

Meeting	Executive
Date	17 March 2016
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillor Looker
In Attendance	Councillors Doughty, Hayes and Levene
Apologies	Councillor D'Agorne

Part A - Matters Dealt with Under Delegated Powers

122. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. No additional interests were declared.

123. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annex B to Agenda Item 8 (Community Stadium and Leisure Facilities Report) 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).

124. Public Participation

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, and that one Member of Council had requested to speak on the following items:

Community Stadium and Leisure Facilities Report

Simon Pickering, spoke as a representative of the 'Save Our Stadium' campaign confirming the need for improved facilities for a professional football club. He asked Members to support the project as a legacy for the city and fans of the club.

Philip Crowe confirmed his agreement with the concept of a new stadium, however he expressed concern at the additional costs and issues which he felt had not been resolved.

Brian Watson expressed concern at the need for additional retail units in the scheme and, in particular, to the increase in costs.

Cllr Levene confirmed his support for the Officer recommendations. However, he expressed concern at the ongoing delays and communication with residents and others involved in the project.

Rail North Ltd – Governance Arrangements

Cllr Levene expressed his broad support for the proposals which he felt would provide the most advantageous benefits for the city.

One Planet York

Cllr Levene spoke to confirm his support for the principle of the framework which would provide measurable outcomes, his only concern related to any bus service reductions.

125. Minutes

Resolved: That the minutes of the last meeting of the Executive held on 11 February 2016 be approved and signed by the Chair as a correct record.

126. Forward Plan

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

127. Additional Primary School Places for Micklegate

Consideration was given to a report which examined options for providing additional school places in the Micklegate area of York. This followed a consistent rise in demand for both Knavesmire and Scarcroft schools and, in particular, as future projections had shown that an additional 41 primary places would be required in the area by September 2017.

Officers presented details of the feedback received following consultation undertaken on the following options, some of which had put forward by residents during the extended consultation period. An analysis of each was set out in the report:

- (a) provide no additional places in the Micklegate area
- (b) seek additional feasibility studies to accommodate additional pupils in the existing Scarcroft Primary school building and look at options for providing outdoor spaces
- (c) consider the option of a city-wide Creative Arts Academy which would be a free school as part of the Ebor Multi-Academy Trust
- (d) build accommodation for 210 (1 form entry each year) additional places, as an annex to Scarcroft Primary on the Millthorpe School site
- (e) build a 210 (1 form entry) place primary school on the former Terry's Car Park site at Nun Ings
- (f) build a 315 (1.5 form entry) place school on land behind The Grove and The Square off Tadcaster Road
- (g) build a 630 (3 form entry) place school at either Bishopthorpe Infant or Archbishop of York CE Junior school sites
- (h) exploration of other site options:
 - (i) build a school on Little Knavesmire
 - (j) build on the allotments adjacent to Millthorpe School
 - (k) build on the former Askham Bar Park & Ride site

- (l) build on Nunnery Lane car park

It was noted that options (b), (c) and (d) were either currently under consideration or further information was awaited and that options (e) to (h) had been rejected for the reasons set out in the report.

The Executive Member thanked Officers and, in particular, Ward Members for their work and assistance at meetings and expressed her support for an extension of time to enable a through analysis to be undertaken of the options.

- Resolved: (i) That Executive approve the recommendation to seek additional feasibility studies to expand Scarcroft Primary School as the preferred option for adding additional primary school places in the Micklegate area;
- (ii) That, following more detailed analysis of the feasibility studies and discussions with the school's governing body a report will be presented to the April Executive meeting with information on the adaptations required to the school and outdoor space to accommodate additional pupil places.¹

Reason: Whilst the LA supports proposed changes to Scarcroft Primary School's building and outdoor spaces, further time is required to receive and analyse that information before a preferred recommendation can be put forward.

Action Required

1. Note preferred option to seek additional feasibility studies to expand Scarcroft and add item to Forward Plan for April Executive. CM

128. Prevention and Early Intervention Services - a proposal for a new way of working

Members considered a report which proposed a review of the Council's early assistance arrangements for children and families and a new way of working in the Prevention and Early Intervention Services. The review would be an opportunity to realign resources with wider partnership development to tackle inequalities and deliver more efficient support at an earlier stage to improve the long term prospects of families in need.

The report set out the key features of the new operating model, central to which would be the introduction of 'Local Area Teams' to deliver the shared, partnership priorities of the new Children and Young People's Plan 2016-20.

Officers confirmed that the review would provide an opportunity to align resources more efficiently and followed extensive consultation already undertaken.

Members thanked Officers for their work on the report and engagement with all concerned. They also expressed their support of the approach proposed and the need to replicate it across the Council.

Resolved: That Executive agree to:

- a. endorse the implementation of new place-based prevention and early intervention services within Local Area Teams;
- b. a public consultation and further paper on the delivery of the children's centres as part of the new operating mode;¹.
- c. receive a further paper addressing finalised proposals on revising the city wide and city centre youth offer as part of the new operating model.²

Reason: This will allow the council to take forward work to remodel early help arrangements and achieve the associated savings targets.

Action Required

1. Implement services and undertake public consultation.

AC, NM

2. Add item to Council's Forward Plan on the delivery of children's centres.

AC, NM

129. York Children and Young People's Fund

Members considered a report which proposed the establishment of a new fund for the benefit of Children and Young People within the City of York to be managed by the Two Ridings Community Foundation.

Members noted that the Council held a number of funds in trust, as a result of bequests and investments, many of which were now dormant. Following a review, funds had been identified that fell into this category and in order to make the most of these it was proposed to transfer them to a new small grants scheme to be known as the York Children and Young People's Fund.

Officers confirmed that, following approval, the Two Ridings Community Foundation would continue to identify possible sources of additional funding for community benefit.

The Executive Member highlighted the increased extent of the new Fund as set out at paragraph 16 of the report.

Consideration was then given to the following options in relation to the funds:

- (i) To continue as at present, with the various funds continuing to be dormant or ineffective with no community benefit
- (ii) To seek new arrangements with the Charity Commission to update the purpose of the funds and enable them to be distributed again
- (iii) To transfer the funds identified to TRCF who will act as trustee and manage a new "York Children and Young People's Fund" for distribution broadly in line with the funds' original objective.

Resolved: That the Executive agree:

- (i) To transfer the funds identified in paragraph 4 of the report, subject to the agreement of the Charity Commission and of any trustees external to the Council where applicable, to a new "York Children and Young People's Fund," to be managed by Two Ridings Community Foundation (TRCF);
- (ii) To authorise officers to enter into the necessary legal agreements with TRCF to establish the new fund. ¹.

Reason: To create an effective fund for the benefit of children and young people in York.

Action Required

1. Seek agreement of the Charity Commission and external Trustees and enter into legal agreements to establish the new Fund.

CC

130. Rail North Ltd - Governance Arrangements

Members considered a report which set out the proposed governance arrangements for Rail North Ltd and the Association of Rail North Partner Authorities. Rail North, had been set up as an interim organisation, established with the aim of promoting the devolution of rail franchising from Whitehall to the North of England and included all 30 Local Transport Authorities (LTA) in the North of England.

Officers referred to the benefits of membership of the bodies, in particular that the authority would have a greater influence over key industry stakeholders and the development and implementation of rail services across the North of England.

The Executive Member expressed his support for membership of the bodies and consideration was given to the following options:

Option 1 To join the collaborative transport structures of which Rail for the North is a key part. Rail for the North and the sister organisation Transport for the North are rapidly starting to progress the priorities for strategic transport investment in the North of England and City of York Council as a City with a key part of the Rail infrastructure within its boundaries has the potential to play a significant role.

Option 2:- Officers were unaware of any of the other 29 LTA that had not chosen to become a member of both bodies; however the Authority could choose not to join.

Following discussion it was

- Resolved:
- (i) That Executive notes the proposed governance arrangements for Rail North Ltd (RNL) and the Association of Rail North Partner Authorities (“The Association”);
 - (ii) That City of York Council (CYC) confirms its membership of both bodies. ¹.

Reason: To enable the authority to have influence over the key industry stakeholders and the development and implementation of rail services across the North of England.

Action Required

1. Confirm CYC membership of both bodies. NF

131. One Planet York - Towards a more resource efficient and resilient Council and City

Consideration was given to a report which set out ideas for a strengthened organisational and city-wide 'One Planet' sustainability framework designed to deliver the Council Plan 2015-19 ambition to 'put sustainability at the heart of everything we do'.

It was noted that a key stakeholder group, facilitated by the Council, had proposed the key features of the framework which comprised the two key strands of OnePlanetYork and OnePlanetCouncil the main elements of each, together with the delivery and benefits, were set out in the report.

Officers confirmed that there were difficult decisions to be made pointing out that no one organisation was in a position to tackle the issues however the Council would, in the early stages, act as an enabler.

Members thanked Officers for their work on the report, which while being ambitious required everyone to play their part in working towards One Planet living.

Following further discussion consideration was given to the following options:

Option 1 – Do nothing: This option will continue with existing programmes already delivered across the council. It will also continue to support existing partners where possible to deliver sustainability initiatives across the city

Option 2 - Adopt and implement the One Planet York programme

Resolved: That Executive agrees to support Option 2 to adopt and implement the proposed OnePlanetYork framework. ¹.

- Reasons:
- (i) To create a new city-wide Sustainability Framework;
 - (ii) To enable city stakeholders to support a strengthened approach that activates the city at large around York's key challenges and around the concept of York as a resilient and sustainable 'One Planet' city;
 - (iii) To build on and further strengthen City of York Council's ambitions to put sustainability at the heart of everything it does (internal and external- facing services), focus on costs and efficiency and work towards One Planet living.

Action Required

1. Implement the agreed framework.

PM, JW

132. Inquiry Into the Flooding In York Over the Christmas Period

Members considered an update report on arrangements for the inquiry into the flooding in the city over the Christmas period, in particular the appointment of Chair and Panel members.

Officers confirmed that Group Leaders would be short listing applicants in the near future and appointments made mid April.

Resolved: That Executive notes the Flooding Inquiry update report.

Reason: To ensure that the Executive is aware of progress with appointing the inquiry team

Part B - Matters Referred to Council

133. Community Stadium and Leisure Facilities Report

Consideration was given to a report which set out the background to the approval for a new stadium and leisure complex at the Vangarde Retail Park and confirmation of

Greenwich Leisure Ltd as the preferred bidder for the procurement exercise.

Further information was presented to highlight the significant work undertaken to progress the scheme. This included works to incorporate a large community hub and space for a number of Community Partners together with details of the wider city leisure facilities and operation together with the maintenance of Energise Leisure Centre and Yearsley Swimming Pool. The timetable for delivery of the new complex in early 2018 and key milestones were also reported.

Officers expressed their thanks to the project team for their work on both the report and in progressing the scheme. They highlighted the enhanced facilities for the city, the reduction in capital cost by in excess of £4m and receipt of business rates in the region of £3m over the 13 year period. Members were also asked to note the funding of the project costs summarised in the report at paragraphs 44 to 77, and in particular the legal risks and implications of not proceeding.

Members expressed their thanks to Officers for their work on the project and to earlier speakers and residents who had submitted comments and attended recent drop-in sessions. In particular Members reiterated the need to work closely with the football and rugby clubs to ensure delivery of the scheme.

Following further lengthy discussion it was

Recommended: That Executive recommend Council approval of the following:

- (i) Agreement to proceed with the Community Stadium and Leisure Facilities Project.
- (ii) The Director of Customer and Business Support Services, in conjunction with the Leader and Executive Member for Leisure & Culture be authorised to complete all final negotiations and arrange execution of the following legal documents:
 - a) the Design, Build, Operate and Maintain contract (“DBOM Contract”) and ancillary documents to the DBOM Contract;

- b) Freehold transfer of the land adjacent to the proposed South Stand of the NSLC (“Southern Block”);
 - c) Agreement for lease of the East Stand Retail Units;
 - d) Agreement for lease of commercial space on first floor of the Southern Block;
 - e) Agreements for lease with the Community Partners.
- (iii) The approval of a total capital budget of £44.2m for the Project (as set out at table 2).
- (iv) Funding for the Project as set out below:
- a) £15.3m Stadium s106 contribution
 - b) £2.0m Football Club contribution
 - c) £1.2m Highways s106 contribution
 - d) £11.3m Commercial Capital Land Receipt
 - e) £13.4m Prudential borrowing
 - f) £1.0m Venture Fund
- (v) That additional borrowing of £5.4m, within the revised total Capital budget of £44.2m, is undertaken to fund the Project (as set out at paragraph 63 of the report).
- (vi) That the annual additional borrowing costs (£0.4m) relating to the prudential borrowing set out under recommendation (v) be included as a committed growth item in the 2017/18 Revenue Budget.
- (vii) That the Venture Fund be used to fund £1.0m of the capital expenditure which will be repaid from later years leisure revenue budget savings (as set out at paragraph 75 of the report).

- (viii) The use of the Venture Fund to manage early years deficits on the leisure revenue budget, up to a total of £0.3m. This to be repaid from later years savings on the leisure revenue budget (as set out at paragraph 75).
- (ix) That £1.2m of the transport mitigation monies from the Vangarde Section 106 Agreement be used to fund the Project (further detail of which are set out at paragraph 58).
- (x) That £0.4m be used from the existing stadium capital budget for continued early design works through to DBOM Contract signature (“Financial Close”). This £0.4m will be netted off from the overall DBOM Contract capital cost set out in the report and is therefore not an additional cost.
- (xi) That the Commercial Development proposal be approved bringing the “Capital Land Receipt” and capital contribution to Stadium works to the Project (further detail of which are set out at paragraphs 32 - 41).
- (xii) That the freehold land transfer from the Council to the Investment Fund of the Southern Block is approved.
- (xiii) That the terms of Agreement for Lease of the East Stand Retail Units under which the Council will grant a 250 year lease to the Investment Fund be approved.
- (xiv) That the Director of Customer and Business Support Services, in conjunction with the Leader and Executive Member for Leisure & Culture be authorised, following further negotiations, to finalise and arrange execution of a 15 year lease with the Investment Fund for a portion of commercial space in the Southern Block (further detail of which are set out at paragraphs 42 - 43).
- (xv) That the Director of Customer and Business Support Services, in conjunction with the

Leader and Executive Member for Leisure & Culture be authorised to complete all final negotiations and arrange execution of the Stadium Naming Rights Sponsorship agreement.

- (xvi) That the terms of the current Design Build Operate and Maintain (DBOM) Contract, as set out at paragraphs 22 - 29 be acknowledged and in relation to Yearsley Pool note the continuing Review which will be subject of a separate Executive report to be brought in Autumn 2016.
- (xvii) That the current anticipated Project timetable for delivery of the New Stadium and Leisure Complex (NSLC) in the report is acknowledged, as set out at table 7.
- (xviii) That the risks of the Project as set out in the report, that cover the period to reaching DBOM Contract signature and through the NSLC construction period and the ongoing operation of the full term of the DBOM Contract, are noted. ¹.

Reason: To progress with the Project and enter into all legal agreements to deliver NSLC and operation by Greenwich Leisure Ltd of the NSLC and the city's wider leisure facilities.

Action Required

1. Refer to Council.

JP

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 6.45 pm].

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