

Executive

Thursday, 18 July 2024

Decisions

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 18 July 2024. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Services no later than 4pm on 25 July 2024.

If you have any queries about any matters referred to in this decision sheet please contact Robert Flintoft.

6. Finance & performance outturn

Resolved:

- i. Noted the finance and performance information;
- ii. Noted the use of the contingency and earmarked reserves to fund the overspend of £3.6m;
- iii. Approved the £591k savings identified during the year and outline in paragraphs 89 to 91 of the report as part of the review of early intervention and prevention activities across the Council;
- iv. Approved the business rates write offs outlined in paragraphs 29 to 32 of the report.

Reason: To ensure expenditure is kept within the approved budget.

- v. Approved the extension to April 2026 for the letter of credit to York Museums Trust as outlined in paragraphs 24 to 26 of the report;
- vi. Approved the provision of a letter of guarantee to the York Theatre Royal, providing them with access to a maximum of £426k over the next 2 years should it be required as outlined in paragraphs 27 to 28 of the report.

Reason: To secure the financial viability and confidence in the Theatre Royal through its change programme

7. Capital Programme outturn

Resolved:

- i. Noted the 2023/24 capital outturn position of £98.377m and approved the requests for re-profiling totalling £23.054m from the 203/24 programme to future years;
- ii. Noted the adjustments to schemes increasing expenditure in 2023/24 by a net £1.708m;
- iii. Recommend to Full Council the restated 2024/25 to 2028/29 programme of £421.368m as summarised in Table 3 and detailed in Annex 1 to the report;
- iv. Agreed to a contribution of £200k from capital contingency to the York Museum Trust to fund roof works at York Castle Museum.

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

8. Treasury Management 23/24 outturn and Prudential Indicators

Resolved:

- i. Noted the 2023/24 performance of treasury management activity;
- ii. Noted the Prudential Indicators outlined in Annex A and note the compliance with all indicators.

Reason: To ensure the continued effective operation and performance of the Council's Treasury Management function and ensure that all Council treasury activity is prudent, affordable and sustainable and complies with policies set.

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the 2023/24 financial year, the Council has operated within the Treasury and Prudential Indicators set out in the Council's Treasury Management Strategy Statement for 2023/24.

There are no policy changes to the Treasury Management Strategy Statement 2023/24 for members to agree and approve; the details in this report update the Treasury Management position and Prudential Indicators in the light of the updated economic position and budgetary changes already approved.

9. Local Transport Strategy

Resolved:

- i. Approved the new policy framework for Transport across the City by approving the Local Transport Strategy (Annex A). Noted the feedback in the Our Big Transport Conversation and, the support for the strategy and the identification of the areas of the city residents find most challenging, and why (Annex B).

Reason: to articulate the transport vision, objectives and outcomes of the city.

- ii. Adopted the recommendations to shape a more accessible city centre developed in consultation with the disabled community and local businesses (Annex C);
- iii. Considered and noted the Equalities Impacts of the independent recommendations made on accessibility (Annex D) and on the Local Transport Strategy (Annex G);
- iv. Noted the report, sharing best practice from other cities who have made their places more accessible (Annex E) collated by MIMA.

Reason: To ensure accessibility is considered at every step of decision making across the Council.

- v. Approved the summary of the Movement and Place Plan approach as per that detailed in (Annex F) as the basis for future transport planning in York and instruct officers to commence work on a Movement and Place Plan for York (including a bid to the Mayoral Combined Authority for funding), and a five year Implementation Plan for York's Transport –

both for presentation to Executive for approval at a later date.

Reason: To co-design, with residents, businesses, community groups, elected members, and health and care partners, the Movement and Place Plan which will deliver better health, climate, access and equalities outcomes for York and to guide transport implementation in York over the next five years.

10. Combined Authority Key Route Network

Resolved:

- i. Approved Option 3's (found in the report) proposals for a Key Route Network in the City of York Council area ahead of submission for approval to the York and North Yorkshire Combined Authority;
- ii. Noted the linked Key Route Network being developed by North Yorkshire Council.

Reason: To support the future improvement of City of York Council's strategic highway links and local delivery of Movement and Place Plan priorities.

11. Acomb Front Street – Phase 2 Update

Resolved:

- i. Approved the high-level principles set out for the phase 2 scheme design as detailed in Table 3, reconfirming Executive's agreement to allocate £570k of UKSPF monies to Acomb and instruct officers to finalise project designs and costings on this basis.

Reason: In October 2023, it was agreed that an update on Phase 2 would come back to Executive for their consideration following public engagement. Phase 2 timescales are tight because delivery against UKSPF spend deadlines is extremely challenging (March 25). This progress report brings forward as much as detail possible for Executive to agree the high-level principles, thus allowing the scheme

design and costings to be finalised in time for a planned start on site by the end of September 2024.

- ii. Delegated authority to approve the recommendations on the final costed scheme design be to the Executive Member for Economy & Culture, to be made at a public decision session in September 2024.

Reason: Delivery against UKSPF spend deadlines is extremely challenging (March 25). This progress report brings forward as much as detail possible for Executive to agree the high-level principles, however additional work is still required to finalise designs and costings. It is crucial the learnings and analysis generated from the quantum of engagement responses are reflected in the final designs, and thereby addresses community concerns/ future aspirations.

- iii. Given the tight spending timescales of the UKSPF funding, agree a number of practical next steps to enable officers to commence further necessary preparatory work ahead of final scheme design/costing decisions being made in September 2024, namely:
 - (a) that work be progressed on the scope, design and procurement of seating/planting, wayfinding/signage and the local 'place-making/identity' elements of Phase 2 e.g. public art/mural(s), and that alternative funding options for this work also be investigated, and to delegate authority to the Director of Housing, Economy & Regeneration (in consultation with the Head of Procurement and the Director of Governance) to take such steps as are necessary to procure, award and enter into the resulting contracts.

Reason: Reason, to allow necessary preparatory work to progress and to reduce risks around the tight UKSPF delivery timescales for these elements of the project.

(b) approved commencement of work to enable the statutory consultation for two new Traffic Regulation Orders (TRO's) required for the proposed new disabled parking area at York Road layby and 20mph speed restriction in main shopping area of Front Street, and to delegate authority to approve the implementation of the TRO's to the Executive Member for Economy & Culture (in consultation with the Executive Member for Transport) when considering the final scheme in September 2024.

Reason: Statutory Consultation for a Traffic Regulation Order is required to engage with local traders and businesses to identify any risks or mitigations required to the proposals. There is a 6–7- week lead time with this consultation, commencement of this work prior to consideration of final design in September avoids delay to construction programme and implementation.

(c) asked officers to commence discussions with Make it York to explore the potential for amending the licence for Acomb Front Street Market granted under the Markets Charter for York, to allow a possible future increase in the frequency of market activity in Acomb, and to delegate authority to the Executive Member for Economy & Culture to determine any recommended future amendments to the licence in this regard.

Reason: Initial 3-month market trial has been successful with positive feedback received from residents, local businesses, and traders. The artisan market enhances existing retail offering, increasing market frequency would deliver against the community's desire for more activity and potentially offer scope to involve the community in events.

The Markets Charter for York has existed since 1316. The purpose of the Charter is to ensure that the Shambles Market is the principal market for York. As such, no markets are permitted within a six

and two-thirds mile of the Shambles Market unless they are on a trial basis or unless the Council agrees to a licence under the Charter. Acomb was granted its licence under the Markets Charter in 2016. Any future changes to frequency of markets in Acomb will need to be properly considered in this context and require further advice from officers within Legal Services and Licensing Services.

12. Results of Air Quality Action Plan 4 (AQAP4) Consultation

Resolved:

- i. Review and noted the comments received in relation to the AQAP4 consultation (see Annex C);
- ii. Approved the amendments to the draft AQAP4 and responses made by officers in response to consultation feedback (outlined in this report and in Annex C)
- iii. Agreed to formerly adopt the amended AQAP4 circulated with this report as CYC's Fourth Air Quality Action Plan (Annex A) and submit a final version of the document to DEFRA.

Reason: Adoption of AQAP4 will allow CYC to fulfil its statutory duties required by the Local Air Quality Management (LAQM) framework under the Environment Act 1995 (as amended). It will ensure that York continues to have a robust, current and relevant Air Quality Action Plan to deliver emission reduction and health improvement benefits over the next 5-year period.

13. City of York Trading – Creation of a New Company for the Provision of Agency Workers

Resolved:

- i. Further to Article 12 of the Council of the City of York's Constitution, approve the formation of a new Teckal compliant company for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers to Council of the City of York;

- ii. Approved the novation of the Council of the City of York's current Contract dated 7th September 2023 for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers with the current Teckal company, City of York Trading Limited, to the New Company;
- iii. Approved City of York Trading Limited making an Inter- Company Loan to the New Company of up to £500,000 to cover the initial licensing, the first month payroll and HMRC costs for the New Company, pending payment of the initial invoice under the Contract for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers by Council;
- iv. Delegated authority to the Director of Governance to negotiate, draft and conclude with City of York Trading Limited all necessary documentation linked to the formation of the New Company including (but not limited to) the New Company's Articles of Association, Shareholder's Agreement, the Novation of the Contract dated 7th September 2023 for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers between the Council of the City of York and the City of York Trading Limited to the New Company, and the Inter-Company Loan between City of York Trading Limited and the New Company.

Reason: To ensure that the Teckal compliant New Company can deliver candidates for direct engagement and agency workers to CYC in compliance with Reg. 12(1) of the Procurement Regs (and Schedule 2, Part 1, Para 2 of the Procurement Act 2023 once this comes into force later in 2024).

To ensure that CYT can continue to support CYC, whilst enabling the expansion of Work with Schools, Work with Yorkshire, and Williams & Anthony to maximise commercial opportunities and the potential dividend to CYC .

14. Council house acquisitions and disposals policy

Resolved:

- i. Approved the adoption of the Housing Revenue Account Acquisitions and Disposals Policy attached at Appendix A;
- ii. Approved the delegated authorities set out in the Housing Revenue Account Acquisitions and Disposals Policy to enable the acquisition and disposal of council homes which meet the criteria set out in the policy;
- iii. Noted that updates on acquisitions and disposals will be included in future Housing Delivery Programme Executive updates.

Reason: To enable the acquisition and disposal of council homes which meet the criteria set out in the policy

15. Update on the Housing Delivery Programme including making strategic use of land assets

Resolved:

Lowfield Green Plot B

- i. Agreed to dispose of the Lowfield Plot B site, by freehold transfer or grant of a long lease, to a Registered Provider for the delivery of age-appropriate affordable housing for residents aged over 55;
- ii. Delegated authority to the Director of Housing and Communities in consultation with the Executive Member for Housing, Planning and Safer Communities and Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion to agree the final weighting of the criteria for the disposal of the Lowfield Plot B site.
- iii. Approved the carrying out of a procurement process to procure a Registered Provider to deliver the Lowfield Plot B scheme and to delegate to the Director of Housing and Communities (in consultation with the Head of Procurement and the Director of Governance) the authority to take such

steps as are necessary to procure, award and enter into the resulting contract(s).

Castle Mills

- iv. Noted the interest from the Registered Provider in developing the Castle Mills site for 100% affordable housing and agree to enter a Memorandum of Understanding to grant them an exclusivity over the site for a 4-month period to allow them to undertake further feasibility work with the aim of disposing of the site for affordable housing.

Former Morrell House site

- v. Agreed to dispose of the site, by freehold transfer or grant of a long lease, to a Registered Provider for the delivery of 100% affordable housing schemes;
- vi. Delegated authority to the Director of Housing and Communities (in consultation the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement(s).

Procuring an operator to provide benefits for residents of Marjorie Waite Court and the surrounding community

- vii. Approved the procurement of an operator to provide facilities (including, but not limited to, catering, communal dining, a beauty salon and a community hall) at Marjorie Waite Court under a concession contract, along with a lease, for a term of up to 10 years with break and/or extension points at reasonable intervals within that term and delegate to the Director of Housing and Communities (in consultation with the Director of Governance and the Head of Procurement or their delegated officers) the authority to take such measures as are necessary to determine the terms of the arrangements and to procure, award and enter into the resulting contract and lease.

Disposal of Assets Considered Surplus and not Suitable for Affordable Housing Delivery

- viii. Agreed to dispose of the freehold interest in 22 The Avenue and delegate authority to the Director of Finance (in consultation with the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement;
- ix. Agreed to dispose of a 999-year leasehold interest in the 5 No 1 bed flats and communal areas serving such, at Shambles and delegated authority to the Director of Finance (in consultation with the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement;
- x. Agreed to release the development obligations and overage provisions currently contained within the existing Development Agreement at Hungate, in respect of the site previously sold to Hungate (York) Regeneration Limited, in consideration of a capital premium as detailed in the Confidential Appendix and delegated authority to the Director of Finance (in consultation with the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement.

Reason: To review the Housing Delivery Programme and approve the use of strategic land assets.