



Notice of meeting of

Shadow Executive

- To:** Councillors Scott (Chair), Gunnell, King, Looker, Merrett, Potter and Simpson-Laing
- Date:** Wednesday, 12 November 2008
- Time:** 5.30 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

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

2. **Minutes** (Pages 1 - 4)

To approve and sign the minutes of the Shadow Executive meeting held on 29 October 2008.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Shadow Executive's remit can do so. The deadline for registering is Tuesday 11 November 2008, at 5.00 pm.

4. **The Barbican - An Update** (Pages 5 - 8)

This report provides an update on the progress of the development of the Barbican's component parts.

5. Any Other Matters which the Chair decides are urgent under the Local Government Act 1972.

Democracy Officer:

Name: Simon Copley

Contact details:

- Telephone – (01904) 551078
- E-mail – simon.copley@york.gov.uk

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

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

Contact details are set out above.

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

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

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	SHADOW EXECUTIVE
DATE	29 OCTOBER 2008
PRESENT	COUNCILLORS SCOTT (CHAIR), GUNNELL, MERRETT AND SIMPSON-LAING
APOLOGIES	COUNCILLORS KING, LOOKER AND POTTER

104. DECLARATIONS OF INTEREST

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

No interests were declared.

105. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public not be excluded from the meeting as there was no exempt information detailed on the agenda for the Executive meeting to be held on 4 November 2008, under Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

106. MINUTES

RESOLVED: That the minutes of the last meeting of the Shadow Executive held on 15 October 2008 be approved and signed by the Chair as a correct record.

107. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

108. EXECUTIVE FORWARD PLAN

The Shadow Executive made the following comments on the Forward Plan at page 13 of the papers circulated for the Executive meeting to be held on 4 November 2008:

The Shadow Executive:

- *Note that the Executive agenda seems very light at the moment and hope both that this will not result in a build up of business for next year and that it is not indicative of closed decision making.*
- *Agree to provisionally request officers for the following items on the Executive Forward Plan:*

Executive on 2 December

- *Child Poverty in York*
- *The Future of York City Archives*
- *Corporate Strategy Refresh*

109. CASTLE PICCADILLY - PROCUREMENT ISSUES

The Shadow Executive considered a report which was listed as item 5 on the agenda for the Executive meeting on 4 November 2008, at page 17. The report outlined the current understanding of the Council's aims and objectives in respect of the Castle Piccadilly area, explained the legal position (particularly in relation to procurement) on the options open to the Council in achieving its objectives and sought approval for a recommended course of action.

Having discussed the issues set out in the report, the following comments were agreed:

The Shadow Executive:

- *Express the view that the aims and objectives should more explicitly refer to rather than relying upon reference to the planning brief and should place greater explicit emphasis on sustainability and environmental issues. The development should have high sustainability as a key objective.*
- *Express concern that only one of the five processes mentioned at paragraph 13 of the report was detailed therein and that the options could not therefore be properly assessed.*
- *Do not agree with the proposal to delegate the approval of procurement criteria to officers. There will be a tension between the key issues of income and community goals that should be for Elected Members to decide.*
- *Cannot, for the reasons above, recommend approval of the proposals in the report.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

**110. REFERENCE REPORT - NATIONAL SERVICE PLANNING
REQUIREMENTS FOR ENVIRONMENTAL HEALTH AND TRADING
STANDARDS SERVICES**

The Shadow Executive considered a report which was listed as item 6 on the agenda for the Executive meeting on 4 November 2008, at page 23. The report asked the Executive to consider a recommendation from the Executive Member for Neighbourhood Services to approve the service plans for food law enforcement, health and safety law enforcement and animal health enforcement.

Having discussed the issues set out in the report, the following comments were agreed:

The Shadow Executive:

- *Note the report and agree with the recommendations.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

111. THRIVING CITY - ACTION PLANS

The Shadow Executive considered a report which was listed under item 7 on the agenda for the Executive meeting on 4 November 2008, at page 31, as the Leader had agreed to hear it as urgent business. The report responded to a resolution made by the Executive at their last meeting, on 21 October 2008, which requested detailed project plans for specific actions to assist the City of York during the current period of economic downturn.

Having discussed the issues set out in the report, the following comments were agreed:

The Shadow Executive:

- *Reserves its position until the detailed project plans are provided.*

RESOLVED: (i) That the Executive be asked to take the above comments into account when considering this item.

(ii) That the item not be called in.

CLLR D SCOTT, Chair

[The meeting started at 5.30 pm and finished at 5.40 pm].

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Shadow Executive

12th November 2008

Joint Report of the Assistant Director (Property Services) and Assistant Director (Leisure Services)

The Barbican – An Update

Summary

- 1 This report is an update on the progress of the development of the Barbican's component parts

Background

- 2 The Development of the Barbican site incorporates the following component parts:
 - a. The Barbican Auditorium
 - b. The residential development site
 - c. The 4* hotel development site
 - d. The Kent Street hotel site
 - e. The Kent Street car park

Information

The Barbican Auditorium

- 3 Current position with Absolute Leisure Limited
- 4 Following meetings between CYC Officers and Absolute Leisure (ALL), that have dealt with outstanding planning and legal issues, their programme is now to complete the refurbishment and re-open the facility in August 2009
- 5 Absolute Leisure have committed to the Barbican Auditorium being used as a performance venue for public entertainment. The capacity of the facility will be for up to 1200 people and Absolute Leisure will look to provide a minimum of 50 performances per year with an attendance in excess of 800 people.

The residential development site

- 6 Persimmon owns the residential site and has a planning approved scheme to deliver apartments on the Barbican site. They have intimated that it is their intention to sell on the development site and are currently undertaking a marketing exercise.

The 4* Hotel Site

- 7 The hotel development site was purchased by WG Mitchell (Twelve) Limited, which simultaneously entered into a development agreement with Pilot Hotels to build a 4* star hotel by March 2012. In the sale transfer and by a separate deed both Mitchell and Pilot Hotels gave the above development covenants to the Council. The Whitbread Group has purchased Pilot Hotels and renamed the company Premier Inn Holdings Limited. Premier Inn Holdings informal offer is to provide a hotel under the Premier Inn brand, although this is not a classified 4* hotel, they say they would build a hotel as the consented scheme and incorporating both conference and public restaurant facilities. The council is still awaiting a written offer, sketch floor layouts and a development timetable.

Kent Street hotel site

- 8 The Council has a development contract to sell the Kent Street site to Indominto Properties subject to the developer receiving a satisfactory planning consent. The developer has reported however, additional development costs resulting from an archaeological investigations planning condition and therefore the developer may run an argument that a satisfactory planning consent has not been received.

Kent Street car park

- 9 Indominto Properties holds a long lease from the Council and in turn have they have Q Park as an operating tenant.

Options

- 10 None. This briefing note is for information only.

Consultation

- 11 Consultation and discussion continues between the officers of City Strategy, Property Services, Legal Services and the council's external advisers to ensure the best solution possible from this development and protect the council's interests.

Corporate Priorities

- 12 To improve economic prosperity

Implications

- 13 The following information is provided:

- **Financial**

There are no changes in the financial position of this development at this time.

- **Human Resources (HR)**

There are no HR implications.

- **Legal**

Implications are included within the report.

- **Crime and Disorder (C & D)**

There are no C & D implications.

- **Information Technology (IT)**

There are no IT implications.

- **Property**

Potential impact from the recent downturn in the housing and construction market as a consequence of the 'credit crunch'.

Risk Management

- 14 The current state of the property and construction market may increase the risk of not achieving an early completion of the outstanding parts of this development, or amendments to the development obligations, or realisation of the overage payment.
- 15 The development agreements may not now be as viable as they were consequently there is a risk that the development obligations with the agreements may cease to be viable in the current financial climate.

Recommendation

- 16 The report be noted

Contact Details

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Report Approved Date 6-11-08

Specialist Implications Officer(s)

Name John Urwin
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Bill Woolley
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Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers: None Annexes: None

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