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Meeting	Executive
Date	9 December 2021
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley and Waller
Apologies	Councillor Widdowson
In Attendance	Cllr Douglas (in place of Cllr Kilbane)

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#### **64. 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 additional interests were declared.

#### **65. Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Annex 3 to agenda item 6 (Securing the Future of the Bootham Park Hospital Site) 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).

#### **66. Public Participation**

It was reported that there had been 5 registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on matters within Executive's remit. She sought clarification of the consultation process on the council's budget papers and voiced concerns regarding the proposal in

Item 8 to sign up to the MoU (Minute 71 refers), which she considered to be a bid for recognition by the Executive Member.

Cllr Fisher spoke on Agenda Item 5 (Haxby Station – Site Selection), as Ward Member for Strensall. He supported the proposals in the report, stressing that access to the station was critical, including adequate bus links as well as car parking.

Cllr Pearson also spoke on Item 5, as Ward Member for Haxby & Wigginton. He highlighted the key concerns expressed by those residents who had contacted him about the station and asked that officers take these into account as the process moved forward.

Cllr Pavlovic spoke on Item 7 (Housing Delivery Action Plan). He criticised the current housing policy as a failure of vision, contrasting it with the record of previous Labour administrations and stressing the need for planning consents to get houses built.

Hon. Alderman Brian Watson spoke on Item 10 (Lord Mayoralty 2022/23), supporting the proposal in the report to allow the nominee time to consider, in the context of the difficulties faced generally by Independent Members.

Written representations were received from the following residents of Haxby in respect of Agenda Item 5:

- David Farnsworth, supporting the Site 2 option in the report on the grounds that it would bring many travel benefits to the local and wider area as well as preserving green space in Haxby;
- Tony and Carol Howit, objecting to the Site 2 option, on the grounds that it was on green belt / floodplain land and would increase traffic noise and congestion on Towthorpe Road.

## **67. 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.

## 68. Haxby Station – Site Selection

The Director of Transport, Environment & Planning and the Senior Transport Manager presented a report which provided an assessment of the two potential locations for the new rail station at Haxby and asked Members to select a preferred site to take forward for further development.

The background to the Haxby Station project had been reported to Executive on 30 September 2021 (Minute 41 of that meeting refers). Since then, four additional sites had been considered and assessed for suitability but only two sites – Station Road (Site 1) and Towthorpe Road (Site 2) – had been assessed as feasible. Plans and assessments of both sites were annexed to the report.

The following options were detailed in report paragraphs 13-38:

**Option 1** – Approve the Site 1 (Station Road) location. Not recommended due to the risks and costs of the land acquisition and concerns regarding timing and planning consent.

**Option 2** – Approve the Site 2 (Towthorpe Road) location. This was the recommended option, as it presented the strongest case in terms of the key issues of land acquisition and constructability, and for the granting of funding to deliver the station.

**Option 3** – Do nothing. Not recommended, as it would not achieve delivery of a station at Haxby.

In presenting the report, officers indicated that they wished to delete the reference in paragraph 16 to an issue with the land to the east of Site 1, as this had been negated by recent correspondence with the landowner. Members welcomed the proposals and the investment in rail, noting the public support for a station at Haxby and acknowledging the tight timescales for access to funding. Having taken into consideration the comments made under Public Participation and the written comments, it was

Resolved: (i) That the decisions made at Executive on 30 September 2021 concerning the Haxby Station project be noted.

(ii) That the deletion of the second half of paragraph 16 of the report (*from 'Furthermore' onwards*), as reported at the meeting, be noted.

(iii) That Site 2 – Towthorpe Road be approved as the preferred location for a station in Haxby to take forward for further development.

(iv) That the further public consultation planned to be undertaken during the next development stage, to understand any local concerns and the measures which should be considered to mitigate any impact of progressing the preferred site, be noted.

(v) That it be noted that further reports will be brought to Executive to update Members on progress.

Reason: To afford City of York Council the best opportunity to progress this project and present the strongest case possible to Central Government (the Department for Transport; and Treasury) for the granting of funding to enable the full delivery of a new rail station at Haxby.

## **69. Securing the Future of the Bootham Park Hospital Site**

The Director of Housing, Economy & Regeneration presented a report which set out the terms negotiated with NHS Property Services Limited, Enterprise Retirement Living Limited and the York and Scarborough Teaching Hospitals NHS Foundation Trust (District Hospital Trust) to help secure the future of the former Bootham Park Hospital (BPH) site, and sought approval for a series of legal agreements and leases relating to public use of land around the site.

On 21 January 2020, Executive had agreed that the council would use its rights as the owner/landlord of a strip of access road to the combined District Hospital Trust and BPH site to secure beneficial public use of the parkland in front of the hospital building, improved pedestrian and cycle routes through the site, and the delivery of homes and services. Negotiations had now been concluded, and the outcomes secured, including £1.9m investment in the public realm, were detailed in the report.

Members welcomed the report and the Chair thanked everyone involved in reaching this point, including those who had shared

their views during extensive public engagement in 2018 and 2019.

Resolved: (i) That the good progress made by officers in negotiating and securing the desired outcomes of continued beneficial use of the parkland and improved pedestrian and cycle routes through the Combined Site required from the redevelopment of the BPH Site, as identified by citizens and stakeholders during extensive public engagement in 2018 and 2019, be noted.

Reason: To confirm that the aspirations of citizens and stakeholders concerning beneficial use of the parkland and improved pedestrian and cycle routes through the Combined Site can be secured.

(ii) That it be noted that, as part of the negotiated agreements, a financial consideration will be paid to the council in exchange for the council granting ERL a lease of the Accessway for a term of 999 years (“the Accessway Lease”).

Reason: To confirm that best value consideration has been secured.

(iii) That approval be given to establish a set of legal Agreements and Leases, as set out in the Legal Implications section of the report and in Annex 2, in order to:

- a. grant the Accessway Lease;
- b. receive the payment of a Premium and the proceeds pursuant to the terms of an Overage Share Agreement;
- c. secure, for a 999 year term, public access to and use of the majority of the Parkland in front of the hospital buildings as well as sport and curriculum use;
- d. secure the right of access for pedestrians and cyclists at all times and for all purposes through the Combined Site; and
- e. by way of a Development Agreement, the improvement of the Parkland, the

pedestrian and cycle paths and the railings that surround the BPH Site.

(iv) That authority be delegated to the Director of Housing Economy and Regeneration, in consultation with the Executive Member for Finance and Performance and the Executive Member for Transport, to agree the final specification of the Pedestrian and Cycle Path Works,.

(v) That authority be delegated to the Director of Governance, in consultation with the Director of Housing Economy and Regeneration, to finalise the terms of and for the council to enter into these Agreements and Leases.

Reason: So that the council can secure beneficial public use of the majority of the parkland in front of the hospital building and improved pedestrian and cycle routes through the Combined Site, delivering on the priorities of York citizens and stakeholders as expressed during extensive consultation in 2018 and 2019.

## **70. City of York Planning Policy Housing Delivery Action Plan**

The Corporate Director of Place and the Development Officer, Forward Planning presented a report which sought approval for the council's first Planning Policy 'Housing Delivery Action Plan' (HDAP), prepared in response to the Government's introduction of the Housing Delivery Test (HDT) in November 2018.

The HDT measured the number of new homes actually delivered in the Local Planning Authority (LPA) area over the past 3 years as a percentage of those that should have been delivered. York's result in 2020 showed that the council had delivered 83.7% of the city's net requirement, which meant that an HDAP must be published. The draft HDAP, at Annex A to the report, set out the context of York's housing market and outlined a range of measures for the council's continued support of housing delivery, including working with housing associations and developers to maximise delivery in line with the emerging Local Plan.

In response to matters raised under Public Participation, officers confirmed that:

- targets were close to being met, even during 2019/20 with the difficulties caused by the pandemic;
- 97.7% delivery had been achieved against the Local Plan requirement, as stated in paragraph 12 of the report;
- the granting of planning permission did not necessarily result in developments.

The Executive Member for Finance & Performance and the Executive Member for Housing & Safer Neighbourhoods expressed their support for the proposals, and it was

Resolved: (i) That Housing Delivery Action Plan be approved and its implementation across corporate teams be supported.

Reason: To ensure that the council complies with its duties as set out within the NPPF and PPG (setting out appropriate actions for the council to consider and explore in the short, medium and long term in an attempt to increase housing supply and delivery) and to fulfil the council's approach for 'creating homes and world-class infrastructure' within the Council Plan 2019 – 2023.

(ii) That authority be delegated to the Executive Member for Economy & Strategic Planning to sign off the publication version of the HDAP.

Reason: To agree the presentation of the publication version of the HDAP.

#### **71. Housing Energy Efficiency Programme Update - Utilising Grant Funding to Deliver Additional Retrofit Works**

The Corporate Director of Place and the Head of Housing Delivery & Asset Management presented a report which provided an update on works to reduce carbon emissions within the housing sector in York and the sub-region, following the launch of the Housing Energy Efficiency Programme in December 2020 and a number of successful grant applications.

The report gave an update on projects currently under way to deliver energy efficiency improvements across all housing

tenures, along with opportunities for using additional grant funding for further retrofit works to reduce carbon emissions and fuel poverty. Members' approval was sought to procure a new retrofit delivery partner to undertake improvement works, and to enter into a Memorandum of Understanding (MoU) with the United Nations to support York becoming an International Centre of Excellence on High Performance Buildings. The MoU was attached at Annex 1.

In response to matters raised under Public Participation, officers pointed out that no legal obligations were attached to the MoU. In supporting the proposals, the Executive Member for Housing & Safer Neighbourhoods commended officers for their work on securing grants and noted that being an International Centre of Excellence was about exchanging research, experience and learning as a vital part of rising to the challenge of climate change.

- Resolved:
- (i) That the progress in securing funding under the LAD1B and LAD 2 rounds of the programme, including the challenges and risks associated with delivering works utilising short term funding and the progress in drafting an energy efficiency strategy document, be noted.
  - (ii) That the offer of additional grant funding of £2,380k under the LAD 3 funding round be noted.
  - (iii) That the submission of a grant application for £280k under the Social Housing Decarbonisation Fund be noted and, and if it is successful, that authority to accept this grant offer be delegated to the Director of Housing, Economy and Regeneration in consultation with the Executive Member for Housing and Safer Neighbourhoods.
  - (iv) That approval be given to use £353k of the approved £2m HRA Energy Efficiency Capital Programme budget to match fund the Social Housing Decarbonisation Fund grant (if successful), in order to deliver retrofit works to around 28 of the least energy efficient council houses.



(v) That the use of £440k of HRA investment to match fund LAD 2 grant funding to deliver solar PV installations on up to 50 council homes be noted.

(vi) That approval be given to procure a new retrofit delivery partner to undertake improvement works in accordance with the grant offers under the LAD3 and Social Housing Decarbonisation Fund (if successful), and that authority be delegated to the Corporate Director of Place (in consultation with the Director of Governance and S151 Officer) to take such steps as are necessary to procure, award and enter into the resulting final contract(s).

(vii) That approval be given to enter into a Memorandum of Understanding (MoU) with the United Nations to support York becoming an International Centre of Excellence on High Performance Buildings.

Reason: In order to tackle fuel poverty and to meet the ambition of York being carbon neutral by 2030, both reducing energy demand through building fabric upgrades and switching to low carbon/renewable forms of heating and energy generation across all tenures.

## **72. Domestic Abuse Act 2021**

The Director for Public Health and the Nurse Consultant in Public Health presented a report which provided an update on the introduction of the Domestic Abuse Act 2021 (the Act) and the new statutory responsibilities for local authorities under the Act, and sought approval of proposed governance arrangements for a new statutory Domestic Abuse Local Partnership Board.

The Act had come into force on 29 April 2021. Details of its aims and provisions were set out in paragraphs 5-10 of the report. It placed statutory duties on upper tier and unitary local authorities to provide support for victims of domestic abuse and their children, and to establish a multi-agency Domestic Abuse Local Partnership Board. In York, this latter function was currently provided by the Domestic Abuse Joint Co-ordination Group for York & North Yorkshire. An independent assessment

of the council's readiness to undertake the requirements of Act had been commissioned, resulting in the advice attached at Annex 1. This presented a number of recommendations, including options for a new governance structure.

Members were asked to consider the following options, as detailed in paragraphs 18-22 of the report:

**Option 1** – do nothing. Not recommended, as current arrangements did not fulfil the requirements of the Act.

**Option 2** – establish a joint North Yorkshire and City of York Domestic Abuse Local Partnership Board. Not recommended, as it could result in York's needs being overlooked.

**Option 3** – establish a City of York Domestic Abuse Local Partnership Board. Not recommended, as it would not ensure a continued common approach across services.

**Option 4** – Establish a City of York Domestic Abuse Local Partnership Board with joint strategic commissioning. This was the recommended option.

In supporting the recommendations, the Executive Member for Health & Adult Social Care welcomed the establishment of a new Board, thanked officers for their work and noted that proposals for a new domestic abuse strategy would come to Executive in due course.

Resolved: (i) That the council's new statutory duties under the Domestic Abuse Act 2021 be noted.

(ii) That the proposed governance arrangements set out in option 4 at paragraph 22 of the report be approved, namely:

'Establish a City of York Domestic Abuse Local Partnership Board together with joint strategic commissioning across City of York Council, North Yorkshire County Council and Office of Police, Fire and Crime Commissioner for North Yorkshire.'

(iii) That the chairing of the York Domestic Abuse Local Partnership Board be delegated to the Director of Public Health.

Reason: to ensure that the council's new statutory duties and responsibilities are delivered.

**73. Lord Mayoralty 2022/23**

The Director of Governance presented a report which invited Members to consider the points system for the annual nomination of the Lord Mayor of York and to formally confirm who would qualify for nomination as Lord Mayor for the 2022 - 2023 municipal year.

The situation under the current points system was set out in the table at paragraph 5 of the report. This showed that the Independent Member, Cllr Warters, had a total of 10 points and would qualify for the Lord Mayoralty in 2022-23. Cllr Warters had indicated that he wished to consider his position over the Christmas break. It was confirmed that there was sufficient time to wait until the New Year before formally announcing the Lord Mayor Elect.

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

Resolved: That Cllr Warters be invited to consider accepting the nomination for Lord Mayor for 2022/2023, in line with the accumulated points system as set out in the report.

Reason: To ensure that the Council adopts an appropriate method by which to nominate Lord Mayors for Office.

Cllr K Aspden, Chair

[The meeting started at 5.30 pm and finished at 6.57 pm].