

Meeting	Decision Session - Executive Member for Housing, Planning and Safer Communities
Date	18 July 2024
Present	Councillor Pavlovic (Executive Member)
Officers in Attendance	Becky Eades - Head of Planning and Development Services Mark Baldry - Principal Development Projects Officer Pauline Stuchfield - Director of Housing and Communities Anthony Dean - Healthy and Sustainable Homes Manager Michael Jones - Head of Housing Delivery and Asset Management

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### **1. Declarations of Interest (3:33pm)**

The Executive Member was asked to declare, at this point in the meeting, any disclosable pecuniary interests, or other registerable interests he might have in the respect of business on the agenda, if he had not already done so in advance on the Register of Interests. None were declared.

### **2. Minutes (3:33pm)**

Resolved: That the minutes of the previous meeting held on 28 February 2024 be approved and then signed as a correct record by the Executive Member.

### **3. Public Participation (3:33pm)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme; there was also one written representation

The Head of Planning and Development Services read written representation from Cllr Mark Warters on Item 16, in support of the release of s106 funding for Osbaldwick Sports Club.

Keith Cartledge spoke on item 16, representing Osbaldwick Sports Club and supporting the release of s106 funding. He contextualised why this was important to the club.

#### **4. E-petition - Releasing Section 106 Funds to Osbaldwick Sports Club (3:41pm)**

The Executive Member considered a report presented by the Head of Planning and Development and Principal Development Projects Officer.

Officers explained that the purpose of the report was to provide the Executive Member with information and a response to an e-petition the Council received in respect of Section 106 (s106) Agreements, specifically in relation to Osbaldwick Sports Club and planning obligations.

Officers explained that the petition received by the council requested the release of £10,986 s106 funds to the Sports Club from local developments (Derwenthorpe and Burnholme). It also requested further allocation, for the Sports Club, from the potentially available £45,000 from the Burnholme housing scheme from the Derwenthorpe Phase Five s106 agreement.

In response to questions from the Executive Member, officers explained the funding release process and provided the following additional information:

- As part of the s106 agreement, certain triggers must be met in order that funds be released; usually with housing developments, this relates to occupation and in this specific instance the £10,986 would be released on first occupation of the Derwenthorpe development.
- At the time of the Decision Session, the developer was at the construction stage of the process, and there had been one sale. Assuming this sale was progressed without issue to occupancy, at that point the trigger would be met.
- The perceived delay in releasing s106 funds was due to the first batch of houses needing to be built and sold; this had now been achieved, but funding was still subject to first occupation.
- From a legal standpoint, there was no reasonable basis for the Local Authority to request that the developer release any funds prior to the trigger being met.

In respect of the e-petition, there was no legal basis for the council to justifiably request money in advance of occupancy. There is no lack of willingness to give Osbaldwick Sports Club the money.

Resolved: The Executive Member noted the contents of the report within the context of responding to queries that have been raised within the e-petition that was received.

Reason: To ensure that the Executive was made aware of the current position in respect of the queries raised within the received e-petition and the wider context to planning obligations.

#### **5. Leveraging more retrofit investment into York - Energy Company Obligation Wave 4 and Great British Insulation Scheme LA Flex Arrangement (3:52pm)**

The Executive Member considered a report presented by the Director of Housing and Communities, Head of Housing Delivery and Asset Management and the Healthy and Sustainable Homes Manager.

Officers explained the report's aims to improve the offering that the council gave residents and homeowners by:

- Improving their properties
- Maximising their available finances
- Improving energy efficiency measures
- Helping save money on fuel bills
- Reducing carbon emissions
- Contributing towards the council's ambition for York to be a net zero and climate ready city by 2030

They went on to explain that the proposals sought approval for the formation of a partnership with a company called Agility ECO to deliver something called the Energy Company Obligation for Flex, more commonly known as ECO4 funding scheme, an opt-in government funded scheme enabling Local Authorities to access funds to tackle fuel poverty for those on the lower end of the fuel spectrum or with disabilities, offering more to residents at no cost to the council.

In response to questions from the Executive Member, officers provided the following additional information:

- The scheme would principally impact privately owned and rented properties, but there a whole range of qualifying criteria such as income and health which may make people eligible for grant funding through the ECO4 scheme.
- Qualifying groups of individuals would be informed via the Statement of Intent, the council's website, a publicity press release and planned events, all of which would create publicity and awareness. Information could also be circulated in the free Local Link magazine.

Resolved: That Option 1 set out in paragraph 27 of the report be approved, incorporating all four recommendations outlined in paragraph 14, to approve the proposed Statement of Intent for publication, support the creation of a partnership with Agility ECO.

Reason: This provided the most comprehensive response to the ambitions to improve the energy efficiency of homes in the city, which will maximise the reduction in carbon emissions and maximise the benefits for residents through warmer homes which are more energy efficient and more affordable to heat.

Cllr Michael Pavlovic, Executive Member  
[The meeting started at 3.32 pm and finished at 4.03 pm].