

Meeting	Executive
Date	23 July 2020
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

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

### **7. Declarations of Interest**

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

### **8. Minutes**

Resolved: That the minutes of the Executive meeting held on 25 June 2020 be approved as a correct record, to be signed by the Chair at a later date.

### **9. Public Participation**

It was reported that there had been 4 registrations to speak at the meeting under the Council's Public Participation Scheme, and 4 requests to speak by Ward Members / Opposition Spokespersons. Written representations had also been received and circulated to Members.

Gwen Swinburn spoke on matters within the Executive's remit, and on Agenda Item 4 (Forward Plan). She expressed concerns about the council's arrangements for returning to a normal schedule of meetings, the uneven distribution of items across meetings, and inadequate public consultation in respect of devolution.

Cllr Heaton spoke on Agenda Item 5 (York Central Update) as a Ward Member for Holgate. He expressed doubt about the

viability of the project in the 'new normal' conditions post Covid-19 and concern that it would not benefit Holgate residents. He suggested that a full review should take place before proceeding further.

Cllr Melly also spoke on Item 5 as a Ward Member for Holgate. Referring to calls from residents of the Leeman Road area for more community space, she suggested that Network Rail transfer the Gatehouse building to the council for that purpose in return for the proposed disposal of land to NR.

Richard Clark spoke on Item 5 as a resident of Micklegate and a member of York Central Action Group. However, his connection was lost. The Chair invited him to submit his comments in writing instead, to be made available in the same way as the other written representations.

Cllr Webb spoke on Agenda Item 7 (City of York Recovery & Renewal Strategy – Update), as Opposition Spokesperson for Children & Young People. He expressed concern about a lack of detail and data in parts of Annex 5, and stressed that any relaxation of safeguards for vulnerable children would not be acceptable.

Martin Bradnam, Chair of the Hospitality Association York, spoke on the Tourism Marketing Recovery Strategy at Annex 4 to Item 7. He had also submitted detailed comments in writing. He welcomed the investment but felt the strategy had taken too long and was not detailed enough; more should be done to join up ideas, engage local residents and attract visitors back to the city.

Phil Pinder, Chair of York Retail Forum, also spoke on Annex 4 to Item 7. He supported the views of the previous speaker, adding the suggestion that September be designated a 'residents' month' and the car parking offer extended into October to encourage people back to York.

Cllr Douglas spoke on Item 7 and on Item 8 (Submission of Devolution Proposal), as Opposition Spokesperson for Economy & City Development. On the former, she raised concerns about businesses that not received grants, a lack of investment in re-training and skills, and the weakness of the tourism strategy. On the latter, she noted that funding from the

devolution deal would be insufficient to support York's housing needs.

Written representations were received from Steve Galloway in respect of Agenda Item 8, objecting to the proposals being brought forward at this stage, on the grounds of inadequate pre-publicity and consultation and a lack of consideration of alternatives to the elected mayor devolution model.

## **10. 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.

## **11. York Central Update**

The Assistant Director of Regeneration & Asset Management presented a report which provided an update on progress to deliver the York Central scheme, and set out proposals to proceed with further development activity while awaiting confirmation of the conditions of grant funding.

Progress to date was demonstrated by the key milestones set out in paragraph 14 of the report; in particular, the announcement in March 2020 of a £77.1m grant award from the Ministry of Housing Communities and Local Government (MHCLG) to fund enabling infrastructure for the site. The West Yorkshire Transport Fund (WYTF) Full Business Case (FBC) was conditional upon confirmation of the MHCLG grant conditions, which was still pending. A proposal to maintain project momentum by drawing down funds from the previously approved York Central budget was set out in paragraphs 23-24. The project programme had been updated to reflect a delay in determination of the Reserved Matters Application (RMA) due to the impact of Covid-19; however, the start of enabling works in late 2020 would allow the main infrastructure works to begin in early 2021. Land at Alliance House / Chancery Rise was no longer required for access to York Central and it was proposed to dispose of this to Network Rail, as detailed in paragraphs 33-35.

In response to matters raised under Public Participation and by the Opposition Group Leader, officers stated that an up to date risk register, including Covid-19 risk, was maintained for the

project and that delaying development would increase the risk of failure.

Members welcomed the report, emphasising the importance of the project to the long term economy of the city, and the Chair confirmed that conversations with local communities and the York Civic Trust would continue to be encouraged as the project progressed.

- Resolved:
- (i) That further funding of £1.96m be committed to cover City of York Council (CYC) project team and consultancy support costs, undertake further essential survey works, and fund an early enabling infrastructure works contract to April / May 2021.
  - (ii) That authority be delegated:
    - a) to the Interim Head of Paid Service, in consultation with the Executive Leader, to take such steps as are necessary to deliver the package of early site enabling works and
    - b) to the Director of Economy & Place, in consultation with the Director of Governance, to taken such steps as are necessary to enter into the resulting funding agreement.
  - (iii) That authority be delegated to the Interim Head of Paid Service, in consultation with the Executive Leader, to take such steps as are necessary to agree the grant terms with MHCLG for £77.1m of infrastructure funding and to enter into the resulting funding agreement.
  - (iv) That approval be given to procure the further project support consultancy services necessary to for the delivery phase, and that the authority to take such steps as are necessary to procure, award and enter into the resulting contracts be delegated to the Director of Economy & Place, in consultation with the Director of Governance.

Reason: To ensure that appropriate progress can be made on project development, focusing on delivery readiness for the first phase of the York Central enabling infrastructure.

(v) That approval be given to dispose of the land at Alliance House / Chancery Rise to Network Rail (NR), to facilitate the relocation of rail infrastructure maintenance facilities from the York Central site, with NR to reimburse the council for expenditure incurred by the council in connection with its ownership since 2016, totalling £426,967; the disposal price to be £1 (the same price for which it was purchased by the council from NR in 2016), and to include a restrictive covenant to limit the future use of the land to the purpose agreed in this disposal.

Reason: To ensure that York Central is cleared of operational rail activity and made available for redevelopment.

*\*Note: The decisions on this item were subsequently called in, and considered by the Customer & Corporate Services Scrutiny Management Committee on 13 August 2020, but were not referred back to Executive for re-consideration.*

## 12. **Outbreak Control Plan**

The Director of Public Health presented a report which introduced the York Outbreak Control Plan approved by the City of York Outbreak Management Advisory Board (OMAB) at their second meeting, on 13 July 2020. The OMAB's terms of reference were attached as Annex A to the report.

Every local authority with responsibility for public health was required to develop and publish a Covid-19 Outbreak Control Plan by 30 June 2020 to ensure local delivery of the NHS Test and Trace service and an effective local outbreak response. A draft Plan had been published on 29 June to meet the deadline and the final version, attached as Annex B, had subsequently been approved on 13 July. The Plan was intended to be a live document and would evolve as guidance and learning progressed. Consultation had taken place with partners, as well as initial engagement with residents through 'Our Big Conversation'.

The Chair, who also chaired the OMAB, highlighted the importance of the Plan, expressing his thanks to officers for its

swift production and to members of OMAB, in particular the business and community representatives.

Resolved: That the York Outbreak Control Plan be received.

Reason: To enable the national requirement for producing a local Outbreak Control Plan to be met.

**13. City of York Council Recovery and Renewal Strategy - Update**

The Interim Head of Paid Service presented a report which outlined further elements of York's Economic Recovery Plans following the coronavirus pandemic, and introduced a proposed 10-year plan for the city.

The report updated the one-year Recovery and Renewal Strategy received by Executive on 25 June (Minute 125 of that meeting refers), supplementing the One Year Transport and Place Strategy with an Economic Recovery Plan (Annex 1), a Business Support Plan (Annex 2), a Skills and Employment Plan (Annex 3), and a Tourism Marketing Plan (Annex 4). An update on work during the crisis to keep children safe in York was provided in Annex 5.

Proposals to develop a longer term 10-year recovery plan with city partners, detailing the broader transformational ambitions and direction for York and the priorities to achieve these, were set out in paragraphs 9-21 of the report. The intention was to have this plan in place by March 2021, to follow on from the 1-year Strategy. The report also described recent recovery activity undertaken against each of the three themes within the Strategy – Economy, Communities and Corporate.

In response to comments made under Public Participation, officers acknowledged the economic challenges faced by the hospitality, retail and tourism sectors, adding that the tourism plan had been well-received and more detailed proposals were being developed beyond the report. With reference to Annex 5, it was confirmed that, in York, the flexibilities ermitted by changes to legislation during the coronavirus pandemic were being used only to hold remote meetings of the Adoption and Fostering panels.

Members welcomed the report, expressing support for the partnership approach to developing a longer term plan, the plan's potential as a lobbying tool as noted in paragraph 10, and the involvement of residents, communities and businesses as highlighted in paragraph 11.

- Resolved:
- (i) That the development of a '10-year City Recovery Plan' with city partners, to build on the work outlined in the council's recent 1-year Recovery and Renewal Strategy, be noted.
  
  - (ii) That the recommendations set out in Annex 1 (the COVID-19 Economic Recovery Plan) be approved; specifically, to:
    - a) note the likely scale and range of impacts on the York economy;
    - b) endorse the Economic Recovery Strategy set out in the report;
    - c) make a long-term commitment to facilitate the continuation of the business liaison activity that has been established in response to Covid-19, in order to co-ordinate the city's response to emerging economic challenges;
    - d) approve the council's commitment to facilitate the establishment of a York City Skills Board, to oversee the development of the adult education and skills plan;
    - e) request that the Executive Member for Economy & Strategic Planning engage with Corporate Scrutiny to seek views on the COVID-19 Economic Recovery Plan, as outlined in Annex 1;
    - f) endorse, in response to the scale of the emerging economic challenge and new financial context for the council, a corporate lobbying effort, led by the Leader of the Council and working with partners in the region, to request additional funding to support local businesses, cultural institutions and residents facing financial hardship, invest in infrastructure, and demonstrate what York can achieve in the 10-year strategy with funding support from central government.

(iii) That the actions to keep children safe, outlined in Annex 5, be noted.

Reason: In order to respond to the impacts of the coronavirus pandemic over the long term, and build back better.

*Note: During part of the debate on the above item, Cllrs Ayre and D'Agorne lost their internet connections to the meeting. However, before the decisions were taken the Chair confirmed that their connections had been restored.*

**14. Reporting of Agreeing of the 'Asks' to submit to Government for consideration of a Devolution Deal for York and North Yorkshire**

The Interim Head of Paid Service and the Head of Corporate Policy & City Partnerships presented a report which sought approval for the submission to Government of the devolution proposal for the City of York and North Yorkshire.

Council Leaders had written to Government on 13 February to open up a dialogue to negotiate a devolution deal for the region, in order to access funding and provide additional benefits. The next stage was to submit the 'Asks' proposals to Government. Ministers would then consider the proposals and respond with a formal offer of a Devolution Deal. A draft timetable of the full process towards devolution was attached as Annex 1 to the report. The draft Asks for submission were set out in Annex 2.

In presenting the report, officers stressed that submission of the Asks was an early step in the process and did not bind the authorities to proceed with devolution. Future steps would involve a statutory Governance Review, triggering a full consultation process. During their debate on the item, Members suggested some additional proposals for inclusion in the Asks.

Resolved: (i) That the submission to Government be approved, subject to the inclusion in the 'Asks' of specific references to workforce skills in relation to adult social care and children's services and to rail technology and associated jobs in York.

(ii) That authority be delegated to the Head of Paid Service, in consultation with the Leader of the



Council, to make any necessary amendments resulting from each constituent authority's feedback in submitting the proposals.

Reason: In order to continue the negotiation process, enabling Government to consider the proposals and present a formal offer for a Devolution Deal back to the authorities.

## **15. Library Lawn Lease**

The Strategic Services Manager, Communities & Equalities presented a report which sought approval to grant the council's Library operator, Explore York Libraries and Archives Mutual Limited (Explore), a lease of the Library Lawn and the associated St Leonards Hospital Ruins ('Store') for cultural activities.

The Library Lawn and Store were owned by the council and had never been leased before; however, Explore's lease of the library premises included occasional use of the Lawn for exhibitions and use of the Store for storage of library materials. The Store was no longer needed by the council and Explore had a long-term ambition to develop the Lawn, as part of the Mint Yard area, into an exhibition space. This would include forming partnerships with interested organisations to tell the history of York through its archives. Explore were also seeking the ability to sub-lease the Lawn in the short term to help generate income for their plans.

The Chief Executive of Explore, Fiona Williams, addressed the meeting, providing further details of their vision for this iconic but overlooked heritage area.

The Executive Member for Culture, Leisure & Communities supported the proposals and thanked the Explore team for their work for York residents over the past weeks.

Resolved: (i) That approval be given to grant a lease of Library Lawn and the St Leonard's Hospital Ruins (Store) to Explore York and Archives Mutual Limited (Explore) until 31 March 2034, under the terms set out in the report, to enable them to deliver cultural activities (subject to consideration by Executive at a later date of any comments or objections receive

from the public in response to the Section 123 open space notice regarding Library Lawn referred to in (ii) below).

Reason: To allow Explore to use the space in connection with the operation of York Explore Library and sub-lease to third parties to generate income.

(ii) That approval be given to publish a notice in the local newspaper advertising the proposal to grant a lease, as Library Lawn is 'open space' land used by the public for recreation.

Reason: This is a statutory requirement under Section 123 of the Local Government Act 1972 before a lease or other disposal of open space land can be granted by a local authority.

## **16. Finance and Performance Outturn 2019-20**

The Head of Corporate Finance & Commercial Procurement presented a report which provided an analysis of the council's overall finance and performance position at the end of the 2019/20 financial year, including progress on delivering the savings programme.

A provisional net underspend of £128k was reported on the net General Fund budget of £123m for 2019/20. Despite this positive position, considerable financial challenges remained for 2020/21 and beyond, including the impact of Covid-19 and the delivery of £4m savings outlined in the February 2020 budget report. The council's overall financial health provided a strong platform to meet these challenges. Table 1, in paragraph 12 of the report, gave an overview of the out-turn; key variances were summarised in Annex 1. A review had identified available reserves of £1.4m and it was proposed that these be released to support statutory Children's and Adults' services. It was also proposed to allocate a further £9k Brexit funding to Citizens Advice York for them to continue their support to York EU residents, as detailed in paragraphs 18-19.

The performance update was based on the core indicators grouped around the eight outcome areas in the 2019-23 Council Plan, covering new information from Quarter 4 of 2019-20.

Examples of progress in these areas were set out in paragraphs 25-44 of the report and details were provided in Annex 2.

In presenting the report a correction was made to the recommendations at paragraph 7, adding a recommendation to transfer the underspend to the 2020/21 contingency. In commending the report to Members, the Executive Member for Finance & Performance highlighted the council's above-average performance in relation to affordable housing, independent living, key stage 4 learning, vacant shops, and median earnings in the city.

Resolved: (i) That the year-end underspend of £128k be noted and approval given to transfer the underspend to the 2020/21 contingency.

(ii) That the finance and performance information be noted.

(iii) That the use of Brexit funding, as outlined in paragraphs 18-19 of the report, be noted.

Reason: To ensure that significant financial issues can be dealt with appropriately.

## **17. Capital Programme Outturn 2019/20 and Revisions to the 2020/21- 2024/25 Programme**

*[See also under Part B Minutes]*

The Head of Corporate Finance & Commercial Procurement presented a report which set out the capital out-turn position for the 2019/20 financial year and asked Executive to approve requests for re-profiling and to recommend the re-stated 2020/21 -2024/25 programme to Council.

An out-turn of £85.707m was reported on the approved 2019/20 budget of £121.456m; an overall net variation of £35.749m. This comprised requests to re-profile £38.892m of schemes to future years and adjustments to schemes increasing expenditure by £3.143m. However, the overall programme continued to operate within budget. Variances and re-profiling requests within each portfolio area were outlined in Table 1 at paragraph 12 of the report, with details of variances above £100k in paragraphs 14 to 88. The capital programme for

2020/21 to 2024/25, re-stated as a result of the re-profiling, was shown in Table 3 at paragraph 92 and detailed in Annex 1.

Officers corrected an error in Table 4 at paragraph 93 of the report (Capital Programme Financing); total funding of the 2020/21 budget was £194.048m and not £19.048m.

The Executive Member for Finance & Performance commented on the ambition of the programme, which had secured external funding of £200m.

Resolved: (i) That the 2019/20 capital out-turn position of £85.707m be noted, and the requests for re-profiling from the 2019/20 programme to future years, totalling £38.892m, be approved.

(ii) That the adjustments to schemes, increasing expenditure in 2019/20 by a net £3.143m, be noted.

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

## **18. Treasury Management Annual Report and Review of Prudential Indicators 2019/20**

The Head of Corporate Finance & Commercial Procurement presented a report on the annual review of treasury management activities and the actual prudential and treasury indicators for 2019/20, as required by Local Government Act 2003 regulations and in accordance with CIPFA codes of practice.

Attention was drawn to the significant uncertainty regarding future economic growth, unemployment and fiscal and monetary policy resulting from the Covid-19 restrictions across the UK. Members would be kept informed on the subsequent impact on the council's borrowing and investments as the situation evolved. In relation to the 2019/20 borrowing outturn, two new loans had been taken out during the year, as detailed in paragraph 16.

The report had been reviewed and scrutinised by the Audit & Governance Committee at their meeting on 15 July 2020. Details of the out-turn against prudential indicators were attached at Annex A.

Resolved: That the 2019/20 performance of treasury management activity and prudential indicators outlined in Annex A to the report be noted.

Reason: To ensure that the continued performance of the treasury management function can be monitored, and to comply with statutory requirements.

**19. Reporting of Decisions Made using the Urgent Decision Making Guidance**

The Director of Governance presented a report which set out the decisions made using the Urgent Decision Making Guidance for the period 8 April 2020 to 8 July 2020.

Full details of the decisions listed in the report, all of which related to activities in response to Covid-19, were available to view on the council's website.

Resolved: That the decisions made between 8 April 2020 and 8 July 2020 under the urgent decision making guidance be noted.

Reason: In accordance with the requirements of the Council's Constitution.

**PART B - MATTERS REFERRED TO COUNCIL**

**20. Capital Programme Outturn 2019/20 and Revisions to the 2020/21 - 2024/25 Programme**

*[See also under Part A Minutes]*

The Head of Corporate Finance & Commercial Procurement presented a report which set out the capital out-turn position for the 2019/20 financial year and asked Executive to approve requests for re-profiling and to recommend the re-stated 2020/21 -2024/25 programme to Council.

An out-turn of £85.707m was reported on the approved 2019/20 budget of £121.456m; an overall net variation of £35.749m. This comprised requests to re-profile £38.892m of schemes to future years and adjustments to schemes increasing expenditure by £3.143m. However, the overall programme

continued to operate within budget. Variances and re-profiling requests within each portfolio area were outlined in Table 1 at paragraph 12 of the report, with details of variances above £100k in paragraphs 14 to 88. The capital programme for 2020/21 to 2024/25, re-stated as a result of the re-profiling, was shown in Table 3 at paragraph 92 and detailed in Annex 1.

Officers corrected an error in Table 4 at paragraph 93 of the report (Capital Programme Financing); total funding of the 2020/21 budget was £194.048m and not £19.048m.

The Executive Member for Finance & Performance commented on the ambition of the programme, which had secured external funding of £200m.

Recommended: That Council approve the re-stated 2020/21 to 2024/25 programme of £600.615m, as summarised in Table 3 in paragraph 92 of the report and detailed in Annex A.

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

Cllr K Aspden, Chair

[The meeting started at 5.30 pm and finished at 7.46 pm].