

Meeting	Executive
Date	20 May 2021
Present	Councillors Aspden (Chair), D'Agorne, Smalley, Waller and Ayre (substituting for Cllr Widdowson)
Apologies	Councillor Widdowson
In Attendance	Councillor Kilbane

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### **Chair's Remarks**

The Chair noted that this was the first time the Executive had met in person since March 2020. He welcomed Cllr Kilbane to the meeting as the new Opposition Group Leader and recorded his thanks for the contributions of the former Opposition Leader, Cllr Myers.

#### **127. 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.

Cllr Smalley declared a prejudicial interest in Agenda Item 7 (The Council's Contract with Make It York), as a Director of MIY. He left the room during consideration of that item and took no part in the debate or decisions thereon.

#### **128. Minutes**

Resolved: That the minutes of the Executive meeting held on 22 April 2021 be approved, and signed by the Chair as a correct record.

## **129. Public Participation**

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

Gwen Swinburn had registered to speak on Agenda Items 4, 6 and 7 (Minutes 130-133 refer). Commenting mainly on Item 6, she suggested the council should focus on reviewing its governance arrangements and management systems instead of developing the Council Plan.

Joan Concannon spoke on Item 7 (Minute 133 refers), as a Make It York Board Member. She stressed the Board's commitment to collaborative working to help ensure the inclusive economic growth of the city.

Cllr Douglas also spoke on Item 7. She welcomed the proposals as first steps in the right direction and stated that, as a council-owned company, MIY should also adopt the council's principles.

Cllr Crawshaw spoke on Items 10, 11 and 12 (Minutes 136-138 refer). He welcomed the prospect of cross-party working on the LTP, questioned why it had taken so long to bring forward proposals to address delivery emissions, and suggested a role for Scrutiny in monitoring the Bus Service Improvement Plan.

## **130. 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.

## **131. City of York Council Recovery and Renewal Strategy - May Update**

The Chief Operating Officer presented a report which provided an update for May on activities both directly in response to Covid-19 and to support recovering and renewal. He also expressed thanks to council staff for their work across all areas since March 2020.

As at 2 May, the official 7-day rate of Covid cases in York stood at 17.6 per 100k population, remaining lower than both national

and regional averages. Updates in respect of the three recovery themes: Economic, People and Corporate, were set out in paragraphs 11-15, 16-17 and 18-24 of the report respectively. Highlights included: employers' responses to increased demand for flexible working arrangements, the phased return of staff to council offices, developments in attracting businesses to York (in particular the proposed expansion of ETAS Ltd), provision of free school meals, and support for vulnerable residents.

In welcoming the report, the Chair expressed confidence in York's recovery from the effects of the pandemic, encouraging residents to continue to follow the guidance and to support local businesses.

Resolved: That the contents of the report be noted.

**132. Update on the Council Plan 2019-2023 and Progress Towards a 10 Year City Plan**

The Chief Operating Officer presented a report which proposed a number of updates to the 2019-2023 Council Plan (the Plan) in view of the changed context over the past year, and outlined progress and discussions currently under way to develop a 10-year Plan for the city.

The proposed updates, set out in Annex 1 to the report, did not seek to change the strategic outcomes of the Plan, but to describe changed or additional activities required to achieve these outcomes. They had been identified through conversations with key partners and organisations across York and discussion with senior managers in the council. An update on progress against the original 78 actions in the Plan was provided in Annex 2.

Development of a 10-year plan, first proposed last summer, had been delayed by the need to respond to subsequent waves of Covid infections. Conversations were now taking place with partner organisations, from which recurring themes included the need for ambition, clarity, and focus on the most critical activities, as well as for the plan to be jointly owned by the city as a whole.

Having noted the comments made on this item under Public Participation, it was

Resolved: (i) That the proposed updates to the Council Plan 2019-2023 be approved.

Reason: To ensure that the council's overall strategic plan continues to fully represent the context and activities of the council.

(ii) That the progress on development of the 10 Year Plan be noted and that further updates be requested in due course, as more detail becomes available.

Reason: To ensure the Executive is fully aware and consulted on the development of the Plan.

### **133. The Council's Contract with Make it York**

The Assistant Director, Customer & Communities presented a report which set out the service specific requirements for a new contract to be entered into between the council and Make it York for the period 2021-24, in the light of consultation undertaken.

On 11 February 2021, Executive had approved the priorities on which the new Service Specification (the SLA) would be based (Minute 94 of that meeting refers). Consultation had now been carried out with key stakeholder groups, as detailed in Annex B to the report. The results had shown strong support for the SLA priorities, and for the council taking back the lead role in inward investment and economic development. Proposed changes to the SLA were set out in Annex A. Further work and proposals to ensure robust and transparent processes and compliance with Teckal were set out in paragraphs 15-18 and in Annex C.

Having noted the comments made on this item under Public Participation, it was

Resolved: (i) That the consultation undertaken with businesses and other stakeholder groups be noted.

(ii) That the changes to the Memorandum and Articles of Association, as set out in paragraph 16 of the report and in Annex C be approved, and that the Director of Governance be authorised to prepare the

necessary shareholder resolutions and carry out any action needed to effect the changes, and authority be delegated to the Chair of the Shareholder Committee to sign the relevant shareholder resolutions in relation to the changes.

(iii) That the changes to the specification set out in Annex A and the changes to the contract set out in paragraph 18 be approved, and that authority be delegated to the Director of Place and the Director of Customer & Communities (in consultation with the Director of Governance or her delegated officers) to take such steps as are necessary to enter into the resulting contract.

Reason: To secure a strong future for Make It York as a Teckal company.

**134. School Capital Works - Internal Capital Works at Applefields Special School and Danesgate Pupil Referral Unit**

The Assistant Director, Education & Skills presented a report which sought approval for capital works at Applefields Special School to accommodate a growth in pupil numbers, and at the Danesgate Community for adaptations to the site, to improve provision for children and young people with Social, Emotional and Mental Health (SEMH) needs.

In respect of **Applefields**, the following options were presented, as detailed in paragraphs 14-36 of the report:

**Option 1** – do nothing. Not recommended, as the needs of pupils could not be met in the current building.

**Option 2** – provide additional teaching accommodation only. This would mean some staff would need to be relocated off site.

**Option 3** – provide additional teaching and office accommodation, as recommended.

In respect of **Danesgate**, the following options were presented, as detailed in paragraphs 61-71:

**Option 1** – do nothing. Not recommended, as it was impossible to accommodate all students needing a place on the existing site.

**Option 2** – provide additional accommodation on and off site to cater for existing cohorts. Not recommended, as there was little space on site, and off site provision was difficult and expensive.

**Option 3** – Re-organise the existing site for students with a range of different needs, as recommended.

The current estimated total cost of the proposed works was £2,665,000, to be funded by a combination of the remaining SEND Facilities Scheme budget, new funding announced by the DfE for SEND provision, and a further allocation of uncommitted Basic Need funding.

Comments of the relevant portfolio holders who were not present at the meeting were reported by the Executive Member for Finance & Performance. All welcomed the proposals.

Resolved: (i) That works to complete classroom adaptations at Applefields School by September 2021 and the provision of essential administrative space by September 2022 (Option 3) be approved, and that authority be delegated to the Corporate Director of People (in consultation with the Director of Governance or her delegated officers) to take such steps as are necessary to procure, award and enter into the resulting construction contracts.

Reason: To provide sufficient special school places for children and young people with special educational needs and/or disabilities.

(ii) That works to carry out adaptations at Danesgate by September 2022 (Option 3) be approved, and that authority be delegated to the Corporate Director of People (in consultation with the Director of Governance or her delegated officers) to take such steps as are necessary to procure, award and enter into the resulting construction contracts.

Reason: To improve in-city provision for children and young people with SEMH.

### **135. Heslington Neighbourhood Plan - Examiner's Report**

The Corporate Director of Place reported that, since publication of the agenda, Heslington Parish Council had requested an extension of time to 30 September for a decision to be made on the Examiner's Recommendations and progressing the

Heslington Neighbourhood Plan. This had been agreed by the council in accordance with Regulation 17A of the Neighbourhood Planning Regulations. It was therefore requested that this item be deferred.

Resolved: That consideration of this item be deferred until after 30 September 2021.

Reason: To allow time for Heslington Parish Council to consider the matters raised by the Examiner.

### **136. York's Local Transport Plan**

The Corporate Director of Place presented a report which set out a proposed scope, timescale and budget for York's fourth Local Transport Plan (LTP4). The report had been considered by the Executive Member for Transport at a Decision Session on 11 May.

Outcomes achieved against LTP3, which had been in place since 2011, were summarised in paragraph 10 of the report. LTP4 would build on the work already undertaken on initiatives such as My City Centre and the Local Plan, and would complement the strategies being developed for York's Economic Recovery and Carbon Reduction / Climate Change. It would also take account of committed major transport schemes, national and regional policies, and the council's commitments to zero carbon and reducing car use in the city centre and around schools. It would concentrate on a 15-year period with a review every 5 years.

Governance arrangements for LTP4 were set out in paragraphs 25-27. They included a cross-party Member steering group that would make recommendations to the Executive or Executive Member for Transport at key points as the plan developed. A large stakeholder group would also be involved at the close of critical stages. A consultation process for the plan was set out in Annex A to the report, and a GANTT chart showing the stages towards an assumed completion in September 2022 was attached at Annex B.

Having noted the comments made on this item under Public Participation, it was

Resolved: That the approach set out in the report be endorsed.

Reason: To allow timely delivery of York's fourth Local Transport Plan.

**137. Reducing Emissions for First and Last Mile Light Goods Deliveries in York**

The Corporate Director of Place presented a report which sought approval for proposals to use funding of £297,237 awarded by the DEFRA Air Quality Grant Scheme to reduce emissions of nitrous oxide, particulate matter and carbon dioxide associated with delivery vehicles in York.

The award would be used to support two main projects; a feasibility study and a pilot project, as outlined in paragraphs 16-24 of the report and in Annexes 1 and 2. Both would be contracted out, through the council's procurement process. The aim was to address emissions and congestion from the growing number of delivery vans, HGVs and LGVs, especially in the city centre, via the use of low emission transport modes for the first and last mile of delivery. This would assist in delivering the Air Quality Action Plan and support a number of the city's objectives.

The funding would be subject to the UK Subsidy Control Rules, which replaced the European State Aid Rules in December 2020. Legal officers' views on how these rules would be complied with were set out in paragraph 34 of the report.

Having noted the comments made on this item under Public Participation, it was

Resolved: (i) That the funding from DEFRA be accepted, to be used to address emissions associated with deliveries in the city.

(ii) That the plan for the funding, as outlined in the report, and the conditions attached to the funding, be accepted.



(iii) That authority be delegated to the Corporate Director of Place (in consultation with the Director of Governance or her delegated officers) to take such steps as are necessary to procure, award and enter into the resulting contracts.

(iv) That further information on implementation of the scheme, and further details of the pilot scheme, be brought to the Executive in Autumn 2021.

Reason: To support current and ongoing work to improve air quality, support development of York's fourth Local Transport Plan, and contribute to a number of other council priorities.

### **138. York's Response to the National Bus Strategy**

The Corporate Director of Place presented a report which explained how the council would discharge the obligation placed on English local transport authorities (LTAs) to develop a Bus Service Improvement Plan (BSIP) by October 2021.

The National Bus Strategy published on 15 March required either that bus operators form an Enhanced Partnership (EP) with their LTA, or that LTAs commit to franchising bus services in their areas, by the end of June. Failure to do either would mean losing covid bus service support grant. In October, LTAs not taking steps to franchise services must publish a BSIP, in partnership with bus operators, setting out how services would be improved in their areas. Detailed guidance on the BSIP was still awaited from the DfT (Department for Transport).

Initial consultation with bus operators in York had shown a clear preference for the EP delivery model. As explained in the report, the unusual features of York's bus network, and good relations between bus operators and the council, meant that a franchised service would not require such major changes as in other areas. However, procurement timescales meant that moving to a franchised model would not be deliverable within the timeframe. It was therefore recommended that the council notify the DfT of an intention to form an EP with York's bus operators by the end of June, and that a further report be brought to the Executive on the detail and content of the BSIP.

In response to the comments made on this item under Public Participation, officers confirmed that they would contact Cllr Crawshaw regarding the role of Scrutiny in the BSIP.

Resolved: That the approach set out in the report be endorsed.

Reason: To allow timely development of a Bus Service Improvement Plan for York, mitigate against potential loss of covid bus service support grant from July 2021, and enable a Bus Service Improvement Plan to be delivered in time for a decision on its adoption to be made by Executive in September 2021, prior to the DfT's deadline of October 2021.

Cllr K Aspden, Chair

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