

Meeting	Executive
Date	22 November 2022
Present	Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Smalley, Waller and Widdowson
Apologies	Councillor Runciman
In Attendance	Councillor Douglas
Officers In Attendance	Ian Floyd – Chief Operating Officer Bryn Roberts – Director of Governance and Monitoring Officer Debbie Mitchell – Chief Finance Officer Neil Ferris – Corporate Director of Place Martin Kelly – Corporate Director of Children & Education James Gilchrist – Director of Environment, Transport & Planning Michael Melvin – Director of Adults Safeguarding Pauline Stuchfield – Assistant Director, Customer Services & Digital Claire Foale – Assistant Director, Policy & Strategy Maxine Squire – Assistant Director, Education & Skills Simon Brereton – Head of Economic Growth Shaun Gibbons – Head of Carbon Reduction Helen Whiting – Head of HR Peter Roderick – Consultant in Public Health Ruth Hine – Public Health Specialist Practitioner, Advanced Helene Vergereau – Traffic & Highway Development Manager Christian Wood – Smart Transport Programme Manager

PART B - MATTERS REFERRED TO COUNCIL

57. 10 Year Strategies (18:14)

[See also under Part A]

The Chief Operating Officer and the Assistant Director, Policy & Strategy, presented a report which detailed the development of a 10-year Strategy and Policy framework comprising the Climate Change, Economic and Health and Wellbeing 10 year strategies and the emerging 10 year City Plan. Members were asked to review the strategies and recommend that Council adopt the framework.

The three inter-dependent strategies had been developed after an extensive 18-month programme of resident, business and stakeholder engagement and were informed by existing and emerging national and local policies, as set out in the report. A summary of resident feedback was attached at Annex A. The three strategies had been made available to view online as Annexes B, C and D respectively.

The Chair thanked all those involved in developing the strategies, which responded to a series of challenges facing the city including integrated care, levelling up and climate change, and would guide future work in achieving long-term ambitions. In supporting the recommendations, the Executive Member for Environment & Climate Change highlighted York's award of a 'A' Rating for climate action leadership by the Carbon Disclosure Project. In response to matters raised under Public Participation, officers confirmed that they were looking at the data modelling but needed to be sure that a 'bottom up' approach would improve on the current scatter tool process before adopting it.

Recommended: That Council adopt the 10 year Strategy and Policy framework, which comprises the Climate Change, Economic and Health and Wellbeing 10 year strategies and the emerging 10 year City Plan.

Reason: To engage partners, city leaders, businesses, stakeholders and residents to work together on key agreed priority areas that aim to actively improve the quality of life for all York's residents.

58. Pavement Café Licence Update (19:07)

[See also under Part A]

The Director of Transport, Environment & Planning presented a report which proposed changes to City of York Council's pavement café licensing guidance and process, following the completion of a review of the current licensing guidance, as approved by Executive on 28 July 2022 (Minute 19 of that meeting refers).

The current guidance had been implemented under emergency government legislation in response to Covid, enabling pavement café areas to be licensed to cover the whole pavement in some streets where traffic was restricted. While beneficial to businesses, this had had an impact on access. Independent consultants Mima had been appointed in September to identify and review these issues. Their report, produced after consultation with the disabled community, was attached at Annex A. Options for the Executive in respect of pavement café location (Theme 1), updating the guidance document (Theme 2) and counter-terrorism training (Theme 3) were set out in paragraphs 33-35 of the officer report. Options not recommended are summarised briefly below:

- Option 1b) – allow pavement cafes to take the whole footway in certain footstreets in pedestrianised hours.
- Option 1c) – as above, but with temporary ramps.
- Option 1d) – no long-term use of parking bays for pavement café licences.
- Option 3a) – provision of additional information on the Protect Duty and its implications for licence holders and staff.

A letter summarising the options proposed had been sent to all pavement café licence holders and business groups on 9 and 10 November, inviting them to provide feedback. Officers reported that they had received responses from 10 businesses to date, mostly in support of option 1b), and confirmed that they would collate any further responses received and inform Members before the Full Council meeting on 15 December.

In response to matters raised under Public Participation, officers confirmed that enforcement, and helping businesses to comply with licensing conditions, was a priority. The Executive Members for Economy & Strategic Planning and Transport having spoken in support of the recommended options, it was

Recommended: (i) That the following changes be made to local guidance used in the determining of pavement café licenses under the Business and Planning Act 2020:

- a) Cafés only allowed on footways if 1.5m width remains for people to get past (width increased to 2m in high footfall areas, for example busy junctions, near bus stops, etc). In footstreets with access level between footways and carriageway (for example Coney Street), licences may be issued for pavement cafes to cover the full width of the footway. If a licence is refused under the Business and Planning Act it would be possible for the applicant to use the planning permission process (and licensing under Highways Act Part 7A) to seek permission for a pavement café area. If a permission and a licence were to be granted under this process, adequate access mitigations would be conditioned through the planning permission on a case-by-case basis and all costs associated with required highway improvements would need to be borne by the applicant.
- b) Café areas can be allowed in on-street parking bays, where sufficient parking and loading capacity remains (including for Blue Badge holders) and the café area can be protected from passing traffic (if required). The licence holder will be required to cover all associated costs (changes to the permanent TRO, changes to the kerb line/protection measures).
- c) To require the named licence holder to have completed the ACT Awareness E-learning course and provide additional information to licence holders on the Protect Duty.
- d) To adopt the updated guidance document (Annex B) and proposals for

additional information to be provided. Key changes are: updated barriers requirements and specifications, updated access width requirements, strengthened enforcement process, reintroduction of a £100 charge per licence. Additional information to be provided includes: design and set up guidance for licence holders, advice and support on 'How to set-up your pavement cafe area', and information on hospitality venues' duties under the Equality Act. Pavement café licence holders will be written to – to notify them of the changes.

Reason: To clarify the criteria against which pavement café applications will be assessed and mitigate the impact of some pavement cafes on accessibility and to clarify the criteria against which pavement café applications will be assessed and the standards licence holders will be expected to meet and provide additional support and guidance to licence holders.

(ii) That the Policy for Pavement Cafes under the Business and Planning Act 2020 be reviewed by the Licensing & Regulatory Committee and be added to the list of functions of that committee. Officers will continue to determine applications made under that policy.

Reason: So that the Licensing & Regulatory Committee can review the policy.

59. Capital Programme - Monitor 2 2022/23 (20:26)

[See also under Part A]

The Chief Finance Officer presented a report which set out the projected outturn position for of the council's capital programme for 2022/23, including any under/over spends and adjustments, along with requests to re-profile budgets to/from current and future years.

A decrease of £38.193m on the current approved programme was reported, resulting in a revised programme for 2022/23 of £154.557m. There was an increase of £6.094m and a re-profiling of budgets to future years of £44.287m in total. Variances against each portfolio area were set out in Table 1 at paragraph 19 of the report and detailed in paragraphs 20-71. The revised 5-year programme resulting from these changes was summarised in Table 2 at paragraph 72 and detailed in Annex A.

The Executive Member for Finance & Major Projects highlighted the continued progress made in respect of schools, the housing programme and libraries. The Chair noted that all councils faced a difficult year ahead in terms of their budgets and that York continued to make the case to government for long-term solutions.

Recommended: That Council approve the adjustments resulting in a decrease in the 2022/23 budget of £38.193m, as detailed in the report and contained 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 5.32 pm and finished at 8.42 pm].