p>
	<p><b>This is legal requirement which aims to raise the standards in the poorest performing sector</b></p>

5.2	<p><b>What have you changed in order to improve the impact of the proposal on equalities and human rights?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)</p>
	<p><b>To ensure that the new implementation of the extension of the national HMO scheme is well promoted across the sector including tenants, landlords, agents and other stakeholders (both internal and external partners e.g. Planning team and the universities/employers)</b></p>

5.3	<p><b>Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits?</b> e.g. consultation with specific vulnerable groups, additional data)</p>
	<p><b>Implementation of the new HMO provisions will be an opportunity to collect evidence on the ground regarding the condition and management of the sector</b></p>

5.4 **Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?** (Expand / insert more rows if needed)

Action	Person(s)	Due date
Review Resources - JD/recruitment to implement scheme	Ruth Abbott	01/09/18
Review processes and procedures	Ruth Abbott	01/09/18
Review ICT to support above	ICT/Ruth Abbott	01/09/18
Develop marketing and communication plan	Ruth Abbott	01/09/18

**In the One Planet / Equalities section of your Executive report, please briefly summarise the changes you have made (or intend to make) in order to improve the social, economic and environmental impact of your proposal.**

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## **Executive**

**15 March 2018**

Report of the Corporate Director of Health, Housing and Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

## **Investment at Lincoln Court to create an Independent Living with Support facility**

### **Introduction**

1. The report will present the outcome of an investment review and demonstrate that investment in the long term future of Lincoln Court will allow us to set out a new model for Independent Living (Sheltered Housing) in York, called Independent Living. It will ask that investment be made at Lincoln Court to increase the number of homes from 26 to 34 and create an Independent Living with Support facility as part of the Older Persons' Accommodation Programme.

### **Recommendations**

2. The Executive will be asked to:
  - a) Agree that investment should be made at Lincoln Court to create an Independent Living with Support facility.
  - b) Approve the gross capital investment of £1.4m to deliver new apartments and enhanced communal facilities for Lincoln Court in order to help to meet the need for additional older persons' accommodation in York.
  - c) Note that the HRA Business Plan holds provision of £521,500 for planned investment and maintenance works including installation of a new communal boiler, the modernisation of individual flats, a new communal entry system, front doors and windows, roof works, external & internal decoration and other external maintenance at Lincoln Court and that consent will be sought to draw this provision into the Capital Programme as delivery timing requires.
  - d) Recommend to Council that the estimated £1.4 m of gross cost for the Lincoln Court capital investment works are added to the Capital Programme with the costs to be funded from the Housing Revenue Account (HRA) investment reserve, recycled right to buy receipts, other Housing Capital Receipts and capital held by the Older

## Persons Accommodation Programme.

Reason: To secure the long term future of Lincoln Court and ensure that it can continue to provide good quality accommodation for older people while also expanding the capacity to provide community support and care from this location.

### **Background**

3. Executive on 7th December 2017 agreed to close Windsor House older persons' home. They made that decision in the knowledge that the closure of Windsor House would prompt the need to re-locate the boiler for Lincoln Court (which is next door) and address other overdue works at Lincoln Court, triggering a property review for this building including potential re-modelling to ensure its longer term future supporting independent living for older people in this area.

### **Property Review**

4. Lincoln Court is situated on Ascot Way in Westfield Ward. It is partly connected to the Council run older persons' home Windsor House, which is next door. The decision to close Windsor House prompts a property review of Lincoln Court.
5. An assessment of the financial sustainability and desirability of Lincoln Court show that it is currently in the lower to middle rank of the independent living (sheltered housing) schemes managed by the Council, as measured by our assessment bandings, primarily because of the lack of desirability of the bedsit flatlets and higher than average cost of operation.
6. The independent living schemes are relatively cost effective to maintain on a per unit basis. There is not a great variance between the schemes in general. Independent living flats are generally less desirable than family housing under the desirability assessment due to their high turnover (Void Frequency) and the time in which they are unoccupied (Days Void). Lincoln Court has four bedsit flatlets which can prove to be difficult to let. Overall, Lincoln Court is more financially problematic but it is also slightly more desirable when compared to other independent living housing schemes.
7. Lincoln Court was last modernised as a whole building modernisation in 1991, converting it from Aintree house which was originally built in 1966. There are a total of 26 homes: 22 one bedroom flats and 4 bedsit flatlets. Each flatlet has a living room with a fully fitted kitchen and a bathroom. The lift in Lincoln Court is approximately 5 years old

8. The Lincoln Court flats are due to be modernised in 2019-2020 year under the current proposed HRA planned investment programme. The building has the highest current maintenance need of similar homes. There is a range of necessary works that are coming up in the next 5 years including communal works, the new boiler, guttering and roof works. The provision of new windows is also required.
9. The scheme shares a number of components with Windsor House. The heating and hot water boiler is located in the Windsor House basement and this has flooded twice in recent years. The cold water tank for Windsor House is located in the roof of Lincoln Court. The drainage system is also connected.
10. The assessment of the required and desirable works at Lincoln Court and the fact that the scheme is likely to be more sustainable once bedsit flatlets are converted to one bed flats and other improvements are undertaken, lead to the conclusion that the building, if improved, has a sustainable future.

### The need for change

11. A national benchmark shows that York is under-provided for with independent living (sheltered housing), both to rent and to buy, both now:

### Current Needs

	Demand	Supply	Variance	% Variance
<b>Sheltered Housing</b>	<b>2,150</b>	<b>1,055</b>	<b>-1,095</b>	<b>-51%</b> 
Sheltered Housing: Rent	1,140	560	- 579	-51% 
Sheltered Housing: Lease	1,010	495	- 515	-51% 

and as our older persons population grows:

### Estimated Future Needs

	2014	2015	2020	2025	2030	2035
	% increase from 2014					
		2%	14%	37%	50%	65%
<b>Sheltered Housing</b>	<b>2,150</b>	<b>2,200</b>	<b>2,450</b>	<b>2,938</b>	<b>3,225</b>	<b>3,550</b>
Sheltered Housing: Rent	1,140	1,166	1,299	1,557	1,709	1,882
Sheltered Housing: Lease	1,010	1,034	1,152	1,381	1,516	1,669

12. Our current focus has been to see and encourage the development of Extra Care accommodation. We now wish to turn attention to the development of independent living (sheltered housing) or hybrids of the same. Mixed tenure provision is a priority because over 80% of households in York headed by someone over 75 own their own home. New build Independent Living Housing will encourage down-sizing and will, therefore, free up family homes for re-use.
13. It is appropriate that we concentrate some effort into Independent Living Housing as this sector forms a significant part of the provision of accommodation with care, both because it serves to address an important housing need and it is also proven to sustain health and independent living. If configured correctly, independent living housing can support local area co-ordination and self-help in order to meet care as well as housing needs.
14. Independent Living with Support [or Sheltered Housing Plus as some would describe it] will have:
  - a) Enhanced communal facilities for use by tenants and local residents.
  - b) Assisted bathing and therapy facilities to support care and nurture wellbeing.
  - c) Space for care staff to work when needed.
  - d) New flats and communal areas which are dementia friendly.
15. Independent Living with Support at Lincoln Court would build upon existing community use of the communal facilities, currently delivered in partnership with AgeUK. Domiciliary care staff that provide planned support for older people living nearby will be able to use facilities at Lincoln Court for rest and to help support their work, allowing us to model a new way of working for community based care staff.

### **The Proposal**

16. It is therefore proposed that we invest approximately £1.4m of capital at Lincoln Court to create:
  - a) 8 new, one bed apartments which will be dementia friendly.
  - b) Conversion of 4 existing bedsits into 4 one bed apartments.
  - c) A new and improved entrance lobby, communal facilities including a community lounge, WC, assisted bathing, hairdressing/therapy room, buggy store, office/s for care and other staff, gardens and improved car parking.

17. In addition, these planned enhancements also allow us to undertake £521,500 of already budgeted HRA investment work which had been put on hold while the long-term future of Lincoln Court and Windsor House was agreed. Planned investment and maintenance includes the installation of a new communal boiler and plant room; the modernisation of individual flats to include new kitchen, bathroom, heating and wiring; new front doors and windows; a new door entry system; roof works; external & internal decoration; some high level external works to rainwater goods and asbestos soffits.
18. These improvements have been the subject of an initial discussion with tenants and the proposals help to address their needs and overcome expressed concerns.
19. We will also consider what energy efficiency works can be included alongside the proposed improvements in order to either reduce energy consumption or generate energy, drawing where relevant upon the One Planet Council Energy Efficiency Programme funds allocated by Executive in February 2018.

### **The Proposal in the Context of the Overall Programme**

20. Should Executive and Council agree to the investment at Lincoln Court, the following actions will follow:

<b>Action</b>	<b>Timescale</b>
Submission of a Planning Application	May 2018
Subject to consent, works start on site	Winter 2018
Works complete	Autumn 2019

21. The changes proposed for Lincoln Court should be viewed in the context of the overall Older Persons' Accommodation Programme. The Programme aims to deliver 861 new units of accommodation with care – both Extra Care accommodation and care beds – by 2020. To date, 242 units have been delivered and by 2019 a further 385 will have been provided, with the rest by 2020. 148 care beds have been closed over the last two years because the buildings they were in are no longer fit for purpose.
22. Amongst this new provision are 80 new residential and nursing care beds at Burnholme, of which the Council will “block purchase” 25, as well as Extra Care provision already in place at Auden House, Glen Lodge and Marjorie Waite Court.

## **Council Plan 2015-2019**

23. The Programme is set in the context of the Council Plan for 2015-19 and will contribute to achieving its ambitions. Based on our statutory responsibilities and the aims of the new administration, the plan focuses on three key priorities:
- a prosperous city for all - where local businesses can thrive and residents have good quality jobs, housing and opportunities
  - a focus on frontline services - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
  - a council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities
24. To support these corporate priorities and under the guidance of the Health & Wellbeing Board, York has developed proposals to achieve a new focus for adult health and social care which delivers:
- a) self care and self management;
  - b) better information and signposting;
  - c) home is best;
  - d) early intervention and prevention;
  - e) reablement and intermediate care (targeted resources);
  - f) managing long term conditions; and
  - g) delivering services at a community level where this is desired and possible;
  - h) to reduce loneliness and increase social interaction amongst older persons and their communities;
  - i) that York becomes a dementia friendly environment.
25. The proposed works will benefit existing tenants of Lincoln Court and create a care and community facility for older people living locally. Engagement with existing residents has already begun and wider public engagement will take place prior to the submission of a planning application. Works will take place with the majority of existing tenants remaining in their own homes; however, this position will remain under review as existing building services are assessed and reviewed. Construction works will be disruptive to neighbours but we will endeavour to keep this disruption to a minimum.



26. The re-location of the boiler from Windsor House will allow for the clearance of this site for use by the proposed new Centre of Excellence for Disabled Children.

## **IMPLICATIONS**

### **Equalities**

27. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
  - 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.
28. The Equalities Act 2010 explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
29. An Equality Impact Assessment for the Older Persons' Accommodation Programme was produced for the 15 May 2012 Executive Report and was reviewed and most recently updated in November 2017. It particularly highlighted the potential implications of the programme for the health, security and wellbeing of frail and older residents.
30. An OPH Wider Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Programme unfolds. The project team also continues to use established channels to communicate with, and gather the views of, OPH managers and staff, care management staff and Health colleagues.

## **Communications**

31. The operational team will carry out any necessary tenant and public engagement concerning these proposals but will need the support of the Communications team in respect of media briefings, leaflet design, website and social media presence.

## **Financial**

32. The Housing Revenue Account (HRA) business plan holds £521,500 of provision for imminent planned improvements and modernisation at Lincoln Court. As part of this provision, the agreed 2018/19 capital programme includes £160,000 to cover the costs of the windows and a new communal boiler. The timing of the remaining £361,500 investment in the modernisation of individual flats, a new communal entry system and front doors, roof works, external & internal decoration as well as some high level external works to rainwater goods and asbestos soffits will be reflected in a review of the capital programme later in the year or in the setting of the programme for 2019/20.
33. The investment of £1.4m in the new and re-modelled apartments and the communal facilities would be additional investment funded by £1.1m from the HRA investment reserve, £200,000 from recycled Right to Buy receipts and £100,000 of capital held by the Older Persons' Accommodation Programme.
34. The revenue costs of the new accommodation will be met from rents and service charges. Service charges will be adjusted to reflect new services. Rents will be charged at the normal secure tenancy rates for this type of accommodation.

## **Legal**

35. All relevant regulatory consents (such as planning permission and building regulations approval) will need to be obtained and the conditions thereto complied with.
36. The procurement of building works and appointment of any other external suppliers/advisors will be undertaken in accordance with the Council's Financial Procedure Rules Regulations and any applicable legislation such as the Public Contracts Regulations.
37. The proposed building works will be carried out in a manner which avoids any damage to neighbouring properties and which causes the minimum disturbance reasonably practicable to tenants of Lincoln Court and the occupiers of neighbouring properties.

38. The proposed works can be carried out without needing to gain any entry onto any neighbouring land not owned by the Council.

### **Human Resources**

39. There are not human resource implications associated with this proposal.

### **Property Services**

40. The Lincoln Court site is owned by City of York Council. When Executive made the decision to close Windsor House older persons home they did so in the knowledge that this would have an impact upon the services for Lincoln Court.

### **Planning**

41. The proposed changes and improvements to Lincoln Court will be the subject of a planning application. The works will not be able to proceed without planning consent.

### **Better Decision Making Tool**

42. This matter forms part of the Older Persons' Accommodation Programme which has been agreed by Executive and which has been the subject of extensive scrutiny of the Business Plans and Equality Impacts and, therefore, a Better Decision Making Toolkit form has not been prepared. However, the proposed improvements to Lincoln Court will be evaluated for their environmental impact and, where viable, we will ensure that energy efficiency at the building is improved.

### **Other Implications**

43. There are no other implications arising from this report.

### **RISKS**

44. The proposals could not progress without planning consent and therefore obtaining this consent is a key risk to the delivery of this project. Other risks are linked to procurement of the works and the identification and management of "in construction" issues such as asbestos and the condition of the existing services at Lincoln Court. These "in construction" risks could delay the progress of works and/or increase the cost of the project.

<b>ref</b>	<b>Risk</b>	<b>Mitigating Action</b>
a)	Planning consent.	Pre-planning public engagement and careful consideration of the impact of

ref	Risk	Mitigating Action
		the proposals upon neighbours will help to mitigate the planning risk.
b)	Lack of provider interest in the opportunity	Soft market testing with potential builders will help to shape market interest in the opportunity.
c)	Asbestos	The existing building information shows the presence of asbestos on site. A more detailed asbestos survey will be undertaken to guide the works. All works will be carried out in accordance with the asbestos management regulations.
d)	Condition of Services	Service pipes and elements of the building structure will need to be further surveyed to assess what impact the proposed works will have upon them. A contingency budget will be held to fund unforeseen works. Disruption to existing tenants will be kept to a minimum.
e)	Site assembly (i.e. impact on the site for the Centre of Excellence for Disabled Children).	Discussions with project lead for the Centre of Excellence for Disabled Children will ensure that shared site services are addressed and the co-ordination of planning and building works takes place.

**End**

### Contact Details

<b>Author:</b>	<b>Chief Officer responsible for the report:</b>		
Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 <a href="mailto:roy.wallington@york.gov.uk">roy.wallington@york.gov.uk</a>	Martin Farran Corporate Director of Health, Housing and Adult Social Care		
	<b>Report Approved</b>	✓	<b>Date</b> 1 <sup>st</sup> March 2018

<p><b>Specialist Implications Officer(s)</b>  Legal – Walter Burns (Ext 4402); Gerard Allen (Ext 2004)  Finance – Patrick Looker (Ext 1633); Debbie Mitchell (Ext 4161)  Property – Philip Callow (Ext 3360)</p>
<p><b>Wards Affected:</b> Westfield</p>
<p><b>For further information please contact the authors of the report</b></p>

**Annexes:**

**Annex 1** – Plan of the Lincoln Court and Windsor House Site

**Annex 2** – Indicative proposals for works at Lincoln Court

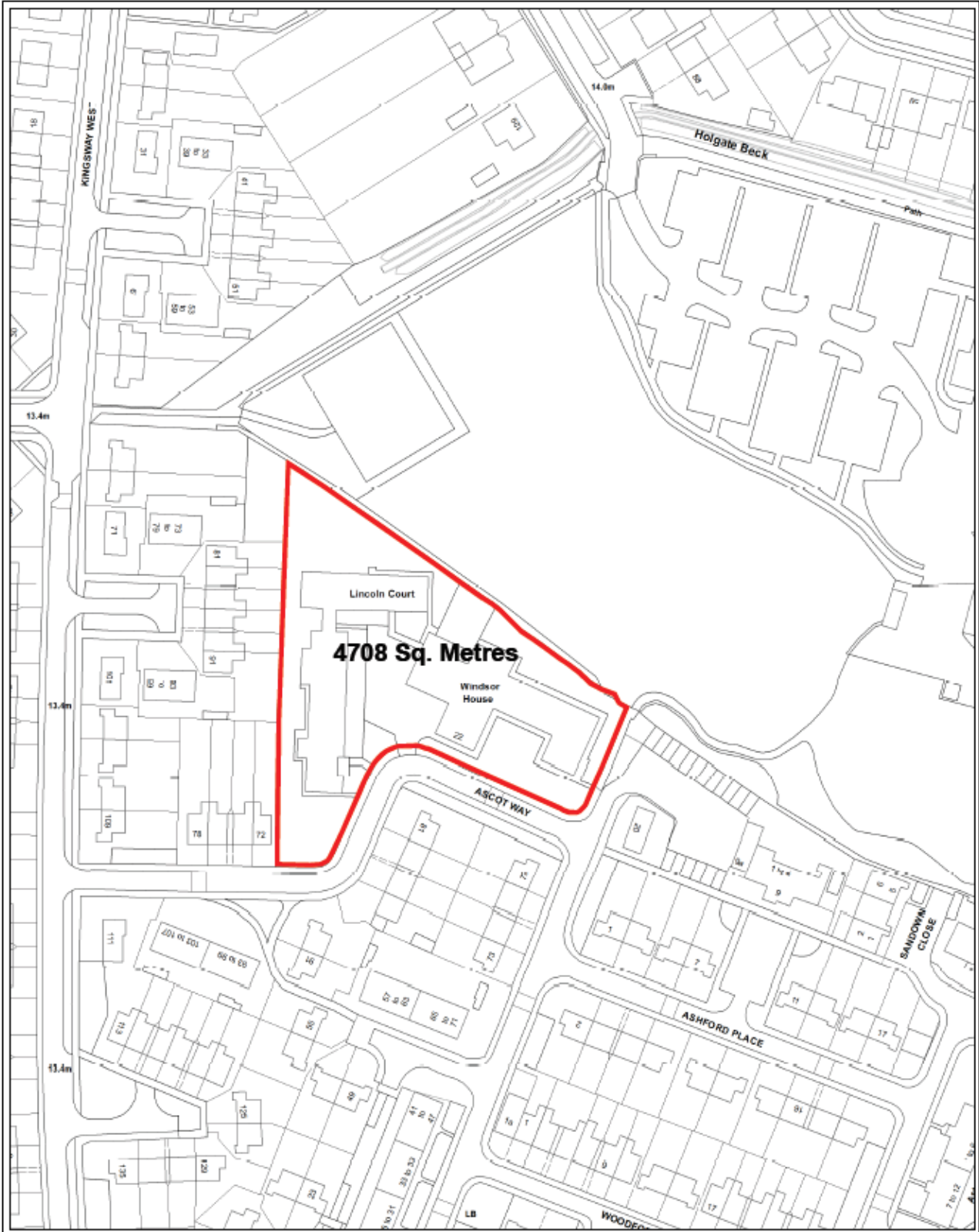
**Abbreviations:**

HRA – Housing Revenue Account

**Background Papers:**

30 July 2015	Report to Executive seeking approval of the Business Case for the Older Persons' Accommodation Programme and agreement to proceed.
28 <sup>th</sup> September 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care and the Corporate Director of Children, Education and Communities. The Executive received information that demonstrated the progress of the Older Person's Accommodation Programme towards delivering over 900 new units of accommodation with care for older people. The Executive gave consent to undertake consultation on the option to close two further Council run older persons' homes.
7 <sup>th</sup> December 2017	Report to Executive by the Corporate Director of Health, Housing and Adult Social Care. The Executive received the results of the consultation undertaken with the residents, relatives and staff of Windsor House residential care homes to explore the option to close the home with current residents moving to alternative accommodation, and agreed to close Windsor House and the site to be use being for the Centre for Excellence for Disabled Children and their families and, should this use not be feasible, for housing use and should this use not be possible, then for the site to be sold forthwith in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.

Annex 1 – Plan of the Lincoln Court and Windsor House Site



Asset & Property Management

Windsor House

SCALE 1:1,250

DRAWN BY: CC

DATE: 31/07/2017

Originating Group:

Asset & Property Management

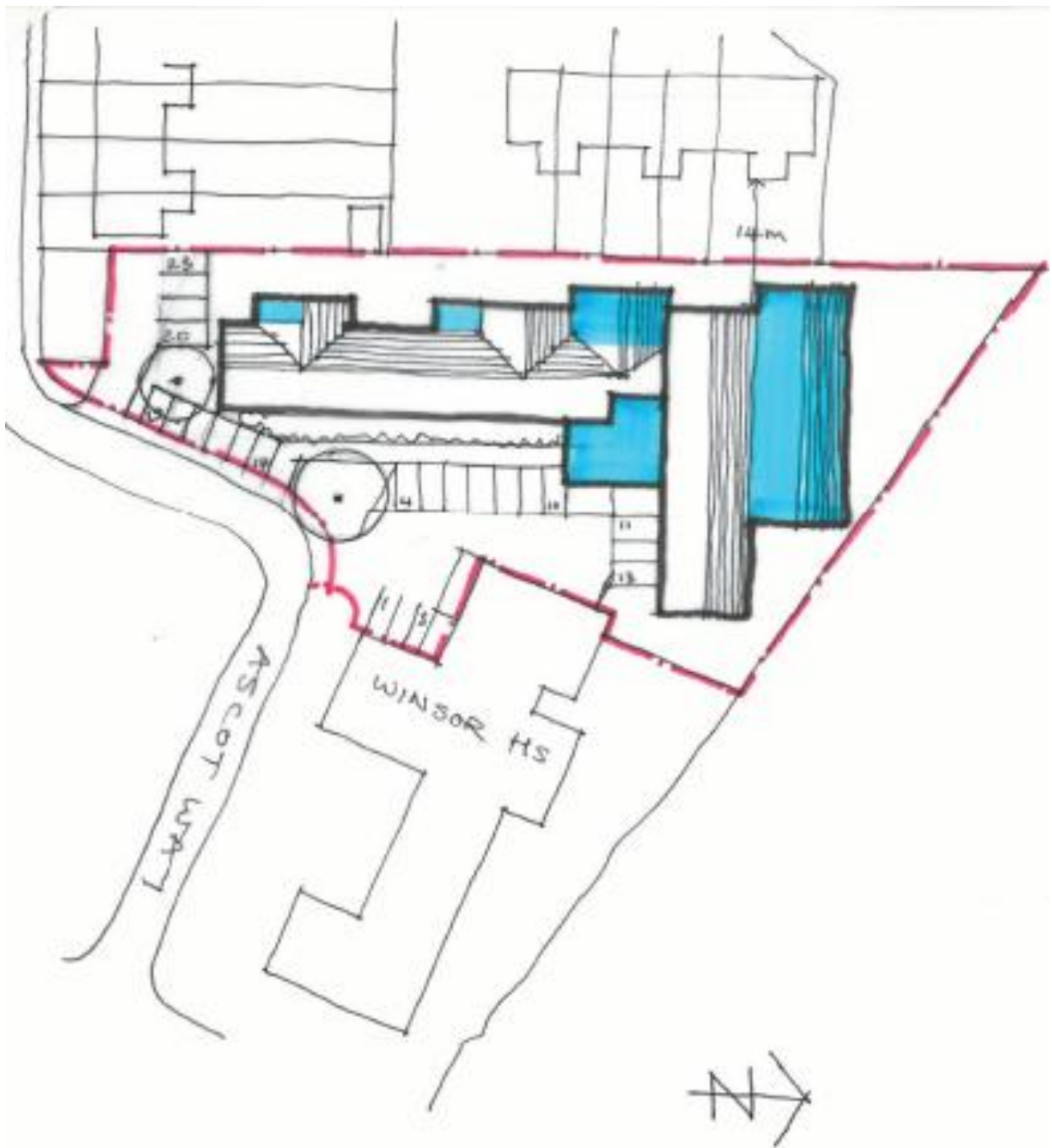
Drawing No.

E00648\_3



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Annex 2 - Indicative proposals for works at Lincoln Court



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**Executive****15 March 2018**

Report of the Corporate Director of Children, Education and Communities and the Director of Customer and Corporate Services

**Education, Children and Young People's Capital Programme: Proposed School Maintenance Schemes and Basic Need programme 2018/19**

**Summary**

1. The purpose of this report is to:
  - inform the Executive of the funding available in the School Maintenance programme in the financial year 2018/19
  - seek views on the use of Basic Need grant funding to supplement the maintenance programme
  - seek approval for this proposed programme subject to the decision on the use of Basic Need funding
  - seek approval for two Basic Need schemes and one School Maintenance scheme budgeted in excess of £500k each

**Recommendations**

2. The Executive is recommended to:
  - note the resources available in the CEC Capital Programme for maintenance and Basic Need
  - approve a virement of £2.083m from Basic Need to School Maintenance in 2018/19 to increase the number and range of schemes that can be carried out during the summer of 2018.
  - approve the School Maintenance schemes to be developed from the estimated available resource within the 2018/19 Capital Programme, subject to final affordability once overall funding and detailed cost estimates are available

- approve the three individual schemes estimated to cost in excess of £500k

Reason: to maximise the programme of maintenance within the maintained schools estate in 2018/19 and deal with the most urgent maintenance issues within this estate and to enhance school buildings and to allow for increase of pupil numbers.

## **Background**

3. The current approved Education and Children's Capital Programme has a budget of £9.185m in 2018/19. The School Maintenance and Basic Need schemes are the two most significant elements of this programme, with a combined total budget of £7.367m in 2018/19. Within these two overall headings individual schemes are developed and submitted for approval on an annual basis.

## **Consultation**

4. All of the schemes considered in this report have been, or will be, subject to extensive consultation with governing bodies, key partner agencies, local councillors and residents in the locality of the individual schemes during development.

## **Analysis**

5. Capital Maintenance grant funding is allocated annually to local authorities by the Department for Education for the improvement of LA maintained school buildings and children's centres. The 2018/19 allocations have not yet been announced.
6. The current approved maintenance programme contains a budget of £1.873m for 2018/19. This figure includes £200k for previous years scheme retentions and final costs, plus an assumed underspend of £300k on 2017/18 schemes which was re-profiled into 2018/19 at Capital Monitor 3.
7. The amount of funding assumed for 2018/19 of £1.373m was based on the 2017/18 allocation with a reduction factored in. However, due to the number of academy conversions which have taken place during 2017/18, it is likely that the actual allocation will now be lower than this figure. For the purposes of drawing up a programme to be funded in 2018/19, a prudent estimate of £1.1m has now been assumed. The addition of the underspend from

2017/18 of £300k allows a programme of £1.4m to be funded in 2018/19.

8. Further resources may be identified from Section 106 receipts where the agreed purpose of the payment allows the funds to be used for the general enhancement of school premises, as opposed to being restricted to adding pupil places at schools. These will be added to the funding for the Capital Maintenance Programme if any are identified. To date only £15k has been identified as available and this has been included in the programme.
9. The funding allows a programme of maintenance totalling £1.415m to be put together for 2018/19. Based on current knowledge of the schools estate and taking into account the existing condition of school buildings, any regulatory and legislative issues, and the number of pupils affected by any building failures, schemes that have been considered have been prioritised and ranked in order of importance. Annex A details the schemes (1-11) of highest priority under this process that can be funded within this figure.
10. The budgeted figures are pre-tender estimates and may be subject to change following the results of this process. At this stage, and following the announcement of the actual level of the Maintenance grant allocation, the list of schemes that can be delivered will be finalised.
11. In addition to the schemes listed for approval, an amount of £180k will be held as a contingency for unforeseen emergency issues that may arise over the winter period.
12. In autumn 2017 a project to assess all building needs across the maintained school estate was carried out. This was based on an analysis of fabric and mechanical and electrical condition surveys carried out over the last three years, knowledge within Children, Education and Communities Directorate and Property Services, and information gathered from discussions with schools.
13. The schemes recommended for approval above represent only those of the very highest priority, where the work has been assessed as being of greatest urgency. Due to the limited funding available through the DfE maintenance grant only these six schemes can be funded through the combination of this grant and available section 106 contributions.

14. In order to expand this programme in 2018/19, additional sources of funding have been considered. The most efficient and cost effective source of additional funding is the DfE Basic Need capital grant.
15. Basic Need capital grant is made available to local authorities to enable them to create additional educational places in the authority. Although this grant is allocated by the Department for Education specifically for this purpose, it is paid to local authorities as non-ring-fenced capital grant. It is therefore for individual local authorities to decide on the most appropriate use of this grant.
16. In York, this grant has been allocated in full to the Children and Education Capital programme, and held within an overall scheme. Smaller schemes are developed, managed and monitored within this heading. Larger schemes are submitted to the Executive for approval and then reported on separately within the programme.
17. From 2011/12 to the end of 2017/18 City of York will have received £37.75m of Basic Need capital grant, with a further £2.46m due in 2018/19 and 2019/20 from previously announced allocations.
18. To date £14.6m of this funding has been spent or committed on schemes to expand place numbers at various schools across the city. This leaves £25.61m as yet uncommitted.
19. To expand the planned programme it is proposed to vire £2.083m in 2018/19 from Basic Need (utilising £2.083m of the grant) into the maintenance programme. This would allow a further 11 schemes (12-22) to be carried out in 2018/19. This includes some larger schemes of higher priority than some that are proposed in paragraph 9 above which due to their size are unaffordable within the funding available.
20. The advantage of this approach is that it allows a significantly greater number of urgent schemes to be carried out in 2018/19, thus reducing the risk of building failures at the schools concerned.
21. This proposal does carry an element of risk by diverting Basic Need funding into the maintenance programme. The city is experiencing, and will continue to experience, place pressures in various parts of the city as the population grows. At present, most of the place pressures that have emerged have been solved by smaller expansion works at schools to add classrooms and temporary classroom units. The scope to do this will reduce and it

is likely in the future that larger schemes, particularly in secondary schools will be required. It is therefore possible that in the future the investment required may be in excess of the funding allocated to date.

22. No funding has been announced beyond the 2019/20 financial year, as any future years will be dependent on the next national spending review. However, there is an additional risk that the DfE may take this use of Basic Need into account in future grant allocations, as the local authority is required to report on the use of this grant.
23. There is also a risk that some of the announced funding for 2018/19 and 2019/20 could be withdrawn, although this is felt to be unlikely. The authority could clearly demonstrate under the approach outlined above that all the funding is being invested in schools, and by resolving significant building issues, is maintaining the capacity of the York schools estate.

### **Clifton Green Maintenance Scheme**

24. Annex A contains one scheme which requires specific approval as it is budgeted at over £500k. Clifton Green Primary (scheme number 6) requires a new roof to most of its building. Due to the size of the roof area the plan is to complete the work over four phases. As work on a new roof causes significant disruption, the work can only be done over the school summer holiday period. The estimated £525k covers the cost of phase 1 of the project, which addresses the area of the roof where the work is most urgent. Phases 2-4 will be completed in future years.

### **Basic Need Schemes**

25. Approval is also requested for two larger Basic Need schemes which are scheduled to begin during 2018/19.
26. The first is at St Mary's CE Primary School (estimated cost of £600k). Additional teaching space is required at the school to accommodate a rise in pupils over the last few years and future projected increases. The work will include increasing the size of existing classrooms and teaching space and some internal reorganisation of space within the school.
27. The second scheme is required at Westfield Primary School (estimated cost of £650k). The increasing number of pupils at the

school has highlighted the problems the school currently has around the management of the school meals service as more pupils are having a school meal. The proposed scheme will include work on both the dining and kitchen areas which will address current safety concerns and enable more pupils to access nutritional school meals.

### **Financial Implications**

28. The financial implications are dealt with in the main body of the report.

### **Other Implications**

29. Legal - The Local Authority has the legal responsibility to ensure the sufficiency of school places within its area. The additional works are required to comply with the School Premises Regulations requirements
30. There are no Human Resources, Equalities, Crime and Disorder, Information, Property or other implications arising from this report.

### **Risk Management**

31. The specific risks related to this report are contained in paragraphs 21 – 23 in the main body of the report. In general, there is always a degree of risk associated with operating a capital programme as schemes are developed and implemented. The key to minimising this risk is the effective operation of monitoring and control processes. Regular monitoring reports will be presented to the Executive on the overall capital programme of the local authority, and more detailed reports on the Children's and Education programme can be presented to the Executive Member as required.

**Contact Details**

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Mark Ellis Head of School Services Children, Education and Communities Tel No. 01904 554246	<b>Report approved</b>	✓	<b>Date</b> 01/03/2018
	Ian Floyd Deputy Chief Executive and Director Of Customer and Corporate Services		
	<b>Report approved</b>	✓	<b>Date</b>
<b>Specialist Implications Officer(s)</b>			
Finance: Mike Barugh Principal Accountant 01904 554573			
<b>Wards Affected:</b>			<b>All</b> ✓
<b>For further information please contact the author of the report</b>			

**Background Papers**

School Planning Maintenance Scheme prioritisation working papers

**Annexes**

Annex A - Schedule of Proposed Schools Maintenance Schemes  
2018/19

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**Childrens Services Capital Programme 2018/19  
Proposed Maintenance Schemes**

SCHOOL	PROJECT DESCRIPTION	TOTAL IMPACT SCORE	Estimated Cost  £	Funding			Total Funding  £
				Capital Maintenance £	Use of Basic Need £	Section 106 £	
<b>Programme to be funded within Maintenance allocation</b>							
	Contingency		<b>180,000</b>	180,000			180,000
1	Archbishop of York Junior	11.40	<b>50,000</b>	50,000			50,000
2	Huntington School	9.00	<b>282,000</b>	282,000			282,000
3	Clifton Green Primary	8.00	<b>215,000</b>	215,000			215,000
4	Fishergate Primary	8.00	<b>231,000</b>	231,000			231,000
5	Huntington School	7.80	<b>118,000</b>	118,000			118,000
6	Carr Infant	7.00	<b>20,000</b>	20,000			20,000
7	Headlands Primary	7.00	<b>17,000</b>	17,000			17,000
8	Poppleton Road Primary	7.00	<b>50,000</b>	50,000			50,000
9	Skelton Primary	6.80	<b>32,000</b>	32,000			32,000
10	Westfield Primary	6.80	<b>100,000</b>	100,000			100,000
11	Stockton on the Forest Primary	6.00	<b>82,000</b>	67,000		15,000	82,000
			<b>1,377,000</b>	<b>1,362,000</b>	<b>0</b>	<b>15,000</b>	<b>1,377,000</b>
<b>Additional schemes in expanded Programme utilising £2.083m Basic Need</b>							
12	Clifton Green Primary	7.40	<b>525,000</b>	38,000	487,000		525,000
13	Dringhouses Primary	6.40	<b>345,000</b>		345,000		345,000
14	Archbishop of York Junior	6.40	<b>262,000</b>		262,000		262,000
15	Huntington School	6.40	<b>200,000</b>		200,000		200,000
16	Yearsley Grove Primary	6.40	<b>215,000</b>		215,000		215,000
17	St Paul's CE Primary	6.00	<b>60,000</b>		60,000		60,000
18	Joseph Rowntree School	6.00	<b>90,000</b>		90,000		90,000
19	Dringhouses Primary	5.80	<b>186,000</b>		186,000		186,000
20	Ralph Butterfield Primary	5.40	<b>150,000</b>		150,000		150,000
21	Headlands Primary	5.40	<b>38,000</b>		38,000		38,000
22	Joseph Rowntree School	4.00	<b>50,000</b>		50,000		50,000
			<b>2,121,000</b>	<b>38,000</b>	<b>2,083,000</b>	<b>0</b>	<b>2,121,000</b>
	<b>Grand Total</b>		<b>3,498,000</b>	<b>1,400,000</b>	<b>2,083,000</b>	<b>15,000</b>	<b>3,498,000</b>

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**Executive**

**15 March 2018**

Report of the Director of Economy & Place

### **Future Asset Inspection Programme**

#### **Summary**

1. The Highways Maintenance and Transportation teams within the Economy & Place Directorate are developing new working practices to ensure the guidance within the updated Well Managed Highways Infrastructure code of practice (The Code) is adopted before its October 2018 implementation date.
2. City of York Council are working closely with West Yorkshire Combined Authority colleagues and a range of working groups have been developed to ensure a consistent approach to the adoption of the code.
3. The City of York Council approach to the revised highway asset inspection and repair process is given in Annex 1 as category 1 Assets, this is in compliance with the ideals of The Code and will ensure we can deliver an effective and efficient approach to highway asset maintenance.
4. Wider Economy & Place assets that are not wholly covered by the ideals of The Code are included in Annex 1 as category 2 assets and it is proposed to extend a similar approach across this wider asset stock within 12 months of the implementation of The Code. Recommendations are made to consider a similar approach across other directorates assets that can be considered in a similar way to those included within annex 1 as category 2 Assets.
5. Recommendations are made for further detailed assessments of the planned inspection and repair policies to be brought to Executive Member Decision Sessions when completed.

## Recommendations

6. City of York Council continues to develop new and innovative ways to maintain and manage our highway network and transportation initiatives, the adoption of The Code is essential to this.

It is recommended that:

- i. The Executive endorse and approve the approach to improved highway inspection and maintenance detailed in Annex 1
- ii. The Executive support the development of complimentary risk based inspection and maintenance practices across wider asset groups based on the ideals of the code. The inclusion of these wider Assets to be determined by the appropriate Executive Members.
- iii. Additional policy and process documentation for all assets will be brought before Executive Member Decision Sessions once completed

Reason – To deliver innovative and effective approaches to highway asset management and wider asset groups and provide wide ranging improvements to the built and natural environment across the city.

## Background

7. The Well Managed Highways Infrastructure code of practice - <http://www.ukroadsliaisongroup.org/en/codes/index.cfm> - comes into force at the end of October 2018, City of York Council have been working closely with West Yorkshire Combined Authority (WYCA) colleagues in the assessment of the code and through a range of working groups we have committed to develop revised working practices that deliver the new codes ideals in each member authority.
8. Our existing approach to highways asset management is based on a risk based approach underpinned by our network hierarchy, this derives the asset inspection procedures and other related policies such as the winter maintenance policies.

9. The Code sets out the need to use a wider range of data and evidence to develop a more mature approach to network hierarchy based on function and usage:

*“A network hierarchy, or a series of related hierarchies, should be defined which include all elements of the highway network, including carriageways, footways, cycle routes, structures, lighting and rights of way. The hierarchy should take into account current and expected use, resilience, and local economic and social factors such as industry, schools, hospitals and similar, as well as the desirability of continuity and of a consistent approach for walking and cycling”*

10. The Code identifies the importance of working with neighbouring authorities. A set of agreed function and usage indicators have been identified across WYCA and this will underpin the development of highway safety inspection frequencies, investigatory levels, work priorities and treatment decisions, However, it is accepted that specific localised metrics may be applicable to any one of the member authorities and these should be considered alongside the wider approach to hierarchy development.
11. The approach to the development of the CYC network hierarchy can be seen in Annex 1, this will ensure the inspection and repair practices of the Highway Maintenance team are compliant with the code from October 2018.
12. Although The Code is specifically concerned with highway asset management practices discussions with legal colleagues suggest it could be considered as an exemplar approach to the management of wider assets. A range of wider Economy & Place assets have been considered utilising the ideals of The Code and they have been included within the assessment in Annex 1 as category 2 Assets.
13. Following the development of a revised network hierarchy further reviews will need to be carried out to map across the process to wider Economy & Place assets and to revise processes that depend on network hierarchy data such as the winter treatment programme. Updates will be taken to the Executive Member Decision Sessions. The inspection process for category 2 assets will be reviewed and implemented within 12 months of the adoption of The Code.

14. The risk based approach identified in The Code could be utilised across the asset stock of other parts of the authority, a network hierarchy approach would be a natural approach to the assessment and inspection of the footways, carriageways and public areas of our housing estates. For other assets the consideration of a 'management hierarchy' underpinned by the identification of relevant function and usage metrics could be developed.
15. Wider inspection regimes would need to be carried out for other asset types, should they adopt the proposed inspection regime.
16. The existing code of practice is not mandatory for adoption and does not stipulate an 'intervention level' for defects found on the carriageway or footway but through repeat legal tests a general expectation has emerged that an authority will work to set levels. The existing CYC Highway Survey, Inspection and Repair manual identifies a range of investigation levels the key levels are indicated below:
  - Carriageway pothole  $\geq 40\text{mm}$  deep extending  $\geq 300\text{mm}$  in any one direction
  - Footway trip - abrupt level difference  $\geq 20\text{mm}$
17. The Code utilises the term investigatory level and states that this deliberately infers that there is no expectation that a repair will be undertaken following the investigation. A dynamic risk assessment will be undertaken by the Highway Inspector who will use judgement to determine if repair works are necessary.
18. The WYCA task group are developing a range of guidance documents to provide support for the Highway Inspector in making this judgement, this will be extremely important in litigation cases. Consistency across WYCA will also be achieved through this approach and this is a key ethos in the new code. Further detail will be presented to the Executive Member for Highways and Planning for adaption before any changes are made to current intervention levels.
19. The Code places increased emphasis on the training and competency of all officers and elected members involved in the delivery of highway maintenance works, this will be a key test in litigation cases. A training programme is being developed by the WYCA task group which will ensure all are supported in advance of the commencement of the October commencement date.

### **Consultation**

20. CYC have worked extensively with WYCA partners in the development of the new code, officers from across Economy and Place and other directorates have met to discuss the possibilities of a renewed approach to asset management based on the ideals of the code.

### **Options**

21. Members are asked to consider the approach to highway asset management based in Annex 1 of this report, two options are available to members:
  1. Executive endorse and approve the usage of the code for highway asset management as detailed in Annex 1, categories 1 & 2, and further support the development of a wider asset management plan based on the code for wider CYC assets.
  2. Executive endorse and approve the usage of the code for highway asset management as detailed in Annex 1, categories 1 & 2, but do not support further assessment of wider CYC assets based on the ideals of the code.

Recommendations are made in paragraph 6 of this report based on Option 1.

### **Council Plan**

22. The range of projects detailed in this report support Council Plan objectives to deliver 'a prosperous city for all'.

### **Implications**

23. There are no implications associated with this cover report, wider implications of changed asset management practices will be brought before the relevant governance and assurance groups as processes are developed further.

### **Financial**

There are no Financial implications associated with this report at this stage although it is recognised that additional funding may be required

### **Human Resources (HR)**

There are no Human Resources implications associated with this report at this stage although it is recognised that additional resources may be required

### **One Planet Council/Equalities**

There are no One Planet Council/Equalities implications associated with this report

### **Legal**

Work on the enhanced code has been supported by insurance and legal colleagues locally and across WYCA. Adherence to the code will support and effective defence of future litigation

### **Crime and Disorder**

There are no Crime and Disorder implications associated with this report

### **Information Technology (IT)**

There are no IT associated with this report

### **Property**

A wide range of CYC asset, property types and uses are detailed in this report, enhanced and improved asset management practices are expected to have a positive impact on the way in which this portfolio is managed

### **Other**

There are no Other implications associated with this report

### **Risks**

24. There are no risks associated with this cover report, wider implications of individual asset management procedures will be brought before the relevant governance and assurance groups as they develop further.



**Contact Details**

**Author:**

**Chief Officer Responsible for the report:**

**Steve Wragg  
Flood Risk and Asset  
Manager**

**Neil Ferris  
Director of Economy & Place**

Tel: 01904 553401

**Report  
Approved**



**Date** 26/01/18

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Annexes:** Annex 1 Future Asset Inspection Programme Mar18

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## City of York Council Highways Assets Hierarchy and Inspection Frequencies

### Current Asset Data and Structure of the Network

Currently data relating to the majority of CYC Highways Assets is located within the EXOR asset management system and linked to the National Street Gazetteer (NSG).

A hierarchy of importance is assigned to all sections of the network and this derives an inspection frequency which ensures defects on key assets are identified in a timely manner.

### Code Requirements

Well Managed Highways Infrastructure code of practice (The Code) has further developed this risk based approach and sets out the need to develop a hierarchy based on function and usage. The West Yorkshire Combined Authorities have agreed to use local amenities which generate traffic flows as a definition of the functionality of the network, this is used to extend the minimum inspection frequencies detailed within the code.

The Code identifies the need for authorities to consider consistency with their neighbours. As such, this approach supports a joined up approach with neighbouring authorities.

The below table sets out the CYC categories for carriageways and footways and the maximum frequency of safety inspections that we will adopt. This following table details the amenities will use to further assess localised variances in function and usage hierarchy needs.

### Category 1 Assets

<b>CYC Carriageway Categories</b>			
<b>Hierarchy Description</b>	<b>Type of Road General Description</b>	<b>Description</b>	<b>Inspection frequency</b>
Motorway	Limited access motorway regulations apply	Routes for fast moving long distance traffic. Fully grade separated and restrictions on use.	N/A
WY Strategic Key Route Network	National primary, County regional and freight routes	Inter-economic roads forming the strategic backbone of the Authority's network, diversion routes for motorways, catering for HGV'S and longer distance traffic connection the district to adjoining counties and the national road network	Monthly
Main Distributor	Heavily trafficked routes, freight and major bus routes	Roads connecting the larger towns and industrial estates to each other and to the strategic routes	Monthly
Secondary Distributor	other heavily trafficked routes	Important links in the network connecting towns and the larger villages/residential estates.	Monthly

Local Distributor	Roads connecting towns, smaller villages and urban areas to the distributor road network	Roads within towns and urban areas and rural roads that connect the smaller villages/residential estates and industrial estates to the distributor road network and has a timetabled bus route.	3 Monthly
Collector Road	Roads linking between the Main and Secondary Distributor Network with frontage access and frequent junctions	In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two way traffic. In urban areas they are residential or industrial interconnecting roads with random pedestrian movements.	6 Monthly
Local Access Road	Roads serving limited numbers of properties carrying only access traffic	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs. In urban areas they are often residential loop roads or cul-de-sacs	12 Monthly
Minor Access Road		Highways Adopted unpaved/non metalled surface Minor routes and low use tracks- some may already be unsuitable for motors	12 Monthly
<b>CYC Footway and Cycleway* Categories</b>			
Prestige Walking Zones	Very bust areas of towns and cities with high amounts of public space and street scene assets		Monthly
Primary Walking Routes	Busy urban shopping and business areas and main pedestrian routes		Monthly
Secondary Walking Routes	Medium usage routes through local areas feeding into primary routes, local shopping centres etc.		6 Monthly
Link Footways	Linking local access footways through urban areas and busy rural footways		12 Monthly
Local Access Footways	Footways associated with low usage, short estate roads into the main routes and cul-de-sacs		12 Monthly
Minor Footways	Little used adopted footways serving very limited numbers of properties		12 Monthly
* The Code recommends that cyclepaths should be considered by the same metrics defining the hierarchy and inspection frequency of the adjoining footway or carriageway			

Grouping	Service		Example (all definitions to be agreed with WYCA)	Suggestion
Grouping	Service		Definition	
Medical Facilities	Hospitals and large clinics	H	No of patients	>500 parking spaces
		M	No of patients	20 - 500
		L	No of patients	<20
Educational Institutions	School, College, University	H	No of pupils	>1000 pupils
		M	No of pupils	200 - 1000
		L	No of pupils	<200
Retail facilities	Shopping Centres	H	No of shops	>15 shops
		M	No of shops	3 - 15
		L	No of shops	<3
	Supermarkets	H	Superstore	>200 Parking spaces
		M	Aldi/Lidl	50 - 200
		L	Local supermarket	<50
	Out of town shopping centres	H	No of stores	>10
		M	No of stores	4 - 10
		L	No of stores	<4
Commercial:	Industrial estates , Business Parks	H	No of units	>10
		M	No of units	5 - 10
		L	No of units	<5
Recreational	Sports stadia, Entertainment Venue	H	No of seats	>10,000 Seats

		M	No of seats	500 - 10,000
		L	No of seats	<500
Transport	railway Stations	H	No of trains per hour	>100k entry/exit PA
		M	No of trains per hour	50k - 100k
		L	No of trains per hour	<50k
	Bus routes	H	No of buses per hour	Frequent - Every 15 mins or more often
		M	No of buses per hour	Regular - Every 2 hours or more often
		L	No of buses per hour	Less frequent - less frequent than 2hours
	Airports	H		
Emergency Services:	Ambulance, Fire Station, Police, Mountain Rescue	H	No of vehicles	All considered as High if manned 24hrs
		M	No of vehicles	
		L	No of vehicles	

Usage information – vehicle, pedestrian and cycle counts - have been obtained from the Department for Transport and the CYC Transport team, this is being used in conjunction with data from the Business Intelligence team to revise all existing network hierarchy assessments.

### Economy & Place Non Highway Category 2 Asset Types

Existing CYC car parks are already inspected and maintained by the Highways section under agreement with Parking Services, similarly Highways undertake works on behalf of the Park and Ride sites but this is not formalised. The below table summarises how a formalised approach to the inspection of parking sites will be developed.

Car Parking				
Category	Hierarchy Description	Type of Road General Description	Description	Inspection frequency
P	Park and Ride Sites	Orbital Park and Ride Sites	Park and Ride sites with frequent bus services but limited opening hours	6 Monthly
S	Short Stay Shoppers	Short Stay Shopping Car Parks	Short Stay Car Parks centrally located with a large number of local traffic generators	Monthly
L	Long Stay Central Parks	Long Stay Centrally located Car Parks	Long Stay Car Parks Centrally Located with large numbers of local Traffic Generators	3 Monthly
LO	Long Stay Outer Car Parks	Long Stay Non-Centrally Located Car Parks	Other Car Parks not located near the City Centre with few or little traffic generators	6 Monthly

Additional factors from the variances in function and usage table could be considered to further amend the suggested inspection frequencies above.

The approach to the inspection of street lighting assets is being developed by a WYCA task group, the below table shows the City of York Council approach to inspection based on the ideals of The Code and the work of the group:

<b>Street Lighting Assets</b>				
<b>Category</b>	<b>Hierarchy Description</b>	<b>General Description</b>	<b>Description</b>	<b>Inspection frequency</b>
Concrete Columns	Columns of a Pre-stressed or cast concrete construction	Concrete Columns	Older columns made from concrete usually with pre-stressed metal supports, installed prior to 1997	Informed by prior visual inspections, risk based frequency set to 5, 3, or 12 monthly intervals
Metal Columns	Metal Street Lights	Steel, Cast-iron, Stainless, and Aluminium Columns	All Metallic street lights	Informed by prior specialist non-destructive testing methods, risk based frequency set to 5, 3, or 12 monthly intervals
Signs	Sign Posts	Signs	Sign posts of a none structurally designed construction, normally under 5m in height	Visual inspection 6 yearly in conjunction with electrical testing
All Electrical	All Highway Electrical Items	All fed highway electrical items	All Highway Electrical Items of a 3 phase or 240v rating located in or feeding items in the public highway	6 yearly in line with requirements of wiring regulations

A WYCA Bridges and Structures task group has identified a shared approach to a risk based inspection across all members, the below table outlines the approach to be adopted by City of York Council:

<b>Bridges and Structures</b>				
<b>Category</b>	<b>Hierarchy Description</b>	<b>General Description</b>	<b>Description</b>	<b>Inspection frequency</b>
Principal	Priority CYC Highways bridge structures	All Priority Highways bridges structures	Risk based structural inspection process based on WYCA methodology	6 to 12 yearly cyclic programme
General	All CYC Highways bridge structures	All Highway bridge structures	Risk based structural inspection process based on WYCA methodology	2 yearly cyclic programme
Special	All CYC Highways bridge structures	All Highways bridges and structures	Ad Hoc reactive inspection	Frequency as required in response to reported issues

Footways and carriageways in our parks do not naturally translate across the hierarchies of the carriageways and footways that surround them, footfall information will be used to develop any variances in inspection needs but the detail provided in the below table will be used as a default inspection frequency.

The inspection of the City Walls will be revised, with a heavy footfall a monthly inspection will be established to ensure the walls are aligned with the other city centre 'prestige walking zones' footways.

Cycleways remote from the public highway are to be assessed according with usage and function to determine inspection frequencies based on usage and their location/intended use.

<b>Parks, City Walls and Cycleways</b>				
<b>Category</b>	<b>Hierarchy Description</b>	<b>General Description</b>	<b>Description</b>	<b>Inspection frequency</b>
Park Footways	Footways in parks and gardens	Footways of mixed construction type and materials	All footways in parks and gardens, metalled and un-metalled construction, inc associated street furniture and structures	12 Monthly
Park Play Equipment	All play equipment in parks and gardens	Mixture of type and construction	All equipment, safety fencing and paving/surface treatments	Monthly
City Walls	York's historic city walls	Mixture of asset types and construction	All walls, access points and associated assets i.e. lighting	Monthly
Cycleways	Cycleways remote from the public highway	Cycleways of mixed construction type and materials	Cycleways serving areas remote from the adopted highway network	12 Monthly (minimum, variances to be determined by function and usage)

### **Inspection Type**

The inspection type will be largely dictated by the hierarchy, safety inspections will be either walked or driven with the highways inspector driven by a dedicated driver, this will be determined on hierarchy, risk and access needs. Other asset owners will identify the appropriate inspection process for each asset type.

The code also provides for the consideration of an inspection and repair programme that is reactive to changes in the highway network and inspection or repair targets can be altered to reflect a change in risks in the short or medium term.

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**Executive**

**15 March 2018**

**Report of the Director of Economy and Place**

**Portfolio of the Executive Member for Finance and Performance and  
Executive Member for Economic Development & Community Engagement**

**York Central – York Central Access Construction**

**Summary**

1. York Central is a 72 hectare (ha) area of land adjacent to the railway station and is one of the largest brownfield sites in northern England, see plan at annex 1. It provides a huge opportunity for regeneration providing new homes, Grade A commercial office space, an enhanced National Railway Museum and a range of new public spaces and facilities.
2. The scheme is being promoted by the York Central Partnership (YCP) which is made up of Network Rail (NR) Homes England (formerly the Homes and Communities Agency or HCA), the National Railway Museum (NRM) and the City of York Council (CYC).
3. The YCP are developing a master plan for the regeneration of York Central. This will lead to the submission of an outline planning application for the whole York Central site and a detailed application for a new access road, bridge and spine road. The provision of an additional vehicular pedestrian and cycle access from the west of the site is the key *enabling* element of the scheme and in November 2017 Executive endorsed the YCP preferred Western entrance option. This report seeks agreement to the council commencing procurement for the construction of the access route in order to ensure buildability of the bridge and an early start on site post planning and ensure the use of West Yorkshire Transport Fund (WYTF) within the funding window of March 2021.
4. This report also proposes the disposal of the council's small land ownership on the site to Homes England in order to simplify the roles of the York Central partners prior to the finalisation of a formal partnership agreement.

5. This report outlines the considerable progress on the scheme and sets out the timeline for bringing the scheme forward.

## **Recommendations**

6. Executive is asked :-

- I. To agree to procure and award a contract to a construction partner to deliver the key site infrastructure outlined in this report including the access bridge and the spine road, and the NRM rail link with the potential to novate the contract over to the York Central Partnership, a single partner or a successor body for the development of the site.
- II. To agree, in principle, the disposal of the freehold of the Fermatol site and the Carlisle St private car park to Homes England for best consideration and to use this capital receipt to fund the York Central project costs.
- III. To delegate to the Deputy Chief Executive in consultation with the Leader the power to:
  - a) Consider responses to the public consultation on the disposal of open space land
  - b) Subject to that consideration to confirm the sale price of the land and to agree the disposal of the Fermatol site and the Carlisle St private car park to Homes England
- IV. To commit £907k further funding from the £10m EIF to take the project through to planning determination.
- V. To receive a further report in June 2018 setting out :-
  - a. a preferred masterplan prior to submission of outline planning application and a detailed bridge and spine road planning application
  - b. a partnership agreement with the York Central Partnership to formalise the relationship and the financial agreement between the partners
  - c. a detailed financial plan for the delivery of York Central including analysis of potential Council borrowing, and funding from the Enterprise Zone

Reason: - To ensure the early delivery of a new access route to York Central within the timescale of available grant funding

## **Background**

7. The delivery of York Central is essential to the growth of York, contributing significantly to the growth of the regional economy, through the provision of high quality office space, and to meeting housing need in the city. Though the site has been earmarked for regeneration for many years, previous attempts to deliver the scheme have not come to fruition and we are now poised to seize this once in a lifetime opportunity to make this development a reality.

8. There have been a number of developments which have finally enabled the scheme to be brought forward :-
  - i. The establishment of the York Central Partnership bringing together all the public sector land owners
  - ii. Assembling the land for redevelopment and clearing it of operational rail use
  - iii. Establishment of Housing Zone Status which has brought investment from Homes England to support the delivery of housing on the site.
  - iv. Establishment of the Enterprise Zone which brings with it the potential to retain the additional business rates generated from the site to allow investment in delivering economic growth on the site.
  - v. Securing significant enabling funding from a range of government agencies including the WYTF, YNYER LEP, Leeds City Region LEP, the One Public Estate Programme, the Homes England and the Ministry of Housing, Communities and Local Government (MHCLG).
9. The site does, however, have significant infrastructure challenges. It is entirely circumscribed by rail lines, with the rail station at the bottom of the teardrop of land, the East Coast Main Line (ECML) forming a barrier to the north and east, and the Freight Avoiding Lines (FAL) to the south and west. See site plan annex 1. Current access roads onto the site already run through minor residential streets in the Salisbury Terrace area, or under the Marble Arch Rail Bridge and have limited capacity and low bridges, limiting access for high vehicles. They are not suitable to serve a comprehensive re-development of York Central. It is therefore necessary for a new access route into the site to be constructed.
10. In November 2017 Executive agreed the York Central Partnership recommendation that a Western access option be developed for inclusion in the York Central Masterplan and agreed to undertake further design and legal work to ensure that the final alignment will seek to mitigate the effects of such a route on the Millennium Green and to control costs to ensure deliverability. This work is progressing.

### **Procurement of an infrastructure construction partner**

11. It is a priority for all partners to accelerate the delivery of York Central in order to:-
  - i. Deliver a significant quantum of much needed mixed tenure housing within the local plan period
  - ii. Deliver essential commercial space to promote economic growth

- iii. Maximise the retained business rates from the Enterprise Zone through early phase build out of commercial space
  - iv. Achieve early land receipts to reduce the financing cost of up front infrastructure
  - v. Undertake capital highways spend before the end date of the WYTF spend deadline in March 2021
12. CYC are the body in receipt of the enabling grant funding including the WYTF and will eventually be the adopting Highways authority. CYC are also the only organisation who can feasibly procure the construction of the road and bridge at this point in time and to therefore avoid a delay to the critical delivery path for the entire scheme. The timescale for construction procurement precedes the formal establishment of YCP as a contracting body. The YCP Board have agreed to recommend to CYC that it is their preferred solution for CYC to commission the highways elements of the scheme.
13. Approval is sought to proceed with the procurement of a construction partner to allow for early engagement and input to the design phase for the access road and bridge and to potentially deliver a full range of infrastructure works to progress the early delivery of the York Central site.
14. This is an urgent decision as the construction process needs to commence in 2019 to ensure that the WYTF grant money is spent by 2021 in accordance with the grant terms. We also want to benefit from early contractor input to ensure "buildability" of the design solution and to firm up build costs prior to submission of detailed planning applications in August 2018.
15. There are risks in proceeding with procurement ahead of the formalisation of the YCP and confirmation of the financial agreement. To mitigate against these risks a two stage NEC approach will allow for limited financial exposure until the YCP partnership agreement is signed whilst ensuring contractor input into the design to ensure the best technical design and increased certainty over the construction costs before a decision is taken to proceed into the construction phase.
16. Officers will seek to ensure the procurement approach balance's the specialist nature of bridging over a railway and the more generic civils requirements of the rest of the site in order to procure a suitably robust and experienced contractor.
17. There is a strong logic in commissioning one contractor to oversee the build out the entire infrastructure on the site as this approach would increase control over the interfaces between the main infrastructure elements. However, the commission will be split into different lots and contractor performance will be closely monitored as part of the award mechanism for any additional lots.

18. The core lot will contain :-

- i. The new Western site access from Water End with approach embankments and Access Bridge over the ECML
- ii. The Spine road from Water End to Cinder Lane
- iii. Groundworks to manage topology across the whole site

19. Other potential lots may include but not be limited to :-

- i. Ground works for SUDS and the Park
- ii. Construction of public realm – particularly Museum Square
- iii. Construction of the NRM connection to the Freight Avoiding Line (FAL)
- iv. Construction of the NRM Steam ride
- v. Improvements to Marble Arch
- vi. Revisions to the Wilton Rise/Cinder Lane pedestrian and cycle bridge over the FAL
- vii. Construction of multi storey Station Car Parks
- viii. Revised junctions at Salisbury Terrace/Water End
- ix. Works outside the YCP masterplan to the front of the station including
  - i. Demolition of Queen St Bridge
  - ii. Inner Ring Road Highway works inc. revised junctions
  - iii. Bus interchange and taxi ranks
  - iv. Public realm improvements

20. The new western access from Water end with approach embankments, Bridge and spine road will cost approx £40-50m. Some of this cost will be met by the WYTF with the remainder to be funded as part of the partnership agreement but permission is not being sought for the construction budget at this stage – this will be sought in a further report to Executive in June where the partnership agreement will be presented, supported by a financial plan for the funding of infrastructure.

21. The project has developed significant momentum and gained a high profile within the region and nationally. There has also been a significant amount of work on the following work streams.

### **Land Assembly and disposal**

22. Homes England has acquired the Unipart site and surplus land from both Network Rail and NRM. They now own 37.5% of the York Central site with NR owning 57.5% and CYC owning 5%. Homes England has approached CYC with a view to acquiring our small land holdings on the site at market value as part of their strategic investment and acquisition of York Central land. This would simplify land ownership across the site and clarify the council's role

within the partnership as a place shaper, an enabling funder and investor rather than a landowner or a developer.

23. The council owns the small Fermatol industrial estate acquired from a third party in 2016 and the small private car park next to Carlisle St set out in the map at Annex 2. External valuations are being commissioned to ascertain their market value and if Executive agrees to the disposal it is proposed that the agreement of the sale value is delegated to the Deputy Chief Executive/Director of Corporate and Customer Services in consultation with the Leader/Portfolio holder for Finance and Performance.
24. The land proposed for disposal contains 225 sq m of land on the frontage of Leeman Rd which is currently grassed over. This is shown in Annex 2 with a green line. This is classified as public open space and in order to dispose of this land the council will need to post a S123 Notice and seek public views on the disposal. Provision of extensive green space and public open space will be included in the York Central masterplan so when the scheme is developed a much larger area of open space will provide improved amenities to local residents.
25. The disposal of the land will generate a capital receipt of £1-2m which could be used towards the costs of taking the scheme to planning or to fund early years borrowing costs.

### **Community Engagement**

26. In November Executive requested an expansion of the proposed community engagement. In response to this YCP have undertaken the following in addition to the planned statutory consultation requirements:-
  - i. Revised the consultant team approach to ensure a greater opportunity for engagement to inform the development of the Master plan and agreed a longer programme lead in to the planning applications. Additional project team resource has been agreed to ensure that this is delivered.
  - ii. Appointed My Future York to lead community engagement work to supplement the master planning consultation work and establish long a term community dialogue using the successful My Castle Gateway model.
  - iii. Undertaken early stakeholder engagement in January and February with a range of city stakeholders, statutory consultees and community groups to understand a wide range of views on the vision, objectives and issues of the site.
  - iv. Planned a large scale engagement strategy for the Festival of York Central to run over a 6 week period from March 19<sup>th</sup> 2018.

- v. Set up a range of social media platforms to promote engagement, initiate dialogue and capture feedback.

### **Master planning**

27. A huge amount of work is in process to develop a comprehensive masterplan for the site.
- Advisors Arup /Allies and Morrison/Gustafson Porter are developing master plan options for consultation
  - Further work is underway to refine the alignment and design of the Western Access.
  - Support has been put in place for the Millenium Green Trust to enable them to consider their legal position with regard to the proposed access route.
  - The Councils Transport team working with NR have undertaken development of an indicative masterplan for the front of the station.
  - NR is leading on the analysis of future station capacity (both for trains, pedestrians, cycles and cars).
  - Development of consultation and engagement material to inform the Festival of York Central.
  - The Environmental Impact Assessment has been initiated with base line information collated.
  - The baseline traffic assessment is also in progress.
  - Further detailed survey work on topography / drainage is underway.
  - A project assurance review has been undertaken to ensure the planning and infrastructure delivery timescales as presented in this paper are achievable.

### **Commercial Delivery Strategy**

28. Along side the masterplanning work YCP are also progressing proposals for ensuring the viability and delivery of the scheme. This work includes :-
- Financial modelling of future EZ income.
  - Financial viability assessment work is being undertaken to inform and iterate the master plan.
  - Securing external Funding (grants and loans). This includes c£40m which has been provisionally secured from West Yorkshire Transport Fund, York and North Yorkshire Local Economic Partnership (LEP) Leeds City region LEP, the One Public Estate Programme and the

Homes England to support the delivery of the project. A decision is pending regarding a £57m bid to central government MHCLG for Housing Infrastructure Funding.

- Early work has been undertaken on inward investment and the identification of potential early occupiers.
- Homes England investment of £19m.
- Network Rail investment of £4.4m.
- CYC Investment of £10m.

## Partnership Agreement

29. The YCP is currently a none legally binding partnership of public sector bodies. All work undertaken to date has been undertaken at risk by all partners, which has been funded partly from external grants. Work is still ongoing to negotiate and finalise the formal partnership agreement but it is anticipated that costs incurred in this early phase will be shared across the partnership when it is formally agreed (except for NRM, see Paragraph 35).

30. There is high level commitment in all partner organisations to bringing the York Central scheme forward. A detailed report will be brought back to the Executive in June 2018 to set out the financial model and seek permission to sign a formal Partnership Agreement.

## Timetable

31. The proposed timetable for the project is set out below

Master plan Consultation	Jan-April 2018
Access construction Exec decision	March 2018
Commence Procurement of Construction contractor	March 2018
Select Contractor	May 2018
Early Contractor input into detail design for planning	June 2018
Agree YCP Partnership Agreement	June 2018
Submission of Outline and detailed Planning Applications	Aug 2018
Detailed RIBA stage 4 design for construction of access road and bridge commences	Oct 2018
Determination of Planning Applications	Dec 2018



Bridge and road construction commences	March 2019
Bridge and spine road complete	March 2021

### Funding the next phase of work

32. Network Rail has already spent £4.4m on land assembly and rail clearance.
33. Homes England has spent £18.9m towards land assembly and has contributed a further £200k towards the planning costs of the site. Though some of this investment is backed by asset acquisitions these will not be realised unless the scheme is developed out so are “at risk” at this stage.
34. In December 2013 Members agreed to earmark £10m towards the delivery of York Central. Currently £4,431k has been released to support technical work, masterplan development through to planning, land acquisition costs and site preparation works. There have also been other grant contributions from WYTF, Homes England, One Public Estate, Leeds City Region LEP and DCLG Enterprise Zone funding. These combine to total £6,552k shown in the table below:

	£'000	£'000
CYC – (£10m Allocation)		
Land purchase approval	1,014	
NRM Masterplan contribution	200	
Other Approvals	<u>3,217</u>	
Total CYC		4,431
WYTF Contribution		947
OPE Grant		250
Homes England Grants		689
LCR LEP Grant		200
DCLG EZ		35
<b>Total Funding Available</b>		<b>6,552</b>

Table x York Central Funding

35. The NRM have spent £1.14m on the masterplanning of their museum development scheme and continue to fundraise. As an important cultural anchor they will continue to help shape the overall scheme and integrate their plans with the development of York Central but their role differs from the major land owners NR and Homes England and from the Council as the custodian for a new part of the city and an enabler of the future scheme. As a Charitable organisation, NRM cannot undertake any development activity on

non-Museum land, so NRM will not share in either the York Central development costs or receipts. The NRM have disposed of their surplus land assets to the Homes England in order to integrate them into the overall scheme and facilitate the early phases of their £50m development plans.

36. Following the Executive decisions in November, a more extensive consultation phase has been developed to ensure effective community engagement in the developing masterplan. This extended consultation will lead to the submission of planning applications in August rather than April. This has led to additional costs to deliver the longer and more extensive engagement plan and to retain the project and professional teams over a longer time window. This report also seeks early contractor engagement in the construction design which also carries an additional cost.
37. Actual expenditure to Feb 2018 and forecast expenditure to December 2018 by year is shown in the table below:

	Expend £'000
2015/16	112
2016/17	1,565
Actual 2017/18 (to 28/2/18)	1,413
Estimate 2017/18 (to 31/03/18)	826
Estimate 2018/19	3,543
<b>Total</b>	<b>7,459</b>

Table y York Central Expenditure

38. The expenditure in table y above is £907k greater than resources available shown in table x.
39. This is an increased resource requirement from the November report but includes costs that were not previously assumed such as:
- Costs from increased community engagement
  - Costs of extending the project team and advisors through to planning determination (assumed Dec 2018)
  - Costs of Early Contractor Involvement in the bridge design
40. This up front investment of time and expense is anticipated to result in supporting determination within the 16 weeks period, ensuring the infrastructure can be delivered within the 2021 timescale.
41. It is proposed that this funding gap is met by a further drawdown from the £10m budget of which £5,569k is unallocated. Of the council's agreed budget of £10m, £1m was provided from revenue, with the balance of £9m funded

from borrowing. The allocation of £907k would reduce the unallocated budget to £4,662k.

42. Any sales proceeds from the disposal of land referenced in paragraphs [22-25] would be available to support the next phase of delivery of the scheme.
43. There is a risk that should the scheme ultimately not be delivered that an element of these costs would be classed as abortive and need to be written off back to revenue. The estimated liability would total £3,324k.

## **Council Plan**

44. The project will assist in the creation of a Prosperous City for All, and be a Council that listens to residents particularly by ensuring that :
  - i. Everyone who lives in the city can enjoy its unique heritage and range of activities.
  - ii. Residents can access affordable homes while the greenbelt and unique character of the city is protected.
  - iii. Visitors, businesses and residents are impressed with the quality of our city.
  - iv. Local businesses can thrive.
  - v. Efficient and affordable transport links enable residents and businesses to access key services and opportunities.
  - vi. Environmental Sustainability underpins everything we do.
  - vii. We are entrepreneurial, by making the most of commercial activities.
  - viii. Engage with our communities, listening to their views and taking them into account.

## **Implications**

45. **Financial** - Financial implications are set out at paras 32 - 43 above

**Human Resources (HR)** – none

**Equalities** – Exploration of community impacts is an integral part of the forthcoming consultation.

**Legal** – The Council's power of general competence under the Localism Act provides the main basis for undertaking the actions set out in this report although other powers may also be available.

The value of the proposed procurements means that a process must be followed which is compliant with the Procurement regulations. This could include the use of a framework established within those rules.

As part of the land which is proposed for disposal is public open space the Council is obliged to give public notice of the intention to dispose and properly consider any objections made.

The Council is generally obliged to secure best consideration for any land to be disposed of unless relying on a consent given by the Secretary of State to do otherwise. In this case the intention is to secure best consideration. In the circumstances of this case it would clearly be inappropriate to market the land to evidence that best consideration is being achieved. It is though perfectly legitimate to rely on the opinion of an appropriately qualified valuer to evidence best consideration.

**Information Technology (IT)** - There are no IT implications.

**Crime and Disorder** - The detail design of any future scheme will require detail consideration of crime and disorder implications and there will be structured input from the Police Architectural Liaison Officer

**Property** – The Western access impacts upon the Millennium Green lease. The lease contains provisions which would allow access to be constructed over part of it. If other land is required then that would require negotiation with the leaseholders and, if agreement could not be reached, consideration as to whether compulsory purchase powers should be used. All other property implications are covered in the report.

## **Risk Management**

46. The project is complex and high risk and until the scheme receives planning consent and a partnership agreement is formalised all investment from all parties is at risk. The EZ facilitates up front borrowing which would be repaid by future retained business rates and there is an inherent risk that the income is not generated or is slower to accrue. The partnership agreement therefore needs to identify how partners share this risk and ensure that the development of the scheme continues to focus on the delivery of business space. The project has multiple partners and funders and stakeholder management is essential to continue momentum and gain commitment to the scheme.
47. The primary risk is the potential breakdown of the delivery partnership between the partners with a consequent failure to unlock the site. This has been addressed by the establishment of a working group, project board and

escalation procedures thus ensuring senior level collaboration across all the public sectors partners. It is expected that these will be embedded within the terms of a proposed partnership agreement.

48. If the scheme does not go ahead there is the risk that the cost of the development to date may not be fully recovered. This is covered in para 43.
49. . Costs spent on land acquisition would be recoverable but the costs of preparing a masterplan and planning applications without a partnership agreement in place are at risk and can only be mitigated by finalising a partnership agreement in June.
50. Failure to obtain the necessary regulatory approvals to dispose of land on the site for development or to clear operational railway uses from the site is another significant risk – this would prevent the development of the site in whole or part. Mitigation plans to date include the acquisition and extinguishment of long-term rail industry leases on the site by Network Rail and development of a strategy that identifies relocation sites for the rail uses. In addition, a rail land use strategy for York is being taken forward and it is believed this meets operator needs and Network Rail's planned capacity improvement schemes. This issue is being mitigated by Network Rail prior to any infrastructure investment with a clear commitment under the proposed partnership agreement to remove rail uses from the site within a phasing plan to enable site development.
51. An obvious risk is of failure to secure planning permission – this is being mitigated by early engagement with CYC as local planning authority in the ongoing development plans and engagement of stakeholders and local communities at both concept stage and as detailed plans emerge.
52. There is a risk that the scheme may not attract development market interest or new occupiers. This risk has been mitigated by the proposed approach to infrastructure delivery, and further evidence gathering from our appointed advisors In addition, the development of a delivery and marketing strategy and the award of EZ status will incentivise early business occupation.
53. There is a risk that CYC may not secure equity investment towards some of the costs of the enabling infrastructure. However, this will be mitigated by the EZ status and access to borrowing this brings. It will also be mitigated by early sign off of funding from Homes England and a comprehensive gateway process for release of West Yorkshire Transport Funds (WYTF).
54. The need to use Millennium Green land represents a risk to delivery where the release of land from the very specific purposes of lease to the Trust could be difficult to achieve.

55. There is a risk that the construction market may not respond effectively to the tender. Use of a pretended framework will mitigate this. If the scheme does not go ahead then all of the early development costs may need to be written off but a break clause will exist so that the early engagement to finalise design and buildability can be separated from the full construction if needs be.
56. There is a risk of costs being higher than estimated which is mitigated by the two stage procurement which will seek to establish fixed costs before construction commences. If the costs escalate beyond the tolerances established in the partnership agreement then the overall business case will need to be reviewed before construction commences and the partnership agreement needs to provide for this.
57. A full risk register has been developed by the YCP and will be regularly reviewed by the project board as the project progresses.

### Contact Details

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**Chief Officer Responsible for the  
report:**

Neil Ferris – Director of Economy and  
Place



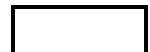
David Warburton - Commercial  
Project Manager - Regeneration  
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**Specialist Implications Officer(s)** *List information for all*

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Finance Manager  
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Legal – Andy Docherty  
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Tel No. 551004

**Wards Affected:** Holgate, Micklegate



**For further information please contact the author of the report**

### Annexes

- Annex 1 – Map of site  
Annex 2 – Map of CYC land proposed for disposal

**Background Papers:**

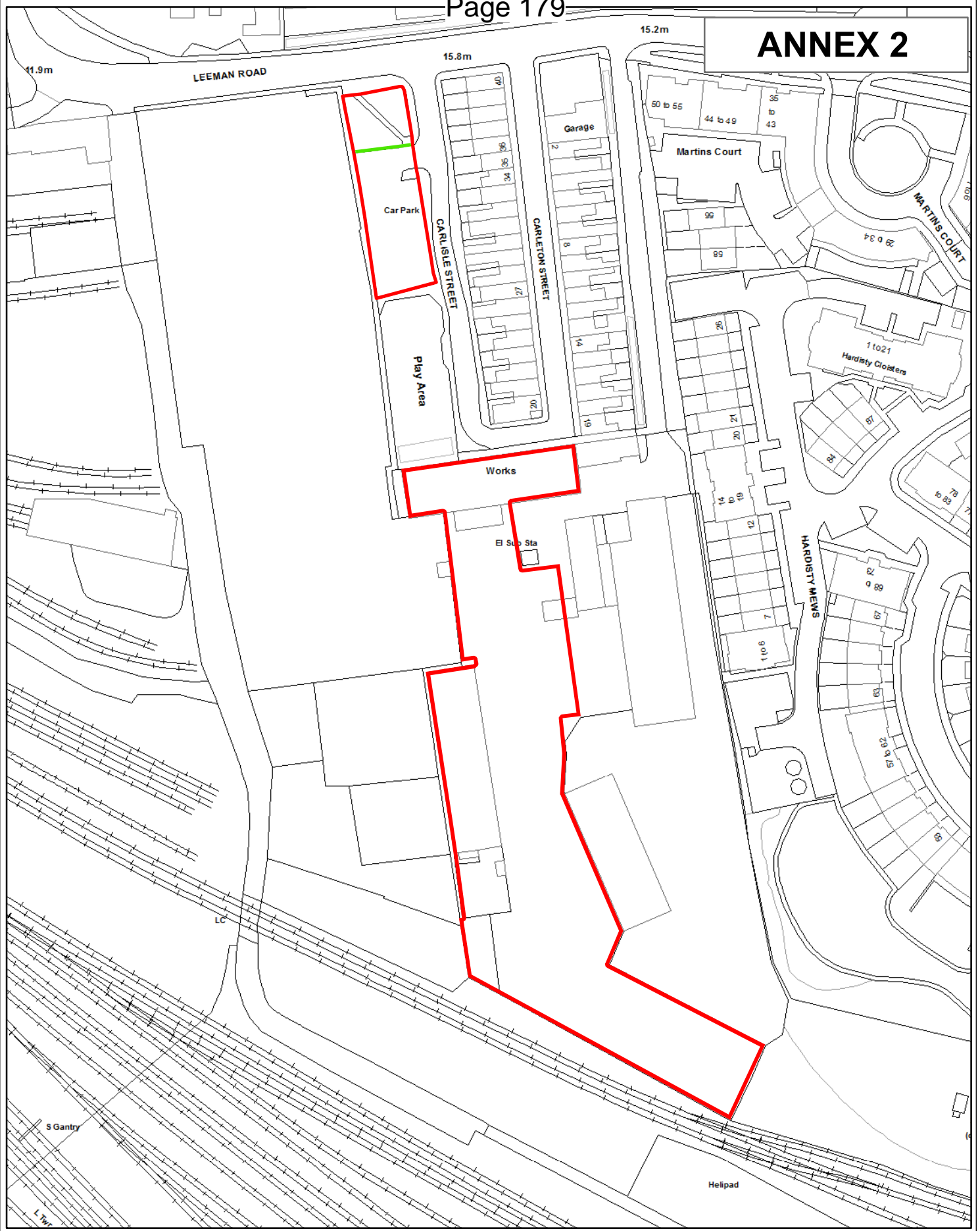
**List of Abbreviations**

CYC - City of York Council  
ECML - East Coast Main Line  
EIA - Environmental Impact Assessment  
EZ – Enterprise Zone  
FAL - Freight Avoiding Lines  
HCA - Homes and Communities Agency now called Homes England  
LCR - Leeds City Region  
LEP - Local Economic Partnership  
MDU - Maintenance Delivery Unit  
MGT - Millennium Green Trust  
MHCLG –Ministry of Housing Communities and Local Government  
NRM - National Railway Museum  
ORR - Office of the Rail Regulator  
WYTF – West Yorkshire Transport Fund  
YC - York Central  
YCCF - York Central Community Forum  
YCP - York Central Partnership



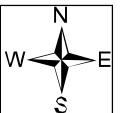


# ANNEX 2



**Asset & Property Management**

## Map of CYC Land Proposed for Disposal



SCALE 1:1,250

DRAWN BY: CC

DATE: 05/03/2018

Originating Group:

**Asset & Property Management**

Drawing No.

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**Executive****15 March 2018**

Report of the Assistant Director - Legal and Governance

**Appointment to the Shareholder Committee****Summary**

1. At the Annual Council meeting on 25 May 2017, appointments were made to all the council's committees, sub-committees and outside bodies for the 2017/18 municipal year. Since then, a number of interim changes have been made to the membership of the Executive. This has resulted in the need for a new appointment to the membership of the Shareholder Committee, which is a committee of the Executive, before its next meeting on 27 March 2018. This report invites Members to consider nominations and to make that appointment.

**Recommendations**

2. Members are recommended to note the information in paragraphs 3 to 7 below, to consider the nominations announced at the meeting and to make an appointment to the Shareholder Committee.

Reason: In order to make an appropriate appointment to the Shareholder Committee, so that the committee can meet as required on 27 March.

**Background**

3. As stated in Section 3BA of the council's Constitution, the Shareholder Committee is a *'Committee of the Executive comprising Executive Members appointed to it by the Executive.'*
4. The current membership of the Committee is as follows:  
Cllr Ian Gillies (Chair, Conservative Member)  
Cllr Nigel Ayre (Lib Dem Member)  
Cllr Andrew Waller (Substitute Member – Lib Dem)
5. Only members of the Executive can be members of the Shareholder Committee. The Committee is required to meet twice a year, in March

and October, and its next scheduled meeting has been set for 27 March 2018.

6. Since September 2017, Cllr Ayre has not been a member of the Executive and his place on the Executive has been filled, on an interim basis, by another member. That arrangement remains in place as at the date of writing this report.
7. The proposal is therefore for nominations for a new appointment to the Shareholder Committee to be announced at the Executive meeting, and for Members to make an appointment having considered those nominations.

### **Consultation**

8. Consultation has taken place with the Acting Executive Leader on this matter. No further consultation is required.

### **Options**

9. There are no alternative options to be considered, as an appointment must be made to the Shareholder Committee to ensure that it is quorate and able to meet on the 27 March.

### **Council Plan**

10. Maintaining an appropriate decision making and scrutiny structure and appointees to that contribute to the Council delivering its core priorities set out in the current Council Plan, effectively.

### **Implications**

11. There are no known implications in relation to the following in terms of dealing with the specific matter before Members:
  - Financial
  - Legal
  - Human Resources (HR)
  - Equalities
  - Crime and Disorder
  - Property
  - Other

## Risk Management

12. Not to make an appointment to the Shareholder Committee would potentially put the Committee at risk of being unable to transact its essential business.

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Tel: (01904) 551030

**Chief Officer Responsible for the  
report:**

Andy Docherty  
Assistant Director, Legal and Governance

**Report**

**Date** 7 March 2018

**Specialist Implications Officers**

Not applicable

**Wards Affected:** All

All

**For further information please contact the author of the report**

**Background Papers**

None

**Annexes**

None

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**Executive****15 March 2018**

Report of the Assistant Director, Housing and Community Safety

Portfolio of the Executive Member for Housing and Safer Neighbourhoods

**James House temporary homeless accommodation – approval for budget revisions and authorisation to appoint the successful contractor****Summary**

1. This report seeks Executive approval to utilise Homes England funding to support the overall costs of the project to redevelop James House for a scheme of 57 flats and associated reception and staff offices to provide temporary accommodation for homeless households.
2. The additional grant means the additional costs of the scheme identified within the report of £12.4m can be contained without the need for any additional council resource. This approval is needed to enable the appointment of the contractor to the scheme following a competitive tender.
3. The approval will enable £2.451m of grant funding from Homes England (formerly the Homes and Communities Agency) to be secured as a contribution to the costs of the project. This funding is conditional on the redevelopment starting on site by March 29th. Securing the Homes England grant funding is essential to enable delivery of the scheme at the revised total cost of £12.4m and will mean a reduction in the cost to the council of delivering the scheme even taking into account an overall increase in the cost of the project. It will also ensure that the number of units will increase from 55 to 57.

**Recommendations**

4. Executive is asked to approve option 1:
  - a) Recommend to council the revised budget for the James House project to £12.4m, financed from £2.451m Homes England Grant, and £9.949m from the Housing Revenue Account (investment reserve, capital receipts and

commuted sums). There by ensuring no increase in cost to the council.

- b) Approval for officers to award the works contract
- c) Approval for officers to seek further grant funding from Homes England.

**Reason:** To enable the construction contract for the new homeless accommodation at James House to be awarded, £2.451m of Homes England grant funding to be claimed and a start of site achieved by 29<sup>th</sup> March 2018.

### **Background**

5. In December 2014 Cabinet agreed to:
  - (i) The demolition of the existing Ordnance Lane hostel to be replaced with a new modular build hostel, with the remainder of the site to be used for new council housing.
6. On 16th March 2017 a report to the Executive advised that the contractor to build the replacement homeless accommodation at Ordnance Lane had gone into administration. The report also sought approval to purchase James House as an alternative to re-tendering and building the replacement accommodation at Ordnance Lane. On 30 March 2017 Full Council approved the Executive recommendation for a budget of £10.5m for the purchase and conversion of James House. The funding identified was to be from a combination of CYC Housing Revenue Account resources including Investment Reserve, Capital Receipts and Commuted sums.
7. In July 2017 The Homes and Communities Agency (now Homes England) awarded the council £2.365m grant funding towards the cost of acquiring and refurbishing James House. Subsequently a further £86k was awarded when the proposed scheme increased from 55 to 57 flats giving a total grant award of £2.451m.
8. The Homes England grant funding is conditional on a start on site being made by end of the financial year (29<sup>th</sup> March). If this is not achieved 40% of the grant could be claimed as the 'acquisition' tranche of funding but there is no guarantee that further funding would be available to bid for in 2018/19 or that any such bid would be successful.
9. Planning consent for the conversion and change of use to temporary homeless accommodation was granted on 18<sup>th</sup> January 2018.



10. The specification for the conversion works was competitively tendered on 19<sup>th</sup> January with five contractors subsequently shortlisted. Tenders were returned on 23<sup>rd</sup> February and all were for a contract sum higher than the current budget for the project.

### Consultation

11. There has been consultation with neighbouring businesses and residential neighbours as part of the planning process. No objections to the scheme have been made.

### Options

12. In summary the options are:

#### Option 1:

- a. Recommend to council the revised budget for the James House project to £12.4m, financed from £2.451m Homes England Grant, and £9.949m from the Housing Revenue Account (investment reserve, capital receipts and commuted sums).
- b. Approval for officers to award the works contract
- c. Approval for officers to seek further grant funding from Homes England.

This is the recommended option.

**Option 2:** To instruct officers to retender the scheme

### Analysis

13. **Option 1.** The revised cost of the purchasing and converting James House is £12.4m following the return of tenders for the conversion costs. This is £1.9m above the £10.5m project budget approved by Council in March 2017. However, this original budget did not take into account a subsequent successful bid for £2.451m of Homes England grant funding. Conditional on a start on site being made before March 29<sup>th</sup>, the award of this grant funding will reduce the amount of council resources needed to deliver the scheme to £9.949m.

Council funding	£9.949m
-----------------	---------

Homes England Grant	£2.451m
Total	£12.4m

14. When the original budget was set it was considered to be sufficient to deliver the project. Following the purchase of the building in April 2018 elements of the scheme specification have been amended to reflect client, planning and building control requirements. During those changes professional advice was that the final cost would still be expected to be within the original budget. The outcome of the competitive tender for the works makes clear that some of these changes have contributed to the cost increase to the overall project alongside the wider factors of the market setting the price through the competitive tender.
15. The current design of the project reflects the need for a scheme that maximises the number of flats, provides a controlled and safe access and building environment, minimises running costs, and has improved the longevity of the building by including upgrades to all the windows and re-felting of the roof. Many of these higher initial costs will be offset by significantly lower future maintenance and repair obligations.
16. Officers have discussed with Homes England bidding for further grant funding as a contribution to the increased cost of the project. There is a good likelihood of grant being available but this is predicated on a start on site before March 29<sup>th</sup> and with the assurance to Homes England that the council has an approved budget in place to fund the balance of the programme.
17. The main design factors that have increased the costs of the project have been:
  - An increase of two flats from the original proposals.
  - A grant condition from Homes England that the majority of flats must meet a minimum of 80% of National Development Space Standards. The original design and budget did not consider they were not based on a presumption of a successful claim for grant funding. Therefore to ensure this standard can be met without a reduction in the overall number of units 11 duplex flats have been included that make use of the roof space. This has also increased the capacity of the scheme.
  - The replacement of all windows to achieve current requirements of thermal and acoustic efficiency and to prolong their lifespan.
  - The creation of a separate access road down the side of the building to the rear car park. This is to avoid vehicles driving through the

‘courtyard’ between the two buildings and enables that space to be a safe amenity space for residents including a children’s play area.

- Replacement of the roof underfelt and treated wooden battens due to compromises in the quality of the existing felt when this was exposed during the strip out of the building.
- The creation of a second external refuse store following discussions with Building Control officers. This is to reduce the distance to the refuse stores for residents and also to enable effective day to day waste management and maintain the integrity of a single access point to scheme.
- Provision of a lift to the second building. This is necessary for staff and residents when moving bulky or heavy furniture to and from the flats.
- Enhancements fire protection from the minimum required including a misting system and dry risers.

18. **Option 2:** Re-tendering the project is very unlikely to result in a reduction in the cost unless the design specification is also reduced. This would lead to poorer outcomes in key elements of the scheme including a reduction in the number of flats and bedspaces, reduced environmental sustainability and compromises to the creation of a safe and secure residential environment for a vulnerable customer group.

19. It would also put at risk at least £1.48m of Homes England grant funding as only an ‘acquisition tranche’ of £980k could be claimed if work has not started on site by 29<sup>th</sup> March. There is no certainty that re-bidding for grant funding would be possible or successful. Re-tendering will also add delays to the project being completed and will necessitate the need to continue using the inadequate homeless accommodation at Ordnance Lane, Holgate Road and Crombie House. As a consequence there would also be delays in releasing these sites for other uses.

### **Council Plan**

20. The proposals re-provide the temporary homeless accommodation currently based at Ordnance Lane, Holgate Road and Crombie House into a single building at James House will meet a number of the council’s corporate priorities 2015-19 including the following:

- Ensuring vulnerable people are safe and feel safe.
- Use of all council services to protect children and adults from abuse and exploitation

- Supporting everyone to achieve their full potential.
- Making support services available to those who need them.
- Ensuring all York's residents live and thrive in a city which allows them to contribute fully to their communities and neighbourhoods. Residents can access affordable homes while the greenbelt and unique character of the city is protected.

## Implications

21. **Financial.** The inclusion of Homes England grant of £2.451m reduces the need for HRA funding required to fund the overall development from £10.5m to £9.949m.
22. The table below details the change in budget and funding from the approved decision in March 2017.

	Original	Revised	Change
	£'000	£'000	£'000
Internal Funding			
Investment Reserve		5,000	
Housing Capital Receipts		4,549	
Commuted Sums		400	
Total Internal Funding	10,500	9,949	-541
External Homes England Grant Funding		2,451	+2,451
Total Budget	10,500	12,400	+1,900

**Human Resources (HR).** None

**Equalities.** None

**Legal.** None

**Crime and Disorder.** None

**Information Technology (IT) –** None

**Property -** None

**Other –** None

**Risk Management**

23. The key risk is that if approval of a revised budget for this project is not given then at least 60% the Homes England grant award may be withdrawn because works must start on site before 29<sup>th</sup> March. This

grant is essential unless the council is willing to commit more of its own capital into the project. Without the approval of the revised budget the successful contractor that tendered for the work cannot be appointed.

These risks are being mitigated in advance of the Executive where they can by finalising the contract with the successful bidder subject to approval by the Executive. Similarly, agreement will be made with the contractor on the works necessary to meet the criteria for a start on site. All necessary preparation is being made on the Homes England portal to enable the grant claim to be made immediately on approval of the budget.

### Contact Details

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Report  
Approved



Date 1 March  
2017

**Wards Affected:** Guildhall Ward

All

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**Specialist Implications Officers**

Financial: Patrick Looker, Finance Manager 01904 551633

**Background Papers:**

Update on the re-provision of the Ordnance Lane temporary homeless accommodation. Executive, 16 March 2017.

**Annexes**

None

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**Executive****15 March 2018**

Report of the Chief Executive  
Portfolio of the Leader of the Council

**“One Yorkshire” Devolution – an update****Summary**

1. This report requests that the Executive note the submission, by Yorkshire Leaders, of the Yorkshire Devolution Agreement on 5 March 2018 to the Secretary of State for Housing, Communities and Local Government.
2. *Reason for urgency* – Given this rapid and significant development, it is necessary to update Executive on the current status of this proposal and the process for agreement to ensure members, residents and businesses are fully sighted on the future decisions required.
3. The proposed devolution agreement would establish a Mayor for Yorkshire and a Yorkshire Combined Authority (CA). The proposals also seek to devolve a number of funding streams and powers.

**Recommendations**

4. The Executive is asked to:
  - 1) Note proposals for a Yorkshire Devolution Agreement submitted to the Secretary of State;

Reason: to ensure Executive is sighted on these significant proposals.

- 2) Request that officers continue to work with the Yorkshire Leaders group and Chief Executive Sub-group to continue detailed development and report back on the progress of proposals;

Reason: To ensure that York’s strategic interests are maintained as devolution agenda progresses.

- 3) Agree the involvement of all members in the final agreement of a devolution deal which includes York (Paragraph 16);

Reason: To ensure that members, residents and businesses are fully sighted on the future decisions required on Yorkshire devolution.

- 4) Initiate consultation as soon as is practicable with residents, businesses, members, MPs and other stakeholders

Reason: To ensure council is fully aware of the collective views within the city.

## **Background**

5. In summer 2017, Yorkshire councils formed a coalition to find a devolution solution that supported the shared ambitions for Yorkshire on the widest possible footprint. This became known as One Yorkshire.
6. York is part of this coalition and, through the Yorkshire Leaders Group, has continued negotiations with other Yorkshire authorities to help develop proposals which deliver maximum benefits for the One Yorkshire footprint and for the city, and to ensure that any agreement reflects its unique position and strategic aims.
7. On 26 October 2017, Council passed a motion recognising and endorsing continuing negotiations on Yorkshire devolution and requested that the Executive work with partners regionally and in national government to ensure that this option and its deliverability was fully explored.
8. Yorkshire devolution would present opportunity for significant investment in the region alongside increased local decision making. Currently only one in 20 decisions made about the region are made locally.
9. The Secretary of State has recently commented that the Government would not stand in the way of a devolution deal and, as a next step, would want to see concrete proposals for a Yorkshire devolution package.
10. On 5 March 2018, a Yorkshire Devolution Agreement Submission was submitted on behalf of 18 Yorkshire Council Leaders/Representatives to



Rt Hon Sajid Javid MP, Secretary of State for Housing, Communities and Local Government.

11. The submission notes that the “devolution agreement is central to Yorkshire’s collective drive to unleash the full economic potential of a region with an established international brand, an economy twice the size of Wales and a population the same as Scotland.”

## **Consultation**

12. Officers have and will continue to work with counterparts in authorities across the region to refine the detail of the proposal to ensure maximum benefit for both the region and York itself.
13. It is recommended that Executive initiate consultation as soon as is practicable with residents, businesses, members, MPs and other stakeholders to ensure council is fully aware of the collective views within the city. This consultation should align, as far as possible, with that carried out across other authorities.

## **Options**

14. Ultimately, City of York Council will have a decision as to whether to agree to this devolution agreement or not. The time line for this is currently being considered by officers across the region, but is likely to be necessary in 2019, facilitating the arrangements being established in 2020.
15. It is recommended that Executive request that all Members are involved and consulted, through Executive and Full Council, in the final decision on whether to proceed.
16. It is worth noting that the Secretary of State has outlined that should any council within the proposed area not agree to proceed, there can be no One Yorkshire deal.

## **Analysis**

17. The proposals present a set of arrangements which would facilitate strong regional leadership alongside the principle of subsidiary – that is, that decisions are taken at the lowest possible level of governance. The guiding principles are as follows:

- a. Ambition – securing a broad range of powers and funding devolved to a Combined Authority covering the widest possible Yorkshire geography and overseen by a new directly elected Mayor to represent the people of Yorkshire by May 2020, in order to ensure that the benefits of devolution are fully realised across the region.
  - b. Self-determination and self-help for the region – ensuring Yorkshire can confidently shape its own Industrial Strategy and economic future post-Brexit.
  - c. Subsidiarity – i.e. the presumption of devolving powers from Whitehall to the lowest practical level, whether district or neighbourhood level, sub regional or regional. This may involve powers going up from their existing level, e.g. current WYCA and SCRCA transport powers, but in order to avoid creating a costly new regional tier of bureaucracy others only where there is a demonstrable business case and there is express local agreement.
  - d. Investment, including devolved funding, delivered across the region, including our rural, coastal and urban areas, ensuring that everyone in Yorkshire is able to benefit from devolution.
  - e. Streamlined and robust governance arrangements which create no additional cost burden on the tax payer
18. For York specifically, Officers have been clear in our need to ensure that:
- a. Sub-regional arrangements reflect the requirements for York to have an active involvement in more than one sub-region.
  - b. Transport Powers are held at the appropriate level to continue York’s control of transport infrastructure.
  - c. York is represented appropriately within the governance arrangements.
  - d. Local democratic control of issues affecting York’s residents is maintained.
19. The proposals, attached at Annex A, currently reflect these requirements. In summary, the proposals are as follows:
20. A directly elected Mayor for Yorkshire, to be elected in May 2020, who will provide overall economic leadership and chair CA meetings.
21. The Mayor will be supported in their responsibilities through a Cabinet of Leaders from local authorities, with the Leaders having a clear portfolio of responsibilities. The four Yorkshire Local Enterprise Partnerships (LEPs) will also be represented, without voting rights, on the CA. Trade Unions and the two National Parks will also be represented on a non-voting basis.

22. The CA, working with the Mayor, will receive devolved funding streams and powers enabling the Authority to tackle the economic, social and environmental challenges facing Yorkshire.
23. Flexible sub-regional Area committees will support the Mayor and the Cabinet which recognise the functional economic linked and overlapping geographies. These would be built on existing collaborative arrangements in place across Yorkshire.
24. Transport powers will be held by the CA, but delegated back to existing Transport Authorities (in York's case, to the Council.)
25. The Mayor will be required to consult the Cabinet on Mayoral strategies, including the Yorkshire Industrial Strategy, and the Mayor's budget, either of which the Cabinet may reject if two-thirds of its voting members present agree to do so.
26. On proposals for decision requiring a vote of the CA, the Cabinet members and the Mayor would each have one vote and policy would be agreed by a majority vote.
27. The proposals will be subject to final formal consent of the Yorkshire Combined Authority Shadow Board, the constituent councils, existing combined authorities, agreement of ministers, and necessary orders.

### **Council Plan**

28. Devolution provides opportunities to support growth within the region and within York. This relates to the Council Plan priority of "A Prosperous City for All". A commitment to consult and inform residents throughout this process is aligned the priority of being "A Council that listens to residents".

### **Implications**

29. The implications of devolution within York are significant and will be fully analysed as the proposals develop in detail.
30. For the decisions in this report, the implication is in respect of the legal process and the recommendation that all members are consulted on the final decision to proceed. Subject to Executive's approval of this recommendation, officers will develop a road map of the necessary

decisions, related to the constitutional powers of the council and aligned the required statutory and legislative process.

### **Risk Management**

8. There are no identified risks in relation to the recommendations of this report.

### **Contact Details**

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**Chief Officer Responsible for the report:**

**Mary Weastell**  
**Chief Executive**

**Report**  **Date** 7 March 2018  
**Approved**

### **Specialist Implications Officer(s)**

Legal  
Andy Docherty  
Assistant Director  
Tel No. 01904 551004

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

**For further information please contact the author of the report**

Annexes:

Annex A – The Yorkshire Devolution Agreement Submission

### **List of Abbreviations Used in this Report**

CA – Combined Authority  
WYCA – West Yorkshire Combined Authority  
SCRCA – Sheffield City Region Combined Authority  
LEP - Local Enterprise Partnerships

## **Yorkshire Devolution Agreement Submission**

### **Yorkshire Devolution - An historic opportunity for the whole country**

This document sets out the proposed terms of an agreement between 18 Yorkshire council leaders / representatives and Government.<sup>1</sup>

The delivery of this devolution agreement is central to Yorkshire's collective drive to unleash the full economic potential of a region with an established international brand, an economy twice the size of Wales and a population the same as Scotland.

At its heart is a desire to accelerate the pace of rebalancing prosperity, to play a central role in a confident outward looking UK economy and embrace the opportunities of the digital age and to do so through self-reliance, self-help and self-sufficiency.

The plan to create a single mayoral combined authority for Yorkshire by May 2020 addresses the requirement for these ambitions to be delivered through clear accountable arrangements which avoid duplication and additional costly and burdensome bureaucracy. However, more profoundly, it does so based on the strong, shared, internationally-recognised Yorkshire identity and brand.

Public support for mayoral arrangements to align with an existing identity which complements - rather than competes - with their powerful allegiance to village, town or city, is clear. This proposal will establish a Yorkshire mayor with the capacity to be a powerful symbol of common endeavour within the region and as an ambassador for it nationally and internationally.

This document sets out proposals which reflect and address the diverse needs of a region which spans major cities and national parks, agriculture, coastline and industry, history and innovation by placing powers where they will have maximum impact while retaining the overarching benefits of regional coherence and co-operation.

Covering such a large population and functional economy, this proposed agreement offers the scale to make it a central pillar of the national drive to tackling fundamental weaknesses in the UK economy, notably the productivity challenge and the geographic imbalance in wealth and opportunity.

We seek to address these imbalances in a way which supports the ambitions of other parts of the UK. A Yorkshire enjoying devolved powers and budgets will be a strong partner, offering complementary strengths to those of our partners in the devolved nations, South, Midlands and London while adding fresh momentum towards achieving the ambitions we have set out with our Northern Powerhouse neighbours.

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<sup>1</sup> Deal to be based on the widest possible Yorkshire geography conditional on Government enabling all 20 Yorkshire Councils to join - if they so choose - by May 2020. This submission to Government has been agreed by 18 of the 20 Yorkshire Council Leaders and Representatives (Barnsley, Bradford, Calderdale, Craven, Doncaster, East Riding, Hambleton, Harrogate, Hull, Kirklees, Leeds, North Yorkshire, Richmondshire, Scarborough, Selby, Ryedale, and Wakefield, and York). Should Sheffield and Rotherham choose to not join the deal, it is recognised that arrangements may need to be made to ensure the integration of transport across South Yorkshire.

This agreement represents a major acceleration of our work transforming the Yorkshire economy; building on longstanding strengths in areas including energy, financial services, agriculture and tourism and supporting exciting growth sectors including health innovation, logistics and advanced manufacturing. The digital revolution and embracing the opportunities it brings is the golden thread which connects our vision.

The prolonged absence of a devolution agreement for Yorkshire would not only deprive our communities of opportunities open to other parts of the country but would also be a major obstacle to achieving national growth ambitions at a pivotal moment for the UK economy. The Northern Powerhouse will remain incomplete until a thriving Yorkshire enjoying devolved powers and budgets is at its heart.

The determination from this region to overcome previous obstacles to securing an agreement bringing benefits to our communities, our region and the country is evident. This proposal is the culmination of political and geographic collaboration across Yorkshire at a scale and with a degree of consensus unprecedented in recent times.

It represents a clear, ambitious, deliverable roadmap to faster growth, improved living standards for our communities and a significant contribution to the UK's economic ambitions.

Submitting these proposal to government is an important first step. It is however recognised that realising our collective ambition will require a further number of steps:

- undertaking a statutory review which evidences the strong intuitive case that a new Yorkshire CA would improve the exercise of statutory functions and cover a functional economic area
- local formal consent is forthcoming from councils and Combined Authorities, and
- ensuring that broadly-based local support is demonstrated , including via support from MPs and Peers and other stakeholders and through statutory public consultation and involvement using different methods.

## Principles and Impact

This deal is built on the following guiding principles:

- **Ambition** – securing a broad range of powers and funding devolved to a Combined Authority covering the widest possible Yorkshire geography and overseen by a new directly elected Mayor to represent the people of Yorkshire by May 2020, in order to ensure that the benefits of devolution are fully realised across the region.
- **Self-determination** and self-help for the region – ensuring Yorkshire can confidently shape its own Industrial Strategy and economic future post-Brexit.
- **Subsidiarity** – ie the presumption of devolving powers to the lowest practical level, whether district or neighbourhood level, sub regional or regional. This is principally about powers coming down from Whitehall but we will work together where it makes sense, eg current CA powers, and where this does not serve to create a costly new regional tier of bureaucracy.
- **Investment, including devolved funding, delivered across the region**, including our rural, coastal and urban areas, ensuring that everyone in Yorkshire is able to benefit from devolution.

- **Streamlined and robust governance** arrangements which create no additional cost burden on the tax payer and comprise the following key elements:
  - **A directly elected Yorkshire Mayor with a clear economic leadership remit**, including skills, business and trade and investment;
  - **A Yorkshire Combined Authority (CA)** based on consensus and having a shared vision and focus on economic, social and environmental challenges including strategic transport, place making/ regeneration, and public service transformation; and
  - **Flexible sub regional arrangements** ‘lifting and shifting’ into the new CA, and building on, existing collaborative arrangements across Yorkshire’s (overlapping and linked) functional economic area.

Yorkshire’s future lies in a new post-Brexit era of global economic opportunity with an ambition that businesses grow and become more productive, leading to a better quality of life. This agreement will enable the people of Yorkshire to begin to fulfil this ambition and benefit from the following opportunities:

- Becoming a significant player in an outward-looking, competitive and prosperous UK
- Co-producing with government a Yorkshire Industrial Strategy to provide a compelling basis for government and business investment and drive to the Northern Powerhouse
- Rebalancing the economy (north / south and east / west) by increasing local and net national earning power
- This prosperity will be shared across society, with the benefits spreading to all.

Furthermore this deal package, comprising a revenue gainshare Investment Fund, Housing Investment Fund, new initiatives and new devolved fiscal powers, would enable accelerated stimulus investment in infrastructure, regeneration and growth across our urban, rural and coastal areas which in turn delivers the following outcomes for Yorkshire as a key driver of a successful Northern Powerhouse<sup>2</sup>:

- **Raised living standards for everyone**, based on well-targeted interventions delivering balanced and inclusive growth across the region’s urban, rural and coastal areas
- **Closing of the UK jobs gap** - by delivering 200k jobs
- **Boosted productivity** -
  - an extra £12bn of economic growth
  - significantly narrowing the productivity gap, and
- Step towards becoming a **net contributor to the public purse**

The proposals to devolve the significant powers to Yorkshire contained in this deal are driven by the priorities set out in Yorkshire’s 4 Local Enterprise Partnership (LEP) led Strategic Economic Plans

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<sup>2</sup> Source: West Yorkshire Combined Authority Regional Economic intelligence Unit

(SEPs), and going forward will be embodied in a shared Yorkshire Industrial Strategy which will build on the SEPs as the local road map to transform the Region from an overall recipient of government funding to one that delivers extraordinary growth and makes its full contribution to national wealth, creating jobs and prosperity for all local residents and businesses.

Yorkshire is unique, with an innovative, thriving and diverse economy built on a rich industrial, cultural and sporting heritage. The Yorkshire brand is globally recognised; it has a thriving and growing economy worth over £112 billion per year, home to over 5 million residents (half the Northern Powerhouse population), 419,000 businesses and over 2.5 million jobs.

Yorkshire can be characterised in terms of its unique identity, international reach, industrial sectors, and nationally significant economic assets:

The Power Brand and Identity	<ul style="list-style-type: none"> <li>• Coastal, rural, towns, and cities</li> <li>• 5m+ people central to an international region – connected to London, Edinburgh, Dublin &amp; Rotterdam</li> <li>• Industrial Strategy/Northern Powerhouse and UK economic policy/productivity contributor</li> </ul>
Economic assets and International Reach	<ul style="list-style-type: none"> <li>• Producer economy; Traded knowledge; HE - R&amp;D and Innovation; Traded services; Visitor Economy; Creative and cultural excellence; International food and drink</li> <li>• Connected by: air (via two international airports); sea (via Humber Ports); rail via ECML and in the future HS2 and Northern Powerhouse Rail; and Road, at the heart of the Strategic Road Network</li> </ul>
Competitive Advantage – Our key sectors & Enablers	<ul style="list-style-type: none"> <li>• Advanced Manufacturing; Digital; Energy; Health Innovation/Life Sciences; Agri-tech; Food and drink</li> <li>• Higher Education; Logistics; Professional Services</li> </ul>
Rebalancing the Economy	Building on our sector strengths; Economic weight of a £112bn economy; Innovation & R&D; Human Capital; Clean Growth; and Connecting all our working age people to good jobs (inclusive growth)

This agreement will deliver transformational outcomes by enabling the region to tackle its economic, environmental and social challenges. The agreement includes powers to support adult skills provision and co-design employment support, and the ability to create a joined up approach with a focus on



connecting the people of Yorkshire to job opportunities, including through a single Yorkshire smart travel ticket<sup>3</sup>.

The deal would enable Yorkshire Combined Authority to create an Investment Fund of more than £3.75bn through a 30 year gainshare revenue stream and locally raised finance. An incoming Yorkshire Mayor would have the option, subject to primary legislation, and on the basis of support from local business, to raise a business rates supplement.

This deal would deliver for Yorkshire game changing levels of capital investment in infrastructure, including in regeneration and transport, from devolved funding and fiscal powers, along with supporting additional borrowing powers for non-transport investment, and revenue support for skills and business support interventions, and greater control over the transport system to enable the region to maximise the potential of HS2 and Northern Powerhouse Rail. We believe that a deal of this kind offers the potential to transform productivity in the region, narrowing the growing gap with the UK minus London average, and thereby boosting the earnings power of the people and businesses of Yorkshire.

This agreement is the first step in a process of further devolution. The government will continue to work with Yorkshire on important areas of public service and fiscal reform to enable the people of Yorkshire to reach their full potential.

The agreement is based on the establishment of a Yorkshire Mayor by May 2020 working as part of a Yorkshire CA with a cabinet of council leaders. Given the importance of existing collaboration across the 4 LEP geographies<sup>4</sup>, which are important economic geographies in their own right, the agreement recognises the wider partnership with business through the LEPs and with neighbouring councils (eg South Bank councils).

The devolution proposals and all levels of funding contained in this agreement are subject to local political leaders consulting their local communities and businesses on the proposals and local and combined authority ratification. This agreement is also subject to parliamentary approval of the secondary legislation needed to implement the provisions of this agreement, including establishing the Yorkshire CA and devolving powers and funding to a Combined Authority and directly elected Mayor for Yorkshire.

**Summary of the Devolution Deal to be agreed by the Government and Yorkshire Combined Authority Shadow Board, and supported by the 4 Yorkshire LEPs**

A new directly elected Mayor for Yorkshire will provide highly visible and democratically accountable economic leadership in terms of driving investment and growth through Yorkshire's Industrial Strategy. The Mayor will review existing LEP structures (geographies, membership and appointing LEP chairs) to ensure these important business led partnerships remain fit for purpose. In addition,

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<sup>3</sup> recognizing this is an aspiration consistent with TfN proposals for a wider Northern smart ticket, and is subject to local affordability and addressing any fare harmonization issues

<sup>4</sup> The 4 Yorkshire LEPs cover the following (overlapping) geographies: Leeds City Region; York, North Yorkshire and East Riding; Humber; and Sheffield City Region

the Mayor will Chair Yorkshire Combined Authority and receive the following powers devolved from central Government:

- Devolved 19+ adult skills funding from 2020 to shape local skills provision to respond to local needs
- A Yorkshire Growth Hub to have responsibility for devolved and integrated business support, including DIT export support
- Multi-year consolidated transport budget
- Responsibility for franchised bus services in all (or part) of the region, in line with the Bus Services Act 2017, to secure access to 'fare box' revenues, and for integrating simple smart ticketing across all local modes of transport
- Subject to the necessary primary legislation, power to levy and retain a Supplementary Business Rate in all or part of the region, up to a cap, to provide financing of major strategic infrastructure which will drive growth<sup>5</sup>
- Devolved powers to bring forward strategic sites and assets to promote place making, including the creation of Mayoral Development Corporations, and enhanced Compulsory Purchase powers, supported by the creation of a Yorkshire Land Commission which will be chaired by the Mayor, enabling eg a formal partnering relationship with MOD in relation to surplus assets at Catterick Garrison

The Combined Authority, working with the Mayor, will receive the following devolved funding streams and powers

- Control of a new £125m a year gainshare revenue Investment Fund allocation of up to £3.75 billion over 30 years to be invested in driving growth across the rural, urban and coastal areas of the Region
- Promoting urban, rural and coastal regeneration through control of a new £500m devolved Housing Investment Fund
- 100% Business Rate Retention pilot<sup>6</sup>
- Enterprise Zone / Tax Increment Financing status for major developments at locally determined growth areas and around principal transport hubs
- Powers and devolved funding to drive the improvement of careers & enterprise in education, and inspiration around STEM choices

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<sup>5</sup> Government has proposed a new Mayoral CA power to raise a supplementary business rate to enable investment in infrastructure. It is envisaged that this would be exercisable in Yorkshire in line with the London model which does not seek to deter enterprise, and therefore the Mayor has set a rateable value threshold which in effect excludes micro businesses.

<sup>6</sup> To encourage local growth and on the basis of safeguards to ensure no detriment compared with existing arrangements

- Devolved DWP national programmes and budgets targeted at addressing unemployment, in work poverty and health barriers to work
- Devolved budgets for employer-led skills investment, to allow joined up skills brokerage service to help more employers offer Apprenticeships.
- Borrowing powers to enable investment in economically productive infrastructure to deliver growth, subject to a cap to be agreed with HM Treasury
- Flexibility to establish a Single Pot combining funding streams to provide maximum flexibility to deliver local priorities
- Broad powers to acquire and dispose of land to enable more houses to be built<sup>7</sup>, commercial space and infrastructure, for growth and regeneration
- A non-statutory Yorkshire strategic infrastructure investment framework

### Governance

1. This agreement proposes the establishment of a Combined Authority for Yorkshire with the first elections of a Yorkshire Mayor to be held in May 2020. Yorkshire councils and LEPs have already taken the following bold steps, including securing effective and accountable sub regional governance arrangements, in return for receiving from Whitehall new devolved powers and funding:
  - West Yorkshire Combined Authority and Sheffield City Region Combined Authority were established as conditions of the 2012 Leeds and Sheffield City Deals which conferred new devolved powers and funding to those areas;
  - Yorkshire's four Local Enterprise Partnerships (LEPs) are in receipt of £1.8bn<sup>8</sup> devolved through ground breaking Growth Deals;
  - 18 Yorkshire authorities have agreed to deepen their collaboration by creating a Yorkshire Combined Authority Shadow Board, building on existing collaborative arrangements including the Yorkshire Leaders Board; and
  - 18 Yorkshire Councils have agreed that they should be free to join a new Yorkshire CA in order to enable the people of Yorkshire to elect a Mayor by 2020
2. The proposal contained in this agreement for a new Yorkshire Combined Authority is subject to final formal consent of a Yorkshire Combined Authority Shadow Board, the constituent councils, existing combined authorities, agreement of ministers, and necessary orders.
3. The strength of the governance arrangements of the CA will be commensurate with the powers and funding devolved to that authority and the mayor, recognising that strong, accountable

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<sup>7</sup> Agreement of Housing numbers would remain an expressly local matter.

<sup>8</sup> The following funds have been awarded to Yorkshire's four LEPs over three Growth Deal rounds: Leeds City Region (£694.9m plus an additional £420m gainshare); York, NY and ER (£145.8m); Sheffield City Region (£365m); and Hull and Humber (£141m)

governance is an essential prerequisite of any devolution of the new powers and functions contained in this agreement.

- The new Mayor will be elected by - and will be personally accountable to - the local government electors for the areas of the constituent councils of the Combined Authority.
- The Mayor will provide overall economic leadership and chair Combined Authority meetings.
- The Mayor would also hold ultimate responsibility for franchised bus services across all or part of the Combined Authority area<sup>9</sup>, and for integrating smart ticketing across all forms of transport. The Mayor would also be able to levy a supplement on business rates<sup>10</sup> in all or part of the region in order to finance investments in infrastructure. The Mayor would be able to exercise these functions autonomously. The allocation of portfolio responsibilities for the Cabinet would be at the Mayor's discretion.
- The Mayor, supported by a CA Cabinet of leaders, will produce - with LEPs and others - a local industrial strategy for Yorkshire, based upon the existing SEPs, and with a focus on opportunities around Brexit and mitigating risks. The Strategy will set out a programme for accelerated delivery of the aims of the national strategy through maximising the competitive advantages of Yorkshire, bringing together social and economic ambitions to achieve inclusive growth. This agreement is a central to providing Yorkshire with the devolved powers and funding needed to deliver the Industrial Strategy.
- The local authorities covering the widest possible Yorkshire geography, represented by their leaders, will form the constituent membership of the Combined Authority.
- Leaders will form a decision making Cabinet to be overseen by the Mayor, where leaders have a clear portfolio of responsibilities, including fulfilling any deputy Mayor roles.
- In recognition of the importance of the LEP role and the private sector in growth strategies and their delivery, the 4 Yorkshire LEPs will be represented, without voting rights on the Combined Authority by their Chairs. Trade Unions and the two National Parks will also be represented on a non-voting basis.
- The Mayor and Cabinet will be supported by flexible sub regional Area Committees which recognise the functional economic linked and overlapping geographies and will undertake any functions appropriately delegated to these committees consistent with the principle of subsidiarity, including transport functions which will be exercised on behalf of the Mayor and Cabinet for the areas of all or part of South Yorkshire and of West Yorkshire. Transport powers exercisable by the Combined Authority for other parts of Yorkshire will be delegated back from the CA to the existing individual Local Transport Authorities. Overall the strategic integration of transport, and other, infrastructure will be co-ordinated via the Mayor's Industrial Strategy.
- These new arrangements, which will build on existing strong and effective sub regional structures, will help to ensure that the Combined Authority does not create a financially and administratively burdensome additional tier of bureaucracy which it will fall on the people of Yorkshire to pay for. It is therefore intended that the operation of the Yorkshire CA shall not of itself result in any increase in the cost of delivery of the functions ascribed

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<sup>9</sup> by virtue of the Bus Services Act 2017

<sup>10</sup> in line with Government's proposals and subject to primary legislation

to it over and above the current costs associated with the delivery of those functions by the existing constituent councils, Combined Authorities and Whitehall departments.

- The Mayor and the Cabinet will be required to be scrutinised and held to account by the Combined Authority's non directly elected Overview and Scrutiny Committee and will comprise membership of cross-party members drawn from the constituent councils and other co-opted members.
4. There is no intention to take existing powers from local authorities, including transport powers, without agreement and the agreement will protect the integrity of local authorities in Yorkshire. Neighbouring councils may be non-constituent members of the Combined Authority<sup>11</sup>. The Combined Authority may exercise functions in relation to its area and may invest outside the constituent members of the Combined Authority if that investment is to the benefit of the Combined Authority.
  5. The Yorkshire Mayor and Combined Authority will receive additional devolved powers and funding for infrastructure and certain parts of public service transformation, specifically on transport, business support, rural, coastal and urban regeneration, skills, and the co-design and funding of employment support as set out in this agreement.
  6. The Mayor will be required to consult the Cabinet on Mayoral strategies, including the Yorkshire Industrial Strategy, and the Mayor's budget, either of which the Cabinet may reject if two-thirds of its voting members present agree to do so.
  7. On proposals for decision requiring a vote of the Combined Authority, the Cabinet members and the Mayor would each have one vote and policy would be agreed by a majority vote, except agreeing the CA's annual budget which will require a higher threshold of majority of voting members present.
  8. In the transition period, i.e. before the new Yorkshire Combined Authority can be formed and the Mayor is elected in May 2020, as part of the statutory governance review, various options will be explored for establishing the Yorkshire CA (including dissolving one or both existing combined authorities). A Yorkshire Shadow Combined Authority would by May 2019 receive funding and responsibilities including the revenue gainshare Investment Fund revenue and Housing Investment funding payments, subject to readiness conditions eg the making of orders.
  9. Economic growth is a shared endeavour and is vital in delivering the Northern Powerhouse ambitions. The Mayor, Combined Authority and LEPs will continue to work very closely with the government for the benefit of the public.
  10. Yorkshire Combined Authority and the LEPs commit to working with partners across the North of England to promote opportunities for pan-Northern collaboration, including Transport for the North, to drive productivity and build the Northern Powerhouse.
  11. This Deal represents a first step in a progressive process of devolution of funding, powers and responsibilities to Yorkshire Combined Authority and a directly elected Mayor for Yorkshire. As well as the funding and powers set out in this deal, Yorkshire Combined Authority working with its constituent authorities and Government will continue to consider further opportunities for devolution, including the following:

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<sup>11</sup> e.g., South Bank authorities

- Devolving responsibility for managing the proposed Shared Prosperity Fund
- A regional approach to rural investment including in relation to the replacement for the CAP following withdrawal from the EU
- Positioning Yorkshire at the forefront of next generation transport. This will include government's ongoing support for HS2 growth strategy delivery, Northern Powerhouse Rail, wider connectivity master planning, zero emission transport, and piloting new approaches, including to: smart cities and towns; smart motorways; and connected communities in rural areas
- An MoU with Highways England with regards to traffic management and emergency management on the M62 and M1 and to include A1m, M18 and A63
- Devolved ownership of identified local rail stations, with associated maintenance and improvement budgets
- A pilot to implement big data sharing agreements across key partners and utilities to support strategic planning
- Responsibility for budgets, including DCMS/BDUK, to deliver ultrafast broadband connectivity and further develop the market
- Exploring devolved energy funding and related powers eg to set planning standards for sustainable design and construction and including clean energy and ULEV
- Exploring responsibility for flood defence capital investment eg to support advanced environmental resilience/sustainability measures (eg Living with Water) for port cities
- Co-design of sector deal pilots for the following sectors:
  - Social Care
  - Rural and Farming
  - Tourism, Heritage, Sport, Arts and Culture, including a formal strategic partnership with Visit Britain around maximising the tourism potential of Yorkshire
- Driving further Public Sector Transformation, including:
  - exploring the opportunities for a devolved and coordinated multi-agency approach to improving the life chances for all our children and young people;
  - Exploring the control of Further Education capital and revenue budgets (including 16-18 funding);
  - early years foundation stage, including the first 1000 days;
  - Integration of Health and Social Care; and
  - collaborating and learning related to blue light services/first responders and the regional role around resilience and mutual aid.