

**Notice of a public meeting of
Executive**

To: Councillors Gillies (Chair), Aspden, Ayre, Brooks, Dew,
K Myers, Runciman and Waller

Date: Thursday, 20 December 2018

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West
Offices (F045)

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday, 24 December 2018.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 1 - 16)

To approve and sign the minutes of the last Executive meeting, held on 29 November 2018.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday, 19 December 2018**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <https://www.york.gov.uk/webcasts> or, if recorded, will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. **Forward Plan** (Pages 17 - 24)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. **Planning for the Possibility of a "No-deal" Brexit - Update** (Pages 25 - 34)

The Chief Executive to present a report which highlights the work undertaken by officers since the last update in October to anticipate and prepare for the possibility of a 'no deal' exit from the EU.

6. Rufforth With Knapton Neighbourhood Plan (Pages 35 - 60) – Referendum Result and Adoption

The Corporate Director of Economy & Place to present a report which informs Members of the outcome of the referendum on the Rufforth With Knapton Neighbourhood Plan and recommends that the Plan is formally 'made' and brought into force as part of the Development Plan for York.

7. A1237 Outer Ring Road - Dualling Update (Pages 61 - 74)

The Corporate Director of Economy & Place to present a report which provides an update on the progress of plans to increase the capacity of the A1237 Outer Ring Road and seeks approval of proposed funding arrangements for the first phase and for further development of the scheme.

8. Construction Charter (Pages 75 - 80)

The Deputy Chief Executive / Director of Customer & Corporate Services to present a report which seeks approval to introduce a minimum standards charter for construction projects procured by the council.

9. Social Value Policy (Pages 81 - 94)

The Deputy Chief Executive / Director of Customer & Corporate Services to present a report which seeks approval for a corporate social value policy, to communicate the council's approach to social value, both internally and to residents, suppliers and other stakeholders.

10. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Executive
Date	29 November 2018
Present	Councillors Gillies (Chair), Aspden, Ayre, Brooks, Dew, K Myers, Runciman and Waller
In Attendance	Councillors Kramm (substituting for Cllr D'Agorne) and Looker

Part A - Matters Dealt With Under Delegated Powers

62. 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.

63. Minutes

Resolved: That the minutes of the Executive meeting held on 18 October 2018 be approved and then signed by the Chair as a correct record.

64. Public Participation

It was reported that there had been 7 registrations to speak at the meeting under the Council's Public Participation Scheme.

Richard Clark spoke on Agenda Item 5 (York Central Enterprise Zone Investment Case), as a local resident and retired housing regeneration professional. He expressed the view that the council should take more control of the development, as their contribution and risk was greater than that of the other partners, and that only 7% of the housing provision on the site would be truly affordable.

Tamsin Hart-Jones spoke on Agenda Item 5 on behalf of York Central Partnership (YCP). She fully supported the recommendations in the report, noting that all the YCP partners

had committed resources to the project and some of these were at risk.

Lyn Langford spoke on Agenda Item 5 on behalf of York Central Action and as a Holgate resident. She voiced concern that the proposals had been brought forward prematurely, before issues relating to traffic congestion, pollution and affordable housing had been properly addressed.

Dr Jamie Wood spoke on Agenda Item 6 (York Station Front Proposed Improvements – Public Engagements), on behalf of York Cycle Campaign. He expressed concern that the removal of a segregated cycle path from the scheme plan would cause danger to cyclists and asked Executive to consider re-instating the path.

John Bibby spoke on Agenda Item 6, on behalf of York Bus Forum (YBF). He referred to the YBF's alternative proposals and comments contained in the documents circulated to Members at the meeting and urged Executive to approve the demolition of Queen Street Bridge and defer the remaining proposals pending consideration of these alternatives.

Alan Robinson spoke on Agenda Item 6, supporting the YBF's alternative proposals on the basis that they would provide the best possible 'future proofed' bus exchange for passengers, closely integrated with the railway station.

Hon. Alderman Brian Watson spoke on Agenda Item 13 (Lord Mayoralty 2019-20). He objected to any change being made to the existing points system, which he considered fair and stable, but wanted the Executive to consider the accumulation of points for Independent Members.

65. 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.

66. York Central Enterprise Zone Investment Case

[See also under Part B]

The Corporate Director of Economy & Place, the Director of Customer & Corporate Services and the Assistant Director for Regeneration & Asset Management presented a report which set out the investment case for the York Central Enterprise Zone and recommended the creation of a capital budget to fund the infrastructure costs for York Central and allow development to proceed.

Details of funding approvals to date, plus actual and forecast expenditure in the current financial year, were set out in paragraphs 13 to 18 of the report. A detailed appraisal had now been undertaken of the abnormal infrastructure costs which had inhibited the ability of the market to deliver the scheme in the past; this had determined a cost of £155m, as indicated in Table 3 at paragraph 20. The proposed funding sources for this sum, including a £35m contribution from the council, were outlined in Table 4 at paragraph 24 and detailed in paragraphs 25 to 35.

In response to questions from Members and matters raised under Public Participation, Officers confirmed that:

- The report proposed establishing an overarching budget for the infrastructure; a further report on spending proposals would be brought to Executive in January 2019.
- The proposals would be subject to planning consent and approval of funding bids in February / March 2019.
- It was planned to contract with construction partners in July 2019, with construction to begin in the 3rd quarter of the year.
- Matters relating to affordable housing would form part of the planning process.
- All the YCP partners had invested heavily in the development; the January report would explain how these investments would be treated.

Members expressed approval for the proposals in terms of moving the project forward. Having noted the comments made under Public Participation, it was

Resolved: (i) That £1m of additional business rates income from the 2018/19 business rates pilot be allocated to the Venture Fund.

(ii) That approval be given to use up to £3m of the Venture Fund to finance early years deficits on the revenue costs of borrowing related to the £35m City of York Council contribution, to be repaid from future Enterprise Zone receipts.

(iii) That prudential borrowing of £35m be agreed, financed from future retained business rates as part of the York Central Enterprise Zone, plus in early years the use of Venture Fund referred to in (ii) above.

Reason: To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding.

67. York Station Front Proposed Improvements - Report on Public Engagements

The Assistant Director of Transport, Highways & Improvement and the Major Transport Projects Manager presented a report which set out progress to date on the scheme to improve York Station Front, along with proposals to submit a full planning application and proceed with work on the detailed scheme.

The scheme, funded from the West Yorkshire + Transport Fund administered by the West Yorkshire Combined Authority (WYCA), had now reached the 'Activity 4 – Full Business Case' stage in the governance process. The York Station Front masterplan public and stakeholder engagement process had taken place between 11 June and 8 July 2018, as detailed in paragraphs 6 to 16 of the report, resulting in a total of 1,486 responses from stakeholders and members of the public.

A summary of the main themes arising from the consultation and officers' responses to these was provided in paragraphs 22 to 29. Themes included: the traffic impact of demolishing Queen Street bridge, the need for a dedicated bus interchange, the suitability of taxi and cycle provision, and the impact on existing buildings such as York RI.

Resolved: (i) That it be confirmed that the public and stakeholder process has been carried out appropriately and that the Statement of Community Involvement (SOCl) be endorsed.

Reason: To enable the submission of a full planning application and to proceed to detailed design.

(ii) That approval be given to instruct the design team to incorporate design changes informed by responses received in the public consultation.

Reason: To enable the design team to submit a full planning application and proceed to detailed scheme design.

(iii) That the submission of a full planning application based on the amended masterplan informed by the SOCl be approved.

Reason: In order to gain planning permission for the scheme.

(iv) That approval be given for the project team to pursue land acquisition negotiations with partners, stakeholders and third party landowners and that authority for land purchase be delegated to the Corporate Director of Economy & Place, in consultation with the Leader and Deputy Leader.

Reason: To enable Queen Street Bridge to be demolished and the scheme to be constructed as designed.

(v) That engagement with statutory undertakers to design and deliver a detailed scheme of utility diversionary work be continued, using existing budget allocations.

Reason: To enable the removal of Queen Street Bridge and the construction of the scheme.

68. Rugby League World Cup 2021

The Interim Corporate Director, Children, Education & Communities presented a report which asked Executive to agree the council's financial contribution to York's bid to be a host city for the Rugby League World Cup 2021.

York was currently a 'Candidate City' within the bidding process. The bid, submitted by a consortium consisting of the two universities, GLL, York City Knights and Make it York, with the council as lead partner, was for York to host one pool and one semi-final of the Women's World Cup (7 games in total) and to host four women's teams and one men's team in the city.

The bid included a financial contribution from the council of £200k, made up of £150k in cash and £50k to market and promote the event. It was proposed that the first £108k be funded from the balance of the Leeds City Region Business Rates Pool allocated to support cultural and sporting events in the city, with the remaining £92k to come from funds available in the revenue contingency.

Resolved: (i) That the level of the council's financial contribution be agreed as £200k, as set out in paragraph 9 of the report.

(ii) That approval be given to use the Leeds City Region Business Rates Pool funding allocated to support cultural and sporting events in the city to fund the first £108k.

(iii) That the remaining £92k be funded from the revenue contingency budget in 2018/19.

(iv) That officers be authorised to enter into a Hosting Agreement based on the terms of the bid, as set out in paragraph 21.

Reason: So that York has the opportunity to host matches and teams as part of the 2021 finals of the Rugby League World Cup, bringing the benefits listed in paragraph 2 of the report.

69. Older Persons' Accommodation Programme - A Further Phase

The Older Persons' Accommodation Programme Manager presented a report which gave an update on the provision of Older Persons' Accommodation across the city and asked Executive to agree the direction of the next phase of the programme. An error in the second line of paragraph 5 of the

report was corrected; the reference to '18 beds' per 100 residents should read '7 beds'.

Work on the programme to date had focused on nursing, residential and extra care accommodation. The next phase would review the council's independent living stock, ensuring it was fit for purpose and seeking opportunities to increase provision and enable facilities to serve the surrounding communities.

It was proposed that this phase include engagement with advocacy groups, residents, housing providers and estate agents to establish how people in York wished to live in their later years and the type of accommodation that would best support this. A timetable for these activities was included in the work plan attached as Annex 1 to the report.

Resolved: (i) That the information in the report, and the challenges and direction for the future of the programme, be noted.

(ii) That the need to engage with residents and stakeholders to shape the future direction for Older Persons' Accommodation in the city be agreed.

(iii) That the next phase of the work programme, from December 18 onwards, be agreed and that further reports be brought to Executive from February 2019 as the programme develops.

Reason: To ensure that the provision of Older Persons' Accommodation in the city meets the needs and expectations of residents, and to inform future council investment in this accommodation.

70. The Inclusion Review and the Special Needs Capital Grant

The Interim Corporate Director, Children, Education & Communities presented a report which provided an update on work taking place to review processes and provision for children with special educational needs and / or disabilities (SEND).

The number of children with SEND was growing and requests for statutory assessment had also increased in the past five years, in particular for children and young people with autism

and social, emotional and mental health needs (SEMH). As a result, the council had embarked on an Inclusion Review, to identify areas where provision should be developed to meet need. The recommendations from Phase 2 of the review were attached as Annex 1 to the report.

Over the next 3 years, York had been allocated £590k from the government's Special Provision Capital Grant to fund additional provision for children and young people with SEND; this was in addition to capital resources of £525k allocated by the council. A number of capital projects had been identified for support from the SEND Capital Scheme, including:

- Developing additional special school and mainstream provision for children with complex autism;
- Developing Social, Emotional, Mental Health (SEMH) provision at the Danesgate Community;
- Work to develop more local provision for young people aged 19 to 25.

Approval was sought for the use of this funding, as detailed in the report.

Members expressed their thanks to the Interim Director for her work on the review over recent months, and to Applefields and Hob Moor Oaks Special Schools and the Danesgate Community.

Resolved: (i) That the progress of the Inclusion Review, and the actions being taken to meet additional need and manage the pressures on the High Needs funding block of the dedicated schools grant, be noted.

(ii) That the progress of the capital plan being developed through the Inclusion Review be noted.

Reason: To confirm that Members are aware of the action already being taken in this area.

(iii) That the capital projects outlined in the report, which form part of the SEND scheme in the Children's Services approved capital programme, be approved, noting that these will be partly funded from the Department for Education Special Education Provision Capital Grant, with additional resources coming from the basic need grant.

Reason: So that work can be undertaken to develop provision to meet the needs identified by the review.

71. 2018/19 Finance and Performance Monitor 2

The Corporate Director of Customer & Corporate Services presented a report which set out the council's overall finance and performance position for the period 1 July to 30 September 2018, together with an overview of any emerging issues.

The financial pressures facing the council were projected at £619k, broadly in line with previous years at this stage, and it was still anticipated that the council would out-turn within the approved budget. Details of forecast variations within individual directorates and corporate budgets were set out in paragraphs 7 to 29 of the report. Funding available from the Leeds City Region Business Rates Pool included an anticipated £2m from business rates income and the award of £1,395k for three schemes, as detailed in paragraphs 30 to 32.

Details of performance under the individual areas in the Performance Framework of the Local Plan were set out in paragraphs 37 to 104. Key statutory services in particular continued to perform well, having seen investment in recent years.

Resolved: (i) That the finance and performance information in the report be noted.

(ii) That the allocation of funding from the Leeds City Region Business Rates Pool set out in paragraph 30 be approved.

(iii) That £125k be allocated from the waste reserve to provide additional resilience within the waste service over the winter months by providing a budget so that staff can be retained over the period prior to the recommencement of garden waste collections in April.

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

72. Capital Programme - Monitor 2 2018/19

[See also under Part B]

The Corporate Director of Customer & Corporate Services presented a report which set out the projected out-turn position of the council's capital programme for 2018/19, along with requests to re-profile budgets to or from current and future years.

A net decrease of £1.377m on the current approved programme was reported, resulting in a revised programme of £122.243m. Variances against each portfolio area were set out in the table at paragraph 6 and detailed in paragraphs 8 to 46. The full revised programme for 2018/19-2022/23 was detailed in Annex A.

Approval was sought for specific proposals set out under two of the portfolio headings, as follows:

Housing & Community Safety

- To appoint Hobson Porter as the preferred bidder to build a 29 apartment extension to the Marjorie Waite Court extra care scheme (paragraph 31);
- To sell the vacant HRA owned property at 49 East Mount Rd, should it prove unsuitable for use as accommodation for looked after young people (paragraphs 35-36).

Children, Education & Communities

- To delegate authority to officers to appoint a constructor for the Centre of Excellence for Disabled Children and new apartments at Lincoln Court (paragraphs 16 to 19).

Resolved: (i) That the 2018/19 revised budget, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2018/19-2022/23, as set out in Table 2 at paragraph 47 and detailed in Annex A, be noted.

(iii) That the award of the works contract at Marjorie Waite Court (paragraph 31) be approved.

(iv) That approval be given to dispose of 49 East Mount Road to the highest bidder, with the receipts earmarked to support the Housing Revenue Account investment programme, as set out in paragraphs 35-

36, subject to the property not being suitable for Childrens' Services requirements.

(v) That authority be delegated to the Corporate Directors of Health, Housing & Adult Social Care and Children, Education & Communities to appoint a construction contractor for the Centre of Excellence for Disabled Children and Lincoln Court, following design and cost submissions, assuming they are within the approved budget detailed in paragraphs 17-19.

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

73. Treasury Management Mid Year Review and Prudential Indicators 2018/19

The Deputy Chief Executive / Director of Customer & Corporate Services presented a report which provided a mid-year update on Treasury Management activities for the period 1 April to 30 September 2018.

The report, prepared in compliance with CIPFA's Code of Practice on Treasury Management, provided: an economic update for the first part of the 2018/19 financial year; a review of the Treasury Management Strategy Statement and Annual Investment Strategy; the prudential indicators; reviews of the council's investment portfolio and borrowing strategy; and a review of compliance with the Treasury and Prudential Limits.

In accordance with the revised Codes issued by CIPFA in December 2017, a report setting out the council's Capital Strategy would be taken to Full Council in February 2019 alongside the budget reports.

Resolved: (i) That the Treasury Management activities to date in 2018/19 be noted.

(ii) That the Prudential Indicators set out in Annex A, and the council's compliance with all indicators, be noted.

Reason: In accordance with legal requirements, and to ensure the continued performance of the council's Treasury Management function.

74. Lord Mayoralty 2019-20

The Assistant Director, Legal & Governance presented a report which asked Executive to consider the points system for the annual nomination of the Lord Mayor and to confirm that the political group with the most points be invited to nominate the Lord Mayor for the 2019/2020 Municipal Year.

The points accumulated by each group under the existing system were set out in paragraph 4 of the report. The Conservative Group currently had the largest number of points, at 48, and would therefore qualify for the Lord Mayoralty in 2019/20. The new Socialist Independent Group had been formed after the Annual Council meeting in May 2018 so had not yet gained any points.

As the next local elections would be held in May 2019, before the start of the new Civic Year, an amendment was suggested to the current requirement for a Member to have served 5 years before being nominated as Lord Mayor.

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

Resolved: (i) That the points system for the annual nomination of the Lord Mayor be altered slightly to enable Members who have served 4 years and are then re-elected for a further 4 years in May 2019 to be eligible for nomination as Lord Mayor for 2019/20.

(ii) That the Conservative Group be invited to nominate the Lord Mayor for 2019/2020, in line with the revised accumulated points system.

Reason: To ensure that the council adopts an appropriate method by which to nominate Lord Mayors for office, and in view of the local elections being held before the start of the next Civic Year.

75. Maladministration Finding

The Assistant Director, Legal & Governance presented a report which complied with the statutory duty to report to Members the Local Government Ombudsman and Social Care Ombudsman's finding that the council had been guilty of maladministration by not providing appropriate supervision for the parents of a child in its care in hospital and for not responding quickly enough to the parents' complaint.

This item had been added to the agenda under the council's urgent procedures, as a 'non-key decision' that had been on the Forward Plan for less than 28 days in advance of the decision date. The reason for the urgency was the need to ensure receipt of the Ombudsman's report within the statutory timescale.

The full report of the Ombudsman was attached as Annex A. It was confirmed that the council had accepted, and was complying with, the recommendations in that report.

Resolved: That the report be received and noted and that the steps already taken in response to the case be approved.

Reason: In accordance with legal requirements.

Part B - Matters Referred to Council

76. York Central Enterprise Zone Investment Case

[See also under Part A]

The Corporate Director of Economy & Place, the Director of Customer & Corporate Services and the Assistant Director for Regeneration & Asset Management presented a report which set out the investment case for the York Central Enterprise Zone and recommended the creation of a capital budget to fund the infrastructure costs for York Central and allow development to proceed.

Details of funding approvals to date, plus actual and forecast expenditure in the current financial year, were set out in paragraphs 13 to 18 of the report. A detailed appraisal had now

been undertaken of the abnormal infrastructure costs which had inhibited the ability of the market to deliver the scheme in the past; this had determined a cost of £155m, as indicated in Table 3 at paragraph 20. The proposed funding sources for this sum, including a £35m contribution from the council, were outlined in Table 4 at paragraph 24 and detailed in paragraphs 25 to 35.

In response to questions from Members and matters raised under Public Participation, Officers confirmed that:

- The report proposed establishing an overarching budget for the infrastructure; a further report on spending proposals would be brought to Executive in January 2019.
- The proposals would be subject to planning consent and approval of funding bids in February / March 2019.
- It was planned to contract with construction partners in July 2019, with construction to begin in the 3rd quarter of the year.
- Matters relating to affordable housing would form part of the planning process.
- All the YCP partners had invested heavily in the development; the January report would explain how these investments would be treated.

Members expressed approval for the proposals in terms of moving the project forward. Having noted the comments made under Public Participation, it was

Recommended: That Council approve a total capital budget of £155m, including an additional contribution from City of York Council of £35m, to deliver the enabling infrastructure and open up York Central for the delivery of the masterplan and for future allocation of this budget to be agreed by the Executive.

Reason: To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding.

77. Capital Programme - Monitor 2 2018/19

[See also under Part A]

The Corporate Director of Customer & Corporate Services presented a report which set out the projected out-turn position of the council's capital programme for 2018/19, along with requests to re-profile budgets to or from current and future years.

A net decrease of £1.377m on the current approved programme was reported, resulting in a revised programme of £122.243m. Variances against each portfolio area were set out in the table at paragraph 6 and detailed in paragraphs 8 to 46. The full revised programme for 2018/19-2022/23 was detailed in Annex A.

Approval was sought for specific proposals set out under two of the portfolio headings, as follows:

Housing & Community Safety

- To appoint Hobson Porter as the preferred bidder to build a 29 apartment extension to the Marjorie Waite Court extra care scheme (paragraph 31);
- To sell the vacant HRA owned property at 49 East Mount Rd, should it prove unsuitable for use as accommodation for looked after young people (paragraphs 35-36).

Children, Education & Communities

- To delegate authority to officers to appoint a constructor for the Centre of Excellence for Disabled Children and new apartments at Lincoln Court (paragraphs 16 to 19).

Recommended: That Council approve the adjustments resulting in a decrease of £122.243m in the 2018/19 budget, as detailed in the report and in Annex A.

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

Cllr I Gillies, Chair

[The meeting started at 5.30 pm and finished at 7.20 pm].

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Forward Plan: Executive Meeting: 20 December 2018

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 17 January 2019

Title and Description	Author	Portfolio Holder
<p>Annual Discretionary Rate Relief Decision Paper Purpose of Report To propose any new awards of discretionary rate relief for the period 2019-2021.</p> <p>Executive will be asked to: consider any new applications against the budget available and approve any new awards.</p>	David Walker	Executive Leader (incorporating Finance & Performance)
<p>Housing ICT Programme – Sign Off for Chosen Housing ICT Solution Contract Purpose of Report To set out the proposed chosen IT solution that has been selected as part of the full Housing ICT Programme procurement process for a replacement Housing and Building Service ICT system, including a summary of the tender process, who submitted bids, and a summary of overall scores.</p> <p>Executive will be asked to: sign off for signing of a 5-year contract with a chosen supplier for a contract value over £500,000.</p>	Daniel Keenan	Executive Member for Housing & Safer Neighbourhoods
<p>Re-Procurement of Occupational Health Services for City of York Council <i>(deferred from 29/11/18)</i> Purpose of Report To make Executive aware that the current occupational health contract comes to an end in June 2019, to clarify the ongoing need for an occupational health service and to seek permission to re-procure.</p> <p>Executive will be asked to: approve the re-procurement of the contract.</p>	Trudy Forster & Kay Crabtree	Executive Leader (incorporating Finance & Performance)

Title and Description	Author	Portfolio Holder
<p>The Sale of Land to Facilitate the Transfer and Transformation of Haxby Hall Care Home</p> <p>Purpose of Report To update Members on the outcome of the procurement process for a care provider for Haxby Hall Care Home, and to seek approval for the provider to be granted a 125 year lease for the site.</p> <p>Executive will be asked to:</p> <ul style="list-style-type: none"> - Note the appointment of the Preferred Bidder as the new residential care provider for Haxby Hall Care Home - Note that the provider will enter into a contract to provide 9 residential beds for people living with dementia for 10 + 5 years at Actual Cost of Care at the Haxby Hall site - Agree to grant the Provider a long lease of the site for a term of 125 years in return for the council receiving payment of a premium, which will enable the provider to improve, redevelop and transform the existing care home. 	Tracey Carter and Vicky Japes	Executive Leader (incorporating Finance & Performance)
<p>The Implication of the Government Announcing the Lifting of the Housing Revenue Account (HRA) Borrowing Cap</p> <p>Purpose of Report To provide an overview of the implications of the government announcement that the borrowing cap on the HRA has been lifted.</p> <p>Executive will be asked to: agree to the principle of appropriating the General Fund Sites to the HRA and the way this will be funded.</p>	Tom Brittain & Patrick Looker	Executive Member for Housing & Safer Neighbourhoods

Title and Description	Author	Portfolio Holder
<p>York Central Partnership Agreement Purpose of Report To set out the revised Heads of Terms for a partnership agreement between the council and Network Rail, Homes England and the National Railway Museum for the development of York Central, and proposals for ongoing community engagement, and to seek the release of infrastructure funding subject to the award of planning permission and external grant funding.</p> <p>Executive will be asked to: agree the terms of the York Central Partnership agreement and approve the conditional release of funding for the first phase of the infrastructure.</p>	David Warburton & Tracey Carter	Executive Leader (incorporating Finance & Performance) and Executive Member for Economic Development & Community Engagement
<p>Future of Coroner's Service Purpose of Report To ask Members to agree to enter into discussions with the Ministry of Justice and North Yorkshire County Council regarding the possibility of amalgamating with the Coroners' areas covering North Yorkshire.</p> <p>Executive will be asked to: agree to enter into the discussions described above.</p>	Andrew Docherty	Executive Member for Economic Development & Community Engagement
<p>A Clean Air Zone for York Purpose of Report To set out the options for the progression of a Clean Air Zone in York following consultation with the public and with local bus operators.</p> <p>Executive will be asked to: consider whether or not to progress with the introduction of a Clean Air Zone for York and to consider the timescales for such an introduction.</p>	Andrew Bradley & Mike Southcombe	Executive Member for Environment and Executive Member for Transport & Planning

Title and Description	Author	Portfolio Holder
<p>Variation of Shareholders' Agreement Relating to YPO Procurement Holdings Limited</p> <p>Purpose of Report</p> <p>The Directors of YPO Procurement Holdings Limited have requested changes to the shareholders' agreement. These require approval of all 13 Councils who are party to the agreement. In summary the changes will, if approved, remove a number of matters from requiring the unanimous consent of the shareholders, but ensure those matters still require the consent of two-thirds of the shareholders. They will alter the quorum for directors' meetings and clarify notice requirements for general meetings.</p> <p>Executive will be asked to: approve the proposed changes.</p>	<p>Andrew Docherty</p>	<p>Executive Leader (incorporating Finance & Performance)</p>

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 14 February 2019

Title and Description	Author	Portfolio Holder
<p>Placement Review – Foster Carer Review Purpose of Report To provide an update and recommendations relating to the Placement Review, which is focused on the sufficiency of placements for children in care, outlining the intended approach to meet this sufficiency by retaining and recruiting more foster carers and procuring other provisions.</p> <p>Executive will be asked to: consider proposed changes to the foster carer additional allowances and options for other provision.</p>	<p>William Shaw & Sophie Keeble</p>	<p>Executive Member for Education, Children & Young People</p>
<p>Revised Housing Revenue Account (HRA) Business Plan Purpose of Report Following the report to the Executive in July 2018 on the intention to appropriate the general fund sites into the HRA to build housing, there is a need to revise the business plan to ensure that it reflects the ability to build the sites out.</p> <p>Executive will be asked to: approve the revised HRA Business Plan.</p>	<p>Tom Brittain & Patrick Looker</p>	<p>Executive Member for Housing & Safer Neighbourhoods</p>
<p>Q3 2018-19 Finance & Performance Monitor Purpose of Report To provide an overview of the council’s overall finance and performance position at the end of Quarter 3.</p> <p>Executive will be asked to: note and approve the report.</p>	<p>Debbie Mitchell & Ian Cunningham</p>	<p>Executive Leader (incorporating Finance & Performance)</p>

Title and Description	Author	Portfolio Holder
<p>Q3 2018-19 Capital Programme Monitor Purpose of Report To provide an overview of the council’s overall capital programme position at the end of Quarter 3.</p> <p>Executive will be asked to: note and approve the report.</p>	<p>Emma Audrain & Debbie Mitchell</p>	<p>Executive Leader (incorporating Finance & Performance)</p>
<p>A Cultural Strategy for York Purpose of Report An extensive engagement exercise has produced a seven year development plan to ensure that:</p> <ul style="list-style-type: none"> • York will be internationally recognised for its exceptional heritage and unique arts offer. • Residents and businesses in York will benefit from York’s unique cultural offer, leading to greater investment and participation in the city. • The cultural offer for York’s residents will be expanded beyond the city centre. • All citizens, irrespective of age or background, will be proud to be engaged with York’s arts and heritage offer, which will include a wide range of inclusive opportunities. <p>Executive will be asked to: approve the plan.</p>	<p>Charlie Croft</p>	<p>Executive Member for Culture, Leisure & Tourism</p>

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>A Clean Air Zone for York See Table 1 for details.</p>	<p>Mike Southcombe & Andrew Bradley</p>	<p>Executive Member for Environment and Executive Member for Transport & Planning</p>	<p>20 December 2018</p>	<p>17 January 2019</p>	<p>So that consideration can be given to the implementation of the Clean Air Zone within the budget process.</p>
<p>A Cultural Strategy for York See Table 2 for details</p>	<p>Charlie Croft</p>	<p>Executive Member for Culture, Leisure & Tourism</p>	<p>17 January 2019</p>	<p>14 February 2019</p>	<p>To allow time to reflect the consultation feedback in the draft strategy.</p>

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Executive

20 December 2018

Report of the Chief Executive

Portfolios of the Executive Leader and Deputy Leader

Planning for the possibility of a no deal Brexit**Summary**

1. On 18 October 2018, a report by the Chief Executive on planning for the possibility of a no deal Brexit was presented to Executive.
2. It was resolved that a further update report be brought to the Executive at the December meeting in anticipation of there being greater clarity as to the future relationship between the UK and European Union (EU).
3. While an agreement has been reached between the UK Government and EU, there remains doubt as to whether a deal will be accepted by the UK Parliament and the EU Parliament and Council.
4. It is, therefore, still a real possibility that the UK will leave the EU without an agreement in place – a so-called no deal scenario.
5. This paper highlights the work that has been undertaken by Council officers to anticipate and prepare for a no deal outcome to enable the Council, its partners and the city of York to move with confidence in the eventuality of such a scenario.

Recommendation

6. The Executive is asked to:

Note the discussions and activities underway and identify any other actions which the Council should pursue at this time.

Reason: to ensure York is as prepared as possible in the event of a no deal Brexit.

Background

7. In a referendum on 23 June 2016, a majority of voters supported the UK leaving the EU. The Government committed to leave the EU on that basis and Article 50 was triggered on 29 March 2017. The UK will leave the EU on 29 March 2019.
8. Following the conclusion of negotiations between the UK and EU, the Withdrawal Agreement (and associated political declaration) was signed off by EU leaders at a summit on 25 November 2018.
9. On 10 December 2018, the Government postponed the scheduled parliamentary vote on the negotiated Withdrawal Agreement. This was to allow for discussions with the EU on providing an end date to the Irish border backstop. At time of writing, negotiations continue.
10. The onward process within Parliament for an agreement is not clear at this point and there is no greater certainty of the most likely outcome. With 14 weeks before EU Exit, it remains prudent to prepare for a no deal outcome.
11. Unless there is a substantive change to the negotiation position of both the UK and EU then the UK will still leave on 29 March 2019 even if no deal has been reached.
12. In the eventuality of a no deal scenario, there will be no transition period for the UK to leave the EU – that is to say, EU law, regulations and trade agreements will cease to apply to the UK immediately after 11pm on 29 March 2019.
13. While the UK Government has consistently said that a no deal scenario remains unlikely, it has continued to prepare for all eventualities. The Council has continued to take its lead from the Government in this respect and considered how the city should respond in the event of a no deal.
14. As noted in the previous paper to the Executive, it is not possible to forecast the medium to long term impacts of a no deal scenario (or even an agreed, smooth withdrawal) with any degree of confidence as there is no precedent for withdrawing from the EU and there are multiple variables that will come into play but are not yet sighted.

15. Instead, the focus of the Council continues to be to consider the immediate impacts of a no deal outcome which would need to be responded to in order to ensure the wellbeing of York's residents.

Planning for a no deal Brexit

Consultation

16. In preparing for a no deal scenario, the Council has continued to consult with partners.
17. The Council has maintained dialogue with a number of key partners following a meeting in September which was referred to in the previous paper to Executive.
18. In addition to liaison with stakeholders, the Council has worked with Make It York to provide information to interested parties on Brexit via the Make It York website (<http://www.makeityork.com/do-business/preparing-for-a-no-deal-brexit/>). This has created a single source of information for directly relevant information on Brexit for partners across the city.
19. At a wider level, Executive Members continue to feed into discussions about the implications of Brexit at a regional level while officers maintain a watching brief on information provided by a number of sources, including the Local Government Association. A recent report to West Yorkshire Combined Authority summarises some of the work at a regional level, which is referenced in the Background Documents section of this report.
20. Since the last update to Executive, we have had further communications from Government departments in respect of their preparations. A meeting arranged by Ministry of Housing, Communities and Local Government on 10 December provided some further insight into the activities across Government Departments. This was useful and welcome; however, it is still the case that local authorities are not fully sighted on all aspects of preparatory work. Central Government is planning to step up communications in the New Year, with much of the significant contingency planning being channelled through Local Resilience Forums.
21. The Council has also monitored the Brexit preparedness work of other local authorities. This will ensure that we are cited on any issues that may have an indirect impact on the city.

22. As highlighted in media reports, Kent County Council has focused on the implications of transport congestion within the county given the importance of Dover and other ports to the UK/EU logistical network.
23. It is clear that the direct impact of a no deal scenario will most keenly be felt in the south-east given its proximity to the continent and its position within the strategic transport network. However, given the necessity of the ports in Kent for the wider provision of goods, the impact on the county may be felt into the north of England. This will be particularly true if haulage that is initially bound for the Kent ports is diverted to other port authorities. This may have an impact on readiness of supply and on logistical considerations as the road network in different parts of the country become more congested.
24. Officers are also aware of preparedness planning in other local authorities. For example, councils including Buckinghamshire and Bristol, have sought to assess the implications of Brexit, and in particular, a no deal scenario, on local services and the economy. While the implications of such a scenario may be far reaching the wide variety of possible outcomes makes it prudent to attach a caveat that it is not possible to determine with any degree of confidence the implications of a no deal Brexit.
25. Reading across reports from other authorities, there is a consistent view that Government has not yet provided sufficient clarity on the impact of a no deal Brexit and sufficient resource at a local level to ensure that the worst case no deal is mitigated and future opportunities are clearly identified and signposted.

Technical notices and Information from Government

26. In considering a no deal scenario, the Council has assessed the Government's technical notices which provide information to allow businesses and citizens to understand the technical and regulatory changes that would follow a no deal outcome.
27. The Government has published 106 technical notices. These technical notices are diverse in their nature covering matters ranging from personal data to fishing and farming, and studying in the UK and EU.

28. The technical notices explain the arrangements from the point of view of transactions and regulation but do not detail the implications for the different organisations or people involved.
29. As part of its preparatory work, the Council has considered how these technical notices may materialise as tangible changes in day-to-day operability.
30. While all of the technical notices could in some way be considered of indirect relevancy to the city of York, its residents and its business community, the Council has focused its analysis to those notices that will have a direct impact on the functions of Council services and the work of city partners.
31. This assessment has been made following consultation with relevant Heads of Service within the Council and with the Council's city partners. This is ongoing and it is proposed that all services refine the specific responses necessary (if any) to create an action plan for delivery.
32. Additional information from the Government has also been provided in the form of partnership packs and community toolkits. For example, the Government has released a guide to cross-border arrangements in the eventuality of a no deal scenario. While the guide is designed primarily for businesses it does provide advice and information about the changes to current processes that all relevant parties will need to adhere to if the UK leaves the EU without a deal.
33. The Government has also begun to roll out information on arrangements for the UK in a post-Brexit world. This includes a toolkit for local authorities related to the EU Settlement Scheme through which EU citizens and their family members who want to stay in the UK beyond 31 December 2020 will need to apply and which will allow them to get a new UK immigration status that will protect their rights.
34. On 6 December 2018, the Government released a policy paper setting out the rights of EU citizens in the UK following Brexit. It guaranteed that in the event of a no deal scenario EU citizens resident in the UK by 29 March 2019 will be able to stay via the EU Settlement Scheme (with the ability to apply via this route until 31 December 2020). EU citizens with settled status would be able to be joined in the UK, by 29 March 2022, by existing close family

members. After March 2022, family members will be able to join EU citizens in the UK through applicable UK immigration rules.

35. The EU Settlement Programme will open fully by 30 March 2019. It will be accessed through an online app. A pilot scheme is currently open for health and social care workers, available until 22nd December 2018. There is no obligation for EU citizens within health and social care organisations to participate at this stage, however, if they do, they will obtain their pre-settled status or settled status ahead of when the scheme opens fully. More information can be found here: <https://www.gov.uk/guidance/eu-settlement-scheme-pilot-applicant-eligibility>
36. The council will consider providing a checking service for people applying through EU Settlement Programme, and/or provide assisted digital support for those who otherwise might not be able to access the online service. More information is being sought from the Home Office on these possibilities.
37. The Government has also confirmed that even in a no deal scenario, EU citizens in the UK will continue to be able to vote and stand in the May 2019 local elections and that any EU citizen elected to local government in these elections will be able to serve their full term.
38. It is likely there will have been further announcements between the publication of this paper and the Executive meeting. Officers continue to maintain a watching brief on the emerging information provided by the UK Government.

Contingency Planning

39. As part of the no deal preparedness, CYC has been engaged in discussions, at a regional and national level, related to continuity of supply and service provision in the eventuality of the UK leaving the EU without a deal.
40. This work is designed to ensure that there is resilience within the system to cope with stressors that may emerge from a no deal outcome. It should be noted that all contingency arrangements are designed to protect life and limb, but this does not mean that in their successful deployment there will be no disruption to individuals, communities or businesses.

41. Preparatory work will continue to be undertaken through the North Yorkshire Local Resilience Forum, which is the route through which Government will channel information.

Overall Impact and Next Steps

42. York has a buoyant economy and is well-placed to be resilient in the face of the potential negative implications of a No-Deal Brexit.
43. However, if the worst case No-Deal scenario does come to fruition, it is likely that residents (and businesses) would face higher levels of economic stress, based on the available economic forecasts.
44. On this point, it is worth noting that long-term economic analysis from HM Treasury and Bank of England highlights that in a no deal scenario, the UK economy could see a significant drop in GDP and GVA. Within these assessments, Yorkshire and Humber is identified as significantly impacted.
45. These analyses are contentious and not universally accepted. However, in such a scenario, there could be increased cost and demand for Council services. This risk will be included within the budget strategy and within the corporate risk register.
46. Overall, whilst the council is preparing, the lack of clarity of direction and information from Central Government mean these plans are not complete. There remains concern that we are still not well-sighted on how all individual agencies' plans will work together and which agency is leading on particular risks at a national level. Given that there is no additional resource available to local government, with 14 weeks to go, the ability to respond to risks or plans of which we are not already aware will be limited.
47. However, while a no deal scenario remains a possibility, it is by no means certain. As this moves further through the parliamentary process, there may soon be a clearer picture that emerges of the UK's future relationship with the EU. However, in the intervening period, the Council will continue to review the potential implications of this changing relationship.
48. The council will:
 - a. Form an internal working group to refine responses within council services

- b. Continue to ensure the best advice is available to businesses, and liaise with partners on advice to residents, particularly in relation to the settlement process
- c. Continue to work with partners to understand any key areas of concern
- d. Continue to work with the Local Resilience Forum to ensure contingency plans in the worst case scenarios.
- e. Consider whether it would be useful to act as a “Chip Checking” service or provide digital assistance in support of the EU Settlement Scheme.

Council Plan

- 49. The scenario of a no deal Brexit would impact across all areas of the Council plan.

Implications

- **Financial** – there are no implications related the decisions in this paper
- **Human Resources (HR)** – there are no implications related the decisions in this paper
- **Equalities** – there are no implications related the decisions in this paper
- **Legal** – there are no implications related the decisions in this paper
- **Crime and Disorder** – there are no implications related the decisions in this paper
- **Information Technology (IT)** – there are no implications related the decisions in this paper
- **Property** – there are no implications related the decisions in this paper

Risk Management

- 50. The risk areas around Brexit are noted within this report.

Contact Details

Author:

Will Boardman
Head of Corporate Policy
and City Partnerships
Tel No. 01904 553412

Chief Officer Responsible for the report:

Mary Weastell
Chief Executive

Report
Approved

Date *Insert Date*

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Planning for the possibility of a ‘No-deal’ Brexit – Paper to the Executive, 18 October 2018

<http://modgov.york.gov.uk/mglIssueHistoryHome.aspx?IId=53884&Opt=0>

Brexit/Autumn Budget Implications – West Yorkshire Combined Authority, 13 December 2018

<https://westyorkshire.moderngov.co.uk/documents/s10073/Item%205%20-%20CA%20Brexit%20and%20Autumn%20Budget%20Implications.pdf>

List of Abbreviations Used in this Report

Brexit – Britain’s (the UK’s) exit from the European Union

EU – European Union

UK – United Kingdom of Great Britain and Northern Ireland

GDP – Gross Domestic Product

GVA – Gross Value Added

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Executive**20 December 2018**

Report of the Corporate Director for Economy and Place
Portfolio of the Executive Member for Planning and Transport

Rufforth With Knapton Neighbourhood Plan**Summary**

1. The purpose of this report is to consider the results of the Rufforth with Knapton Neighbourhood Plan referendum. It asks Members to formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. This will allow the Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations. This paper will be considered by Members of Local Plan Working Group on 18 December 2018.

Recommendations

2. The Executive is asked to:
 - i) Consider the results of the referendum and formally 'make' the Rufforth with Knapton Neighbourhood Plan.

Reason: To allow the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.

- ii) To approve the Decision Statement attached at Annex B to be published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

Background

3. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 (“the Regulations”).
4. The Rufforth with Knapton Neighbourhood Plan has been prepared by Rufforth with Knapton Parish Council with on-going engagement with the local community and City of York Council. The Plan has been through the following stages of preparation:
 - Designation as a Neighbourhood Area (July 2015)
 - Consultation on Pre-Submission version (7th July to 18th August 2017)
 - Submission to City of York Council (February 2018)
 - Submission consultation (19 March to 2 May 2018)
 - Examiner Report, considered at Local Plan Working Group and Executive (20 September and 27 September 2018 respectively)
 - Referendum (20 November 2018)
5. The Examiner’s Report concluded that subject to modifications, the Rufforth with Knapton Neighbourhood Plan met the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made it should proceed to referendum.
6. At Local Plan Working Group on 20 September and Executive on 27 September 2018, Members accepted the Examiner’s recommendations and agreed that the Rufforth with Knapton Neighbourhood Plan should proceed to referendum.
7. A referendum was held on 20 November 2018.

Referendum

8. A referendum on the Rufforth with Knapton Neighbourhood Plan was held on 20 November 2018 and was organised by the City of York Council. As per the Examiner’s recommendations, the referendum area

was the same as the Neighbourhood Area designated by the Council, which is the parish of Rufforth with Knapton.

9. Polling Stations at Rufforth Village Institute and at a mobile unit in Knapton were open from 7am until 10pm on Tuesday 20 November.
10. The Declaration of Results of Poll contained at Annex A to this report confirms that 276 residents voted in the referendum, out of a potential 842 on the electoral roll (32.9% turnout). The results on whether to accept the Rufforth with Knapton Neighbourhood Plan were:-
 - YES = 256 (93%)
 - NO = 20 (7%)
11. The Neighbourhood Planning Regulations (2012 as amended) requires that where over 50% of those voting in the Neighbourhood Plan referendum, vote in favour of the Neighbourhood Plan, then the Council is legally obliged to 'make' the plan (i.e. bring it into force as part of the Development Plan). The Council is not subject to this legal requirement if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) or there are unresolved legal challenges.
12. The Planning and Compulsory Purchase Act 2004 also provides that a Neighbourhood Plan for an area becomes part of the development plan for that area after it is approved by an applicable referendum, prior to the plan being 'made' by the Council. In the very limited circumstances where the local planning authority might decide not to 'make' the neighbourhood plan, it will cease to be part of the development plan for the area. Given that the referendum result was 93% in favour of the Neighbourhood Plan; the Rufforth with Knapton Neighbourhood Plan and the policies within it are now part of the statutory development plan for City of York.
13. The Neighbourhood Plan must be made by the Council within 8 weeks beginning with the day immediately following that on which the referendum is held (unless the Plan is incompatible with EU/HR legislation or there is an unresolved legal challenge). This date is 16 January 2019.

Consultation

14. As mentioned earlier in the report, the Rufforth with Knapton Neighbourhood Plan has been through several stages of consultation. These are: consultation on designation as a Neighbourhood Area (July 2015), consultation on a Pre-Submission version of the Plan (7 July to 18 August 2017), consultation on a Submission version (19 March to 2 May 2018) and the Referendum (20 November 2018).
15. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out the consultation undertaken. All the consultation undertaken by City of York Council has been carried out in accordance with the Council's Statement of Community Involvement.

Options

16. Members are asked to formally 'make' the Rufforth with Knapton Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. The Council is legally obliged to make the plan because it meets the legal requirements for making a plan.

Analysis

17. This report presents to Members the outcome of the Rufforth with Knapton Neighbourhood Plan referendum. At 93% in favour of using the Neighbourhood Plan to help determine planning applications in the defined neighbourhood area, this endorsement is demonstrably higher than the required threshold of more than half of those voting. A positive majority at the referendum means that the Council is now obliged to "make" the plan and bring it into full legal force as part of the Development Plan for York.
18. The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Report. It is advised that the plan be made by the Council given the positive vote in support of the neighbourhood plan and nothing has changed since the earlier consideration of the Examiner's report and modifications which would suggest that the Plan would breach, or be incompatible with any EU obligation or any of the Convention of Rights. Nor is there any unresolved legal challenge in respect of the Plan. There are no reasons why the Council should not proceed to 'make' the Neighbourhood Plan in accordance with the outcome of the referendum.

Next Steps

19. Once the plan is 'made', it will achieve its full legal status. It forms part of the statutory development plan for the area and will sit alongside the Local Plan (once adopted). The Neighbourhood Plan contains a series of policies that will be used when determining planning applications that are located within the defined Neighbourhood Area. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Council Plan

20. Under the 2015-2019 Council Plan objectives the project will assist in the creation of a Prosperous City for All, and be a Council that listens to residents particularly by ensuring that:
 - i. Everyone who lives in the city can enjoy its unique heritage and range of activities.
 - ii. Residents can access affordable homes while the greenbelt and unique character of the city is protected.
 - iii. Visitors, businesses and residents are impressed with the quality of our city.
 - iv. Local businesses can thrive.
 - v. Efficient and affordable transport links enable residents and businesses to access key services and opportunities.
 - vi. Environmental Sustainability underpins everything we do.
 - vii. We are entrepreneurial, by making the most of commercial activities.
 - viii. Engage with our communities, listening to their views and taking them into account.

Implications

21. The following implications have been assessed:
 - **Financial** – There are no financial implications
 - **Human Resources (HR)** – There are no HR implications
 - **One Planet Council / Equalities** - Better Decision Making Tool attached at Annex C.
 - **Legal** - The legal implications are set out within the body of this report.
 - **Crime and Disorder**– There are no crime and disorder implications

- **Information Technology (IT)** – There are no financial implications
- **Property** – There are no property implications
- **Other** – None

Risk Management

22. In compliance with the Council's risk management strategy, the main risks associated with the Rufforth with Knapton Neighbourhood Plan are as follows:

- The decision whether or not to 'make' the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by judicial review. The risk of any such legal challenge being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.

Contact Details

Author:

Anna Pawson
Development Officer
Strategic Planning

(01904) 553312

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning and Public
Protection

Tel: (01904) 551300

Report Approved ✓ Date 06/12/2018

Specialist Implications Officer(s):

Patrick Looker, Finance Manager
Sandra Branigan, Senior Solicitor, Planning

Wards Affected: Rural West

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A: Declaration of Result of Poll

Annex B: Regulation 19 Decision Statement

Annex C: Better Decision Making Tool

List of Abbreviations Used in this Report:

EU	European Union
HR	Human Rights
SEA	Strategic Environmental Assessment
HRA	Habitat Regulation Assessment
NP	Neighbourhood Plan

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DECLARATION OF RESULT OF POLL

Referendum on the Rufforth and Knapton Neighbourhood Plan Area

On Tuesday 20 November 2018

I, Andrew Flecknor, being the Deputy Counting Officer at the above referendum, do hereby give notice of the number of votes recorded for each answer to the question:

Question:		
Do you want City of York Council to use the Neighbourhood Plan for the Rufforth and Knapton to help it decide planning applications in the neighbourhood area?		
	Votes Recorded	Percentage
Number cast in favour of a YES	256	
Number cast in favour of a NO	20	

The number of ballot papers rejected as follows:	Number of ballot papers
A Want of an Official Mark	
B Voting for more answers than required	
C Writing or mark by which voter could be identified	
D Being unmarked or wholly void for uncertainly	1
TOTAL	

Electorate: 842

Ballot Papers Issued: 277

Turnout: 32.9

Dated: 20 November 2018



Andrew Flecknor
Deputy Counting Officer

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Rufforth with Knapton Neighbourhood Plan

Final Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

Following a positive referendum result on the 20th November 2018, City of York Council is publicising its decision made on 20th December 2018 by the Executive to 'make' the Rufforth with Knapton Neighbourhood Plan part of the City of York Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Rufforth with Knapton Parish Council, as the qualifying body, successfully applied for the parish of Rufforth with Knapton to be designated as the Rufforth with Knapton Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Rufforth with Knapton Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 2nd May 2018.

3. Decision and Reasoning

City of York Council appointed an independent Examiner; Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Rufforth with Knapton Neighbourhood Plan Decision Statement (discussed at LPWG and Executive on 20th and 27th

September 2018 respectively), the plan should proceed to a Referendum.

A referendum was held on Tuesday 20th November 2018 and 93% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. City of York Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 20th November 2018 met the requirements of the Localism Act 2011; it was held in the Rufforth with Knapton Neighbourhood Area and posed the question:

Do you want City of York Council to use the Neighbourhood Plan for Rufforth with Knapton to help it decide planning applications in the neighbourhood area?

The count took place on the 20th November 2018 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Response	Votes recorded (percentage)
Yes	93%
No	7%
Turnout	32.9%

The Council considers that the Rufforth with Knapton Neighbourhood Plan meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as amended), its promotion process was compliant with legal and procedural requirements and it does not breach the legislation (set out in Section 38A(6) of the Compulsory Purchase Act 2004).

4. Inspection of Decision Statement and made Neighbourhood Plan

This decision statement can be viewed on the City of York Council website and the Rufforth with Knapton Neighbourhood Plan website:

www.york.gov.uk/neighbourhoodplanning

<https://www.rufforth-knaptonplan.co.uk/>

In accordance with Regulation 20 of the Regulations, the Rufforth with Knapton Neighbourhood Plan can be viewed on the Council's website and the Rufforth with Knapton Neighbourhood Plan website:

www.york.gov.uk/neighbourhoodplanning

<https://www.rufforth-knaptonplan.co.uk/>

A copy of this decision statement is being sent to:-

- The qualifying body, namely Rufforth with Knapton Parish Council; and
- To any person who asked to be notified of the decision.

Paper copies of this statement and the made Neighbourhood Plan can also be viewed at:

- **City of York Council**, West Offices, Station Rise, York, YO1 6GA (Mon-Fri 8.30am-5.00pm)
- **York Explore Library, Library Square, York, YO1 7DS** (Wednesday 9am-8pm, Thursday 9am-8pm, Friday 10am-6pm, Saturday 9am-5pm, Sunday 11am-4pm, Monday 9am-8pm, Tuesday 9am-8pm)
- **The Chapel, Rufforth** (Monday and Thursday 9:30am-12:30pm)
- **Tearooms/Shop, The Old School Rufforth, Rufforth House, Wetherby Road, Rufforth, York YO23 3QB** (Tuesday-Wednesday 8:30am-6pm, Sunday 10am-4pm and Monday Closed)
- **Rufforth Primary School, Wetherby Road, Rufforth, York, YO23 3QF** (Monday – Friday 8:45-3:15pm, Closed Saturday and Sunday and School Holidays)
- **The Red Lion, Knapton** (Tuesday-Saturday 12pm-3pm, 6pm-11pm, Sunday 12-4pm, Monday Closed)

For further information please contact the Neighbourhood Planning team on neighbourhoodplanning@york.gov.uk or 01904 552255

Signed

A handwritten signature in black ink, appearing to read 'Mike Slater', with a stylized flourish at the end.

Mike Slater
Chief Planning Officer

20th December 2018

The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Strategic Planning
Name of person completing the assessment:	Anna Pawson
Job title:	Development Officer
Directorate:	Economy and Place
Date Completed:	04/12/2018
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed?	Rufforth with Knapton Neighbourhood Plan
1.2	What are the main aims of the proposal?	The Rufforth with Knapton Neighbourhood Plan aims to manage change in the villages and wider designated area, ensuring that future development should be sympathetic, unobtrusive and in keeping with its rural environment and surroundings. The main purpose of the report is to advise Members of the referendum result and Members are asked to formally 'make' the Rufforth with Knapton Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York.
1.3	What are the key outcomes?	To formally 'make' the Rufforth with Knapton Neighbourhood Plan.

Section 2: Evidence

2.1	<p>What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)</p> <p>The Neighbourhood Plan uses the Local Plan evidence base to support its policies.</p>
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2.2	<p>What public / stakeholder consultation has been used to support this proposal?</p> <p>Previous consultation responses received as part of the Pre-Submission Consultation (7th July to 18th August 2017) and the Submission consultation (19th March to 2nd May 2018) have shaped policy formation. The Referendum result was 93% in favour of using the Neighbourhood Plan.</p>
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2.3	<p>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p> <p>The Neighbourhood Plan has been developed alongside an emerging City of York Local Plan. The residents, businesses and people with a land interest in the Rufforth and Knaption area will also be consulted on as part of the Local Plan process.</p>
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Part 1

Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents.
This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Equity and Local Economy

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	Impact positively on the business community in York?	Positive	A policy in the neighbourhood plan supports small scale commercial enterprises. In so far as planning permission is required, proposals for agricultural development and the change of use of existing buildings for employment generating development (Classes B1/B2/B8) will be supported.
3.2	Provide additional employment or training opportunities in the city?	Neutral	A policy in the neighbourhood plan supports small scale commercial enterprises. In so far as planning permission is required, proposals for agricultural development and the change of use of existing buildings for employment generating development (Classes B1/B2/B8) will be supported.
3.3	Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?	Neutral	There are no specific policies relating to individuals from disadvantaged backgrounds.

Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of staff or residents?	Positive	The Neighbourhood Plan includes policies and community actions to protect local green space, to improve the network of footpaths and cycleways and to protect the playing fields in Rufforth the recreation ground in Knaption and the allotments in both Rufforth and Knaption.
3.5	Help reduce health inequalities?	Positive	The Neighbourhood Plan includes policies and community actions to protect local green space, to improve the network of footpaths and cycleways and to protect the playing fields in Rufforth the recreation ground in Knaption and the allotments in both Rufforth and Knaption.
3.6	Encourage residents to be more responsible for their own health?	Positive	The Neighbourhood Plan includes policies and community actions to protect local green space, to improve the network of footpaths and cycleways and to protect the playing fields in Rufforth the recreation ground in Knaption and the allotments in both Rufforth and Knaption.
3.7	Reduce crime or fear of crime?	Neutral	There are no policies which specifically relate to crime.
3.8	Help to give children and young people a good start in life?	Positive	The Neighbourhood Plan includes a policy to protect local green space which includes Rufforth playing fields and Knaption recreational field.

Culture & Community

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help improve community cohesion?	Positive	The production of a Neighbourhood Plan should help improve community cohesion by bringing people together with a shared goal of improving their neighbourhood.
3.10	Improve access to services for residents, especially those most in need?	Positive	The Neighbourhood Plan includes policies and community actions to improve the network of footpaths and cycleways and to protect the valued community amenities in the Parish.
3.11	Improve the cultural offerings of York?	Neutral	There is a heritage policy which seeks to protect and preserve the historic character and features of the villages.

3.12	Encourage residents to be more socially responsible?	Neutral	No specific reference.
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Zero Carbon and Sustainable Water

Does your proposal?		Impact	What are the impacts and how do you know?
3.13	Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Positive	There is a design policy in the Neighbourhood Plan which suggests that proposals have regard to design principles and sources of alternative energy such as solar panel are sympathetically installed.
3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Neutral	No specific reference.
3.15	Provide opportunities to generate energy from renewable/low carbon technologies?	Positive	There is a design policy in the Neighbourhood Plan which suggests that proposals have regard to design principles and sources of alternative energy such as solar panel are sympathetically installed.

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Neutral	The Neighbourhood Plan has a section on Harewood Whin which is a Waste Management Site within the Parish. The supporting text highlights that recycling operations have been transferred from Hessay to Harewood Whin.

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Mixed	The Neighbourhood Plan includes policies and community actions to improve the network of footpaths and cycleways and to support measures to reduce reliance on the motor vehicle which requires an improved availability and frequency of public transport and in particular bus services.
3.18	Help improve the quality of the air we breathe?	Mixed	The Neighbourhood Plan includes policies and community actions to improve the network of footpaths and cycleways.

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Minimise the environmental impact of the goods and services used?	Positive	No specific reference

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to support local and sustainable food initiatives?	Positive	The supporting text to Draft Green Belt highlights that agricultural land in the Parish is grade 3 or higher and should be protected. Food security may become an important issue as a result of Brexit. Allotments in Rufforth and Knapton are protected in the Community Amenities and Local Green Space policies.

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	Maximise opportunities to conserve or enhance the natural environment?	Positive	There is a section in the Neighbourhood Plan on Green Infrastructure and a policy which aims to protect the Parishes green spaces.

3.22	Improve the quality of the built environment?	Positive	There is a heritage policy which seek to protect and preserve historic character and features of the villages in addition the Neighbourhood Plan includes a design policy which supports new development where they bring forward high quality traditional design.
3.23	Preserve the character and setting of the historic city of York?	Positive	The supporting text in the Draft Green Belt section refers to the historic character and setting of York.
3.24	Enable residents to enjoy public spaces?	Positive	There is a section in the Neighbourhood Plan on Green Infrastructure and a policy which aims to protect the Parishes green spaces.

3.25	Additional space to comment on the impacts		

Part 1

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life indicators
4.1 Age	Neutral	None deemed likely	N/A
4.2 Disability	Neutral	None deemed likely	N/A
4.3 Gender	Neutral	None deemed likely	N/A
4.4 Gender Reassignment	Neutral	None deemed likely	N/A
4.5 Marriage and civil partnership	Neutral	None deemed likely	N/A
4.6 Pregnancy and maternity	Neutral	None deemed likely	N/A
4.7 Race	Neutral	None deemed likely	N/A
4.8 Religion or belief	Neutral	None deemed likely	N/A
4.9 Sexual orientation	Neutral	None deemed likely	N/A
4.10 Carer	Neutral	None deemed likely	N/A
4.11 Lowest income groups	Neutral	None deemed likely	N/A
4.12 Veterans, Armed forces community	Neutral	None deemed likely	N/A

Human Rights

Consider how a human rights approach is evident in the proposal

	neutral	What are the impacts and how do you know?
4.13 Right to education	neutral	None deemed likely
4.14 Right not to be subjected to torture, degrading treatment or punishment	neutral	None deemed likely
4.15 Right to a fair and public hearing	neutral	None deemed likely
4.16 Right to respect for private and family life, home and correspondence	neutral	None deemed likely

4.17	Freedom of expression	neutral	None deemed likely
4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other Rights	neutral	None deemed likely

4.20	Additional space to comment on the impacts		

Part 1

Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

Taking into consideration your responses about all of the impacts of the project in its current form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?	
5.1	Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the area it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.

What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.2	No improvements considered necessary.

What could be changed to improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.3	No mixed or negative impacts on equality and human rights are considered likely.

Section 6: Planning for Improvement

What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)	
6.1	The community has been widely consulted on the content of the Plan. No further consultation or further evidence is required. Members are being asked to formally make the plan in light of the positive referendum result.

6.2 What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? Please include the action, the person(s) responsible and the date it will be completed (expand / insert more rows)	
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Action	Person(s)	Due date

6.3	Additional space to comment on the impacts

Part 2

Section 1: Improvements

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.

	For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?
1.1	Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.

	What changes have you made to your proposal to increase positive impacts?
1.2	No changes considered necessary.

	What changes have you made to your proposal to reduce negative impacts?
1.3	No negative impacts anticipated.

	Taking into consideration everything you know about the proposal <u>in its revised form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?
	Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.
1.4	Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the neighbourhood it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.

1.5	Any further comments?
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Executive**20 December 2018**

Report of the Corporate Director of Economy & Place
Portfolio of the Executive Member for Transport & Planning

A1237 Outer Ring Road – Dualling Update**Summary**

1. This report updates the Executive on the progress of the plans to increase the capacity of the A1237 which has been one of the key transport objectives for the City Council and many of the city's residents. The City Council continue to press for funding to dual the entire length of the A1237.
2. A project to upgrade 7 of the roundabouts on the A1237 is currently in progress as part of the West Yorkshire plus Transport Fund programme.
3. Following a submission of potential schemes by Transport for the North plans to dual the A1237 Outer Ring Road were recently helped by the announcement by the Secretary of State for Transport on 30 September that upgrading a section of the A1237 would be one of the first schemes to be delivered using the new Major Road Network fund.
4. Discussions with the Department for Transport have identified the process and funding requirements to enable the section of the A1237 from the A19 through to the Little Hopgrove roundabout to be delivered over the next few years integrated as much as possible with the current WY+TF scheme. The total outturn cost of the scheme is estimated to be approximately £60m (£32m for the existing West Yorkshire plus Transport Fund (WY+TF) roundabout upgrade element, £28m for the dualling element).
5. This report recommends that £2.8m (Approx. 10% of the dualling element) of funding is allocated as part of the Council's budget process in the Council's Capital Programme as a match funding contribution and to enable the further development of the dualling scheme. An early approval of funding for the dualling scheme will enable it to be fully integrated with the current project and minimise the level of potential abortive work.

6. Long term the council's aspiration remains the full dualling of the entire length of the A1237. The central section between the A59 and A19 incorporating new bridges over the River Ouse and East Coast Mainline will continue to be developed as the next phase of the upgrade. It is proposed to pursue further funding opportunities through the Transport for the North and DfT processes to deliver this element of the upgrade.

Recommendations

7. The Executive is asked to:
 - 1) Approve the proposal to recommend to Full Council the inclusion of match funding in the 2019/20 Capital Programme for dualling of the first phase of the A1237 Outer Ring Road, from the A19 through to Little Hopgrove roundabout.
 - 2) Approve expenditure of the local match funding on the further development of the dualling scheme in advance of confirmation of funding from the Department for Transport.
 - 3) To direct the Leader of the Council to issue a letter identifying the importance of a rapid decision on the funding request and supporting the simplification of the approval process.

Reason: To enable the delivery of a section of the A1237 to dual carriageway standard in the shortest possible time.

Background

8. It has been a long held aspiration for the city to reduce the high levels of traffic congestion experienced on the A1237, York's Outer Ring Road (ORR). Although much of the current delay on the route is caused by the interaction between the orbital and radial traffic at the roundabouts traffic flows are projected to rise to a level where the links between the roundabouts will become a constraint. Delays have been reduced as a result of the roundabout upgrades delivered at the A19 and the A59 in recent years. Further ORR roundabout upgrades (seven in total) are currently being delivered as part of the West Yorkshire plus Transport Fund (WY+TF).
9. It is recognised that there is a limit to the benefits which can be delivered from the roundabout improvements alone and that these will be eroded

in time by additional projected growth in the area. Congestion will remain a constraint to further growth in jobs and housing in York and the surrounding area. A real step change in capacity is required in order to deliver transformational change and this objective can only realistically be achieved by upgrading the full A1237 to dual carriageway standard.

10. Increasing the capacity of the ring road leading to the redistribution of trips will complement the city's transport policies and help to enable more sustainable travel options to be delivered in the urban area of the city. The council's Local Transport Plan identifies a range of policy and physical interventions which maximises the take up of sustainable modes of travel such as walking, cycling and public transport. The city has one of the highest levels of cycling in the country but there are significant physical barriers, such as the river Foss which limit the capacity to increasing the levels further. Increased orbital capacity will also enable travellers to drive to the most appropriate Park & Ride service for their end destination in the city.
11. An A1237 dualling study is currently in progress for the entire length of the road – due to be completed in April 2019. Initial findings show that the busiest section of the A1237 is in the A59 to A19 area however the section currently with the highest level of delay is in the Wigginton Rd to Monks Cross area. Enhancing the capacity of the A59 – A19 section is by far the most expensive to deliver due to the bridges over the East Coast Mainline and River Ouse. Upgrading the former trunk road section from the A19 through to the A64 is lower cost as the majority of the road is at ground level and there is only one new bridge, over the Scarborough Line, to deliver in excess of the current WY+TF scheme.
12. Modelling suggests that with the A19-Hopgrove section dualled journey times on the A1237 will be 20% lower in 2036 than 2016 with the dualling in place even though the flow on the ORR is anticipated to double over that period due to development in the area and the redistribution of traffic from adjacent roads. Note: the proposed scheme will have limited affect on the westbound queues over the river/rail bridges between the A19 and A59 until these sections are also dualled.

Funding Opportunity

13. Earlier this year City of York Council put forward a suggested A1237 upgrade scheme to Transport for the North for inclusion within a submission to Department for Transport (DfT) following a request for potential quick win schemes on the Major Road Network (MRN). Subsequently on 30 September 2018 the Secretary of State for

Transport announced that upgrading a section of York's Outer Ring Road was to be included in a list of five schemes in England which would be funded by the new MRN fund.

14. Since this time we have been working with the DfT to understand the detailed arrangements for drawing down the potential funds.
15. It should be noted that the MRN fund commences in April 2020 meaning that the grant for delivery of the dualling scheme would not be available before then. Discussions are ongoing with the DfT to determine whether an earlier drawdown would be possible.

Scope of the Proposed Dualling Scheme

16. The proposed first phase of the dualling project will upgrade the A1237 to dual carriageway standard from the A19 at Rawcliffe around to the Little Hogrove roundabout at Malton Road. This would then provide a full consistent upgrade of the former trunked section of the A1237. The scheme would also tie in with the proposed Highways England RIS2 scheme to upgrade the A64 in the Hopgrove area. The extent of the scheme is shown in Annex A
17. The scheme will also include a section of orbital cycle route, including a route over the river Foss, from the Strensall Road to Haxby Road roundabouts, to link with the subways being provided at these junctions as part of the WY+TF roundabout upgrade scheme. This route will link Huntington and Earswick with Clifton Moor and provide a better route for cyclists from Rawcliffe through to Monks Cross via Huntington.

Approval Process

18. Guidance for the delivery of a scheme using the Major Road Network fund is due to be published shortly. The current expectation, following initial discussions with the DfT, is that any MRN funded schemes would follow the DfT's standard delivery/approval route i.e.
 - Programme Entry (Outline Business Case),
 - Conditional Approval (All statutory consents obtained, design adequate to allow tenders to be issued),
 - Full Approval (Construction prices received).
19. The DfT expect that the dualling between the roundabouts should demonstrate value for money independently of the WY+TF scheme – Initial work indicates that the benefit to cost ratio for this element would be > 1.5 classifying it as a medium value for money scheme. The full

dualling A19 - Hopgrove scheme including the WY+TF elements has a benefit to cost ratio above 2.0 rating it as high value for money.

20. Subject to the decision on the match funding proposal at this Executive meeting a formal Outline Business Case (OBC) would be submitted to the DfT this month. This is the first stage of the DfT's approval process. Dependent on a positive assessment of the OBC and Ministerial approval it is anticipated that Programme Entry status would be granted for the scheme by March 2019 which would provide more confidence that the DfT would fund the scheme subject to:
 - affordability (including by contributors other than DfT)
 - any necessary statutory powers being obtained
 - there being no significant changes to costs, scheme design or expected benefits.
21. Following Programme Entry status further development work would need to be undertaken to progress through the approval process. All development work would have to be undertaken at risk by the promoter (CYC) and be funded locally pending the granting of Conditional Approval status. The funding for the development work, estimated to cost in the region of £2m, would form part of the overall match funding requirement.
22. Following the standard DfT process separately for the dualling element of the overall scheme has the potential to cause significant delays. It will potentially prevent integration and delay the delivery of the full scheme owing to the need for approval by both the DfT and WYCA for the works which will be delivered as a single project. Owing to the potential impact of the standard approval process on the delivery of this particular scheme it is proposed to put forward an alternative governance arrangement using the WYCA assurance process. Discussions with WYCA and the DfT are ongoing to ensure that the most efficient process is in place.

Programme

23. If the Outline Business Case (OBC) is submitted before Christmas then the DfT have indicated that approval could be provided by March 2019 (subject to Ministerial decision). Consultants are currently preparing the document for submission by 21 December subject to the decision at this Executive meeting.

24. Following the granting of Programme Entry status by the DfT the necessary detailed survey work would be undertaken and designs progressed for the dualling sections to enable statutory approvals to be obtained. Surveys and outline design for the dual scheme would be undertaken in 2019 with a planning application submitted by the end of 2019. The detailed design would then be undertaken enabling procurement of the construction phase. If the standard DfT approval process was followed a Full Business Case would be submitted at this stage to obtain Conditional Approval prior to issuing tenders for pricing. Following procurement of a contractor and funding approval the main scheme would commence in 2020 and be completed in 2023.
25. The WY+TF roundabout upgrade scheme is currently due to be completed by March 2022. Wetherby Road is nearing completion and Monks Cross is due to commence on site in Early 2019. Design work is ongoing for the remaining roundabouts with the expectation that planning applications for Haxby Road and Strensall Rd would be submitted later in 2019 for commencement of construction in early 2020. The other roundabouts would follow on. This programme will need to change to enable the design and approval processes of the two elements to align. Suspending the WY+TF scheme would remove the risk of abortive work entirely but would mean that the delivery of the improvements would be much slower and the funding deadlines for the scheme would not be met. It is essential that there is an early award of funding to enable the designs to be integrated prior to the planning process commencing and therefore reducing the risk of abortive work and enabling the delivery of an earlier overall completion.
26. The WY+TF and dualling schemes would also need to be integrated as a single project as early as possible following the Programme Entry stage to enable the economy of scale benefits to be realised. However pending the confirmation of the DfT funding it is still proposed to continue with the delivery of the Monks Cross roundabout scheme, using WY+TF funding, as planned with commencement on site in early 2019 and completion in mid 2019. Depending on the timing of the confirmation of funding for the dualling scheme further roundabouts would be progressed in isolation with the consequent abortive work risk in advance of the dualling scheme.

Match Funding

27. Local match funding of approx. 10% (£2.8m) is expected to be required, in accordance with current standard practice, to support the dualling element of the scheme. In principle, to enable the OBC to be submitted,

it is proposed to use a contribution from the Council's Capital Programme to match fund the scheme. Alternative match funding opportunities will be explored with other key stakeholders. The existing match funding provided through the WY+TF for the full scheme will be emphasized in the OBC but a new contribution will still be needed for the dualling element.

28. In order to secure the MRN funding for the dualling scheme from the DfT, City of York Council Executive are requested to recommend to Full Council the inclusion of £2.8 million match funding in the 2019/20 Capital Programme which would be resourced from prudential corporate borrowing. Support for the match funding will enable the submission of the Outline Business Case.
29. Any additional costs above the agreed DfT grant would have to be covered by the Council. The current cost estimate is high level against a preliminary design and includes approx. 10% risk allowance. The cost estimate has been checked independently but there is still a risk that the costs will increase as more detail becomes available.

Integration with WY+TF Scheme

30. The WY+TF roundabout upgrade scheme has been designed to accommodate the delivery of a future dual carriageway as much as practical however there are a number of elements, such as drainage, which have currently been designed in isolation. The majority of the complex design and construction, including the subways and bridges, is already within the WY+TF scheme. However the introduction of the dualling scheme means that the current proposed designs of some structures, such as the bridge over the river Foss near Strensall Road would need to change. In addition designs would be required for the embankments and railway bridge over the Scarborough Line near Haxby Road. Early design of the dualling layout will ensure that the roundabout elements are fully compliant with the overall dualling scheme and minimise abortive costs.
31. There is a significant overlap with the roundabout upgrade scheme. The total length of the road between the A19 and Little Hopgrove is approximately 7.5km. The roundabout upgrades including dual approaches represent approx. 1.5km of the length (with a further 2.5km of tapers providing the merges). A proportion of the taper works would be abortive if the two schemes were delivered entirely separately. An early award of funding would reduce the amount of abortive design and construction (e.g. taper sections) being progressed and take advantage

of the economies of scale which would accrue from delivering the full dualling scheme as one project.

32. Integrating the two schemes as early as possible will reduce overall costs, reduce the construction programme and minimise the disruption during the construction period. The Council already has a project team in place, which can be enhanced to deliver the dualling project.

Estimated Costs

33. The estimated outturn costs for this first phase of dualling is £60m (including approx. £32m for the roundabout upgrades funded by the WY+TF). It is estimated that it will cost £28m to upgrade the links between the roundabouts. Owing to the amount of preparatory work already undertaken for the roundabout upgrades, the early stages of the overall dualling project could commence on site by late 2019 with overall completion of this first phase in 2023. The programme would be subject to gaining planning consent and the successful acquisition of land, but preliminary work has already minimised these processes.
34. Separate consultation has not been undertaken for the dualling scheme but there have been a number of campaigns by the local media including the 'Dual Them' Press campaign which demonstrates significant support for the upgrade of the route. Supporting letters have been received from local businesses, the York & North Yorkshire LEP and the MP.

Consultation

35. During consultation for the Wetherby Road and Monks Cross roundabout upgrades one of the most common comments raised by the public was the request to dual the A1237.
36. Subject to the confirmation of funding for the dualling scheme public consultation will be undertaken in advance of the planning process commencing. However if funding is delayed the WY+TF scheme will continue to be progressed and consultation will be undertaken on individual roundabouts as they come forward for detailed design or planning.

Options

37. There are a number of delivery options which could be considered:

Option 1 (Recommended)- Progress the scheme and approve the request for match funding. Progress the further development work in advance of Programme Entry status being granted.

Option 2 – Progress the scheme and approve the request for match funding. Only progress the further development work when Programme Entry status has been granted.

Option 3 – Suspend the bid for funding.

Analysis

38. Option 1 will ensure that the maximum opportunity is taken from the Minister's announcement and the new Major Road Network Fund. Progressing the development of the dualling scheme in advance of the granting of Programme Entry will ensure the dualling and WY+TF schemes are integrated as early as possible reducing the risk of abortive design work. If there is significant delay in the granting of Programme Entry status then there is still a risk of abortive construction work if the roundabout upgrades continue to be delivered.
39. Option 2 will ensure that a more limited opportunity is taken from the Minister's announcement and the new Major Road Network Fund. Progressing the development of the dualling scheme following the granting of Programme Entry will delay the integration of the dualling element with the current WY+TF scheme. Depending on the timing of the Programme Entry announcement further individual roundabouts will need to be delivered on the ground to meet the WY+TF programme. There is a risk of additional abortive design and construction work when the dualling scheme is progressed.
40. Option 3 will mean that the funding opportunity will not be taken up and congestion will increase in future years.

Council Plan

41. The delivery of a dual carriageway standard A1237 will help to deliver the Council's "A Prosperous City For All" priority by reducing the level of delay on this key strategic route. The redistribution of traffic will also lead to a reduction in delays in other areas of the city.

Implications

Financial

42. It is proposed that the contribution be funded from Corporate Prudential borrowing. The revenue costs of borrowing £2.8m are approximately

£150k per annum. The ongoing financial implications of including the scheme within the Council's Capital Programme will be included within the revenue and capital strategy reports considered by Executive and Full Council in February 2019. The level of contribution from the Council's Capital Programme will be dependent on whether alternative funding sources can be identified.

43. It may be possible to obtain external funding from other organisations and these will be actively progressed however funding cannot be guaranteed at this stage. The York, North Yorkshire and East Riding LEP Infrastructure Board have confirmed their support for the scheme and have in principle indicated that they support the provision of up to £1.4m of match funding from the Local Growth Fund. Should the YNYER LEP or other organisations agree to provide additional grant funding this will be used to replace CYC funding.
44. DfT require the council to accept responsibility for meeting any costs of delivering the scheme over and above the DfT contribution requested, including potential cost overruns, and the underwriting of any third party contributions. This could result in the council needing to identify further funding requirements as the scheme progresses.
45. There is a level of risk associated with undertaking feasibility work prior to award of grant funding which may ultimately be abortive. Should the scheme ultimately not be delivered then an element of these costs would be classed as abortive and need to be written off back to revenue.

Human Resources

46. There are no HR implications

One Planet Council / Equalities

47. There are no Equality implications

Legal

48. There are no Legal implications

Crime and Disorder

49. There are no Crime and Disorder implications.

Information Technology

50. There are no Information Technology implications.

Property

51. Successful Land Acquisition is key to the delivery of the project. Discussions have already been held with the landowners in the roundabout areas minimising the risk however new landowners will need to be contacted for the dual carriageway elements.

Risk Management

52. A full risk register has been prepared for the project identifying the main risks affecting the delivery of the scheme. The risk register will be monitored regularly and mitigation measures put in place as necessary
53. Many of the risks have already been identified through the roundabout upgrade scheme. The main new risk is the potential for significant abortive work (both design and construction) to be incurred if the dualling and roundabout upgrade schemes are not effectively integrated. The extended scheme including the dualling sections means a number of new risks will need to be addressed. In particular land acquisition, rail interface and planning process risks will need to be mitigated.
54. Generally project risks are recorded within the Project Risk Register and managed by the Project Team and monitored by the ORR Delivery Board.

Contact Details

Author:

Tony Clarke
Head of Transport
Tel No. 01904 551641

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director – Transport, Highways
& Environment

Report Approved Date 12/12/18

Specialist Implications Officer(s):

Financial

Patrick Looker

Corporate Finance Manager

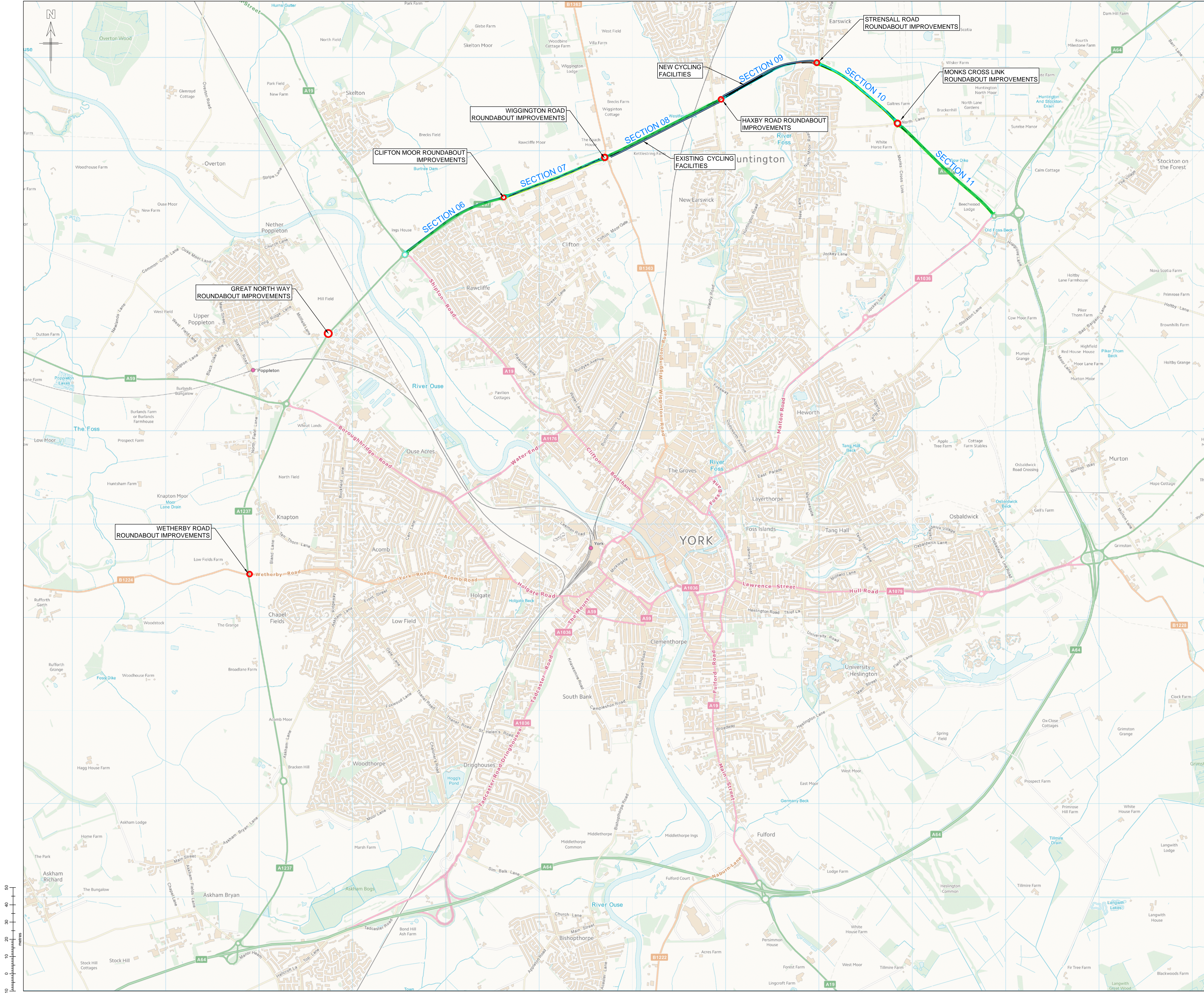
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Wards Affected:

All

Annexes:

Annex A – Drawing showing the extent of the project.



- Notes**
-  SECTION
 -  CYCLE FACILITIES
 -  NEW DUAL CARRIAGEWAY SECTION
 -  WYTF ROUNDABOUT UPGRADE

Rev	Date	Revision Details	Dim	Des	CHK	App

Pell Frischmann
 9 ACORN BUSINESS PARK, STOCKPORT, SK4 1AS
 Telephone +44 (0)7548 273 897
 Email: pfrmanchester@pellfrischmann.com
 www.pellfrischmann.com

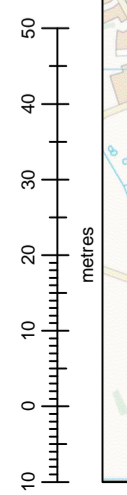


YORK OUTER RING ROAD DUALING STUDY

KEY PLAN

Scale	Drawn	Designed	Checked	Approved
1:500	M STRODE	M STRODE		
Original Drawing Size	Date	Date	Date	Date
A1	NOV 2018	NOV 2018		

DRAWING STATUS						
FOR INFORMATION						
Project	Originator	Volume	Location	Type	Role	Number
101581 - PF	00	100	DR			



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20 December 2018

Executive

Report of the Deputy Chief Executive / Director of Customer & Corporate Services

Portfolio of the Executive Leader (Incorporating Finance & Performance)

Construction Charter

Purpose of Report

1. To seek approval for the introduction of a minimum standards charter in respect of construction projects procured by the Council.

Recommendations

2. The Executive is asked to:
 - a. Adopt the minimum standards charter attached at annex 1
 - b. Agree that the Council ensures all existing and potential suppliers are made aware of the adoption of the charter.
 - c. Agree that the Council monitors performance of contractors against the standards contained in the charter.

Reason: to provide a clear statement of the way in which the Council manages the commissioning and procurement of projects with the construction industry.

Background and analysis

3. In 2014 Trade Unions initiated a campaign to raise standards of employment, health and safety and the terms and conditions of workers employed in the construction industry. There were concerns expressed about the growing number of sub contracting arrangements where those employed are not always adequately trained and employment practices were sometimes unsafe.
4. Since 2014, many other councils across the country have since adopted a minimum standards charter and the majority of Yorkshire & Humber councils now have this in place.
5. Earlier this year, officers met with a representative from UCATT and have also reviewed those charters already in operation at other councils. We quickly

established that this council is already adopting the main principles of the UCATT charter. For example, we already include fair work practices, living wage, employment and skills plans, local employment and trade union recognition in our tender documentation.

6. Although this council is already compliant with the charter, it is acknowledged that the publication of a formal set of agreed minimum standards will ensure there are clear protocols in place for the way in which we manage the procurement of work with the construction industry.
7. The council has therefore put together the charter attached at annex 1 to this report which sets out for all contractors the standards that are expected. However, it is not so prescriptive as to prevent small and medium sized business working for the Council.

Consultation

8. UCATT have been consulted on the charter. In addition, the Council held a number of “Meet the Buyer” events during November to coincide with York Business Week. These events, organised by the Procurement Team, gave current and prospective suppliers an opportunity to meet the Council and discuss a range of issues. A particular effort was made to engage with small and medium sized York based businesses. Presentations were made both to the local Chamber of Commerce and the Federation of Small Business. All current construction industry suppliers working for the Council have had a direct communication from the procurement team inviting comments or concerns. No concerns have been raised through these events.

Options

9. The council could choose not to adopt the construction charter and continue to deal with these matters on a case by case basis for individual procurements. This option has not been considered further as having the charter in place will give a clear statement of the standards expected from suppliers and ensure consistency of approach across all projects undertaken by the council.

Council Plan

10. The agreement and publication of the minimum standards charter will contribute to the Council delivering its core priority of a prosperous city for all.

Implications

11. **Financial** - there is no direct financial impact of adopting this charter. It will be managed and monitored through a robust procurement strategy and proactive management of contracts.
12. **One Planet Council / Equalities** - the formal adoption of the charter is consistent with the One Planet Council framework and will reinforce the council's commitment to equalities.
13. There are no HR, legal, crime and disorder, information technology, property or other implications.

Author:	Chief Officer responsible for the report:		
Debbie Mitchell Finance & Procurement Manager Ext 4161	Ian Floyd Deputy Chief Executive / Director of Customer & Corporate Services		
	Report Approved	√	Date 26.11.18
Wards Affected: <i>All</i>			
<i>For further information please contact the author of the report</i>			

Annex One – Construction Charter

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City of York Council – Construction Charter

City of York Council (CYC) procures a wide range of construction projects. It is our intention to adopt and expect all organisations tendering for work to promote and support this Charter.

Health and Safety

The health and safety of all workers is paramount. Construction is a dangerous industry. We expect all contractors to ensure that:

- Health and safety standards are rigorously implemented and adhered to,
- Welfare facilities for construction workers are appropriate for the 21st Century, including reasonable standards for toilets, mess and drying facilities.
- There is a commitment to the overall health and wellbeing of all employees
- Accreditation from SSIP is encouraged

Employment and skills

City of York Council was the first Council in Yorkshire and Humber to be awarded National Skills Academy for Construction (NSAfc) Client Based Approach Status in 2015.

Building on the success of the previous YorCity Construction partnership model, the Council has been proactively working with CITB to embed the National Skills Academy for Construction (NSAfc) Client Based Approach (CBA) through its procurement and planning processes to secure locally targeted employment, training, education and community-based opportunities.

City of York Council believe this approach to employment and skills will create valuable and sustainable employment, training and education opportunities for the city's residents and local businesses through construction projects, ensuring that the employment and skills outcomes that are requested of our supply chain are reasonable and based on industry intelligence.

Specific outcomes requested of preferred bidders in relation to skills development, employment and training programmes include utilising local labour, taking on and supporting apprentices, providing opportunities for unemployed residents to secure employment on site, facilitating placements for school, further and higher education students and training of the contractors existing workforce and that of any sub-contractor. In addition, preferred bidders should be able to clearly demonstrate that they support the Council's Corporate Parenting duties in ensuring these opportunities are available for young people leaving care. This includes having training and employment policies that can be tailored to the individual needs of a young person to equip them with the skills they need for the workplace.

The Authority requires all projects to be completed to the highest standard. In order to achieve this it is recognised that it is necessary that all workers are competent and have the appropriate level of skill to carry out the work they are employed to do. To assist in the achievement of this goal the Authority's contractors and their supply

chain will ensure they retain documented evidence that all workers are competent to carry out the work they have been employed to do. They will ensure that such evidence is retained in a way as to allow the Authority or its nominee's to audit the documentation. Possession of the recognised industry skills / grade card such as JIB or CSCS will be considered acceptable evidence

Pay and benefits

CYC is a living wage employer and believes that all workers should be fairly rewarded for their efforts. We also expect that all employees, and encourage that all workers, should have access to:

- Paid holiday
- A sickness benefit scheme
- A pension scheme
- Accident compensation
- Death in service benefits

CYC also expects main contractors to be signed up to one of the following schemes

- Prompt Payment Code
- Construction supply chain payment charter

Employment rights

CYC expects direct employment by contractors wherever possible. We believe that Trade Unions play an important role in creating a safe and productive worksite and developing good industrial relations. We therefore expect our contractors, within the context of the contract let, to:

- Employ workers under recognised industry collective agreements as set out in JIB, JIB-PMES, HVAC, CIJC, NAECI and TICA or other EU equivalent,
- Promote the benefits of belonging to a recognised Trade Union,
- Recognise on-site Shop Stewards as having an important role to play in achieving and promoting good industrial relations,
- Ensure that the Trade Union has input into the development of Health and Safety policy (to ensure members' priorities are reflected),
- Actively promote the election of Health and Safety Representatives and support their role in helping to ensure a safe site
- Provide equality and opportunity for all,
- Be able to certify that they have are not engaged in the practice of blacklisting workers for any reason.
- CYC looks forward to working with contractors to help them support the aims set out in this Charter.



Executive**20 December 2018**

Report of the Deputy Chief Executive / Director of Customer & Corporate Services
Portfolio of the Executive Leader (Incorporating Finance & Performance)

Social Value Policy**Purpose of Report**

1. The report presents a corporate social value policy for the council. The policy has been developed to communicate the approach to social value both internally and externally. It will be used to explain to residents, suppliers and other stakeholders what we expect when they work with the council.

Recommendation

2. Executive is asked to approve the policy attached at annex 1 to this report.

Reason: to ensure compliance with the Social Value Act and that the council has a clear and consistent approach to delivery of social value through procurement.

Background and analysis

3. The Public Services (Social Value) Act 2012 requires all public bodies to consider how they might improve the economic, social and environmental wellbeing of their area when buying services above the OJEU threshold (currently £181k for services and £4.5m for works). To comply with the Act, we must think about how what we buy, or how we buy it, could add these benefits.
4. The Act does not take a prescriptive approach and gives freedom to determine what additional benefit or value would best meet the needs to the local community, as well as giving suppliers opportunity to innovate.
5. In 2014 a government review reported on progress made by public bodies on implementing the Social Value Act. The report reinforced that there is still further work to be done to support local authorities to achieve social value in practice. The government has also introduced a social value website which provides useful guidance, support and examples of best practice.

6. The term “social value” is generally recognised as being the achievement of extra social or community benefits through procurement. It involves thinking beyond the price of each individual contract and looking at the collective benefit to a community when a public body chooses who to award a contract to.

Analysis

7. The application of a social value policy can be used to promote inclusive growth by buying goods and services in a way that helps to create better jobs and strengthen skills and employability, which contributes towards the attraction of wealth, enhancing economic growth and addressing poverty.
8. It is clear that, as well as procurement activity, the council can secure additional social value benefits through the use of its assets and the awarding of grants. In addition to the legislative requirement, commissioners and those involved in redesigning service delivery models should consider social value when determining the most appropriate use of resources. This will help to inform whether buying or internal delivery is the best approach and influence the design of services, using the opportunity to re think outcomes and the types of services required before starting a procurement process.
9. The council spends approx £140m every year with a range of suppliers and this expenditure should contribute as much as possible to the delivery of social value in the city. Whilst we have a number of good examples of using social value to drive out additional benefits, there is no clear statement, framework or agreed definition of what social value means to the council. The council doesn't currently have an overarching social value policy or specific social value priorities against which activity can be planned, measured and evaluated.
10. The LGA peer review of procurement in June 2017 identified that whilst there were examples of procurement being used to achieve broader socio-economic objectives, for example employment and skills plans for construction projects, there was not a council policy or toolkit relating to 'social value', including how to comply with the statutory obligations in this area such as the Social Value Act. Their recommendation was that this was something the council should consider addressing.
11. In the absence of a corporate social value policy, the current process of achieving social value is variable and depends on the size and type of contract.

The policy will enable a more consistent approach and strengthen the council commitment to delivering social value.

12. However, much of the One Planet Council initiative is about changing the way we work, so that we more carefully consider and balance the social, economic and environmental implications of the decisions we make.
13. One Planet Council seeks to make sustainability part of everyone's job and encourages officers from different service areas to come together to share ideas and work together. The social value policy attempts to add to, rather than replace, this existing council policy.
14. The policy attached at annex one to this report sets out our social value and inclusive growth priorities along with some examples of how they could be achieved. An action plan has been developed to create the additional guidance material, training, and other processes needed to implement the policy. These additional documents need to be easy to understand and any additional processes not too time consuming to achieve.
15. The development of a policy will give contractors and residents a clear definition of expectations and requirements in the commissioning, implementation and evaluation of social value benefits. It will also ensure we can focus social value initiatives on the delivery and support of council plan priorities.
16. We recognise that council influence extends beyond our core role through to local businesses, partners and other external bodies. In addition to securing more social value through our own contracts, we will also consider our role in providing wider support and engagement to encourage everyone to be responsible employers and address social value wherever possible.
17. The council continues to offer local suppliers and businesses encouragement to engage in tenders through meet the buyer events and engagement with the Federation of Small Business and the Chamber of Commerce, as well as offering training and support where needed to submit good quality tenders. We also actively encourage suppliers to make use of the potential local supply chain. The council pays suppliers promptly and expect this prompt payment to be delivered throughout the supply chain.
18. Social value should be deliverable, measureable and achievable and using social value as a tool to lever in additional benefits wherever possible should be seen

as integral to the procurement process. In order to maximise the benefits from social value a consistent approach is needed across the council.

19. One of the main challenges with social value is how we can measure and evaluate outcomes achieved. Social value measurement needs to be proportionate, appropriate and realistic. Striking the right balance is crucial to prevent the measurement process being too rigid or complex and slowing down day to day business activity.
20. We also need to understand that there may not be opportunities in all contracts to secure social value because of the need to achieve value for money and the need to consider the profitability of contractors.
21. An action plan has been developed to include
 - a. Ongoing training, communication and engagement with managers and members.
 - b. Engagement of suppliers, partners and other stakeholders in achieving more social value benefits for the city
 - c. Development of more guidance and support for suppliers, particularly SME's and the voluntary sector.
 - d. Developing an approach to monitoring and measuring social value outcomes
 - e. Improved cross council working to avoid a disconnect between the contracting process and the delivery of social value benefits

Consultation

22. The draft policy has been shared widely with a range of officers and senior managers.
23. A series of events were held during November 2018 to consult more widely on the policy with both current and potential suppliers.
24. The policy has also been subject to pre decision scrutiny by Customer and Corporate Services Scrutiny Management Committee.

Options

25. The council could choose not to have a corporate policy but to continue considering social value on a case by case basis for individual procurements. This option has not been considered further as having a policy in place will allow

officers to approach social value with consistency and will ensure the legislative requirements are met.

Council Plan

26. The information and issues included in this report demonstrate progress on achieving the priorities set out in the Council Plan.

Implications

27. **Financial:** The financial implications of a greater focus on social value can't be accurately quantified. Whilst any additional costs should be relatively small, they could be justified by the wider benefit to residents and economic wellbeing of the city in general. Any additional costs would have to be identified from within existing budgets and this will be considered as part of the action plan.
28. **One Planet Council / equalities:** The policy helps to achieve the principles set out in One Planet Council. Social value can be used to support specific sections of the community, giving additional support and opportunities.
29. **Legal:** The Public Services (Social Value) Act 2012 created a duty to consider social value when making decisions about how public services should be delivered. The proposed policy incorporates the requirements of the legislation.
30. There are no HR, crime and disorder, IT, property or other implications.

Risk Management

31. Without a corporate policy in place there is a risk that information and advice is inconsistent or inappropriate, which could lead to a failure to deliver social value in line with our statutory duty. Although there is a potential that tender prices could be inflated by suppliers to cover the costs of social value there is no evidence of this in practice. The draft policy and associated action plan mitigates these risks to an acceptable level.

Author:	Chief Officer responsible for the report:		
Debbie Mitchell Finance & Procurement Manager Ext 4161	Ian Floyd Deputy Chief Executive / Director of Customer & Corporate Services		
	Report Approved	√	Date 26.11.18
Wards Affected: <i>All</i>			
<i>For further information please contact the author of the report</i>			

Annex One – Social Value Policy



Social Value Policy

Introduction

As a council we spend £140m on goods and services each year, more than any other organisation in the city. This provides the council with significant leverage to incentivise suppliers to be more sustainable in their practices and to encourage the organisations we buy from to deliver additional social, environmental and economic benefits to the city. The term 'Social Value' has been developed to refer to the achievement of these extra benefits through procurement and commissioning. Social value is a way of thinking about how resources are allocated and looking beyond the cost of a contract to the collective benefits the contract will deliver to the wider community.

This statement sets out City of York Council's commitment to embedding social value into its procurement and commissioning processes, creating a supply chain that helps us work towards our strategic priorities. As service delivery increasingly shifts to external providers, this will become ever more important part of the council's aspiration to become a more sustainable and resilient city.

The statement will also enable us to meet our legal obligations set out in the Social Value Act (2012). The Act requires all public bodies to consider how they might improve the economic, social and environmental wellbeing of their area when buying services above the OJEU threshold, currently £181k for services and £4.5m for works.

Our social value priorities

Three key social value priorities have been identified: 'Strong Community', a 'Vibrant and Inclusive Economy' and a 'Healthy Environment'. These are the foundations of the One Planet York framework, which aims to drive progress towards a more sustainable and resilient city. Within this, One Planet Council makes a commitment to put economic, social and environmental sustainability at the heart of our organisation. These high level principles have been further broken down into a number of key objectives that we wish suppliers to contribute towards. Whilst these objectives are fixed, suppliers may propose to deliver social value in any number of ways. This is to cater for the varied nature of public sector contracts; encourage innovative approaches to service delivery; and ensure that any benefits meet specific local needs. There is no "one size fits all" model and each procurement exercise needs to be dealt with on a case by case basis.

The overall aim of the policy is to reduce inequality and narrow the gap in outcomes by attracting Social Value activities that will improve the lives and life chances of York residents, alongside enhanced sustainability of the city.

The tables below set out our key objectives and provide examples of how suppliers may help us meet them. The examples and associated outcome measures are illustrative rather than exhaustive.

1) Strong Community

Objective	Examples of social value	Example outcome measures
Investing in the health and wellbeing of communities	<ul style="list-style-type: none"> • Providing health and wellbeing programmes for staff • Promoting education campaigns (for example, healthy living, debt or physical and mental health) • Providing schemes which encourage staff to cycle work 	<ul style="list-style-type: none"> • Number of employees benefitting from health and wellbeing programmes • Campaign reach • Staff behavioural change • Increase in number of staff cycling to work
Building capacity	<ul style="list-style-type: none"> • Allowing voluntary, community and faith sector organisations / community groups to make use of business premises • Providing pro bono consultancy to voluntary sector organisations e.g. marketing, digital skills, financial management, etc. • Establishing an employee volunteering scheme 	<ul style="list-style-type: none"> • Number of hours premises rented out for • Number of hours of consultancy provided • Number of employee hours volunteered
Supporting the most vulnerable residents & bringing communities together	<ul style="list-style-type: none"> • Supporting employees who are vulnerable or on low income with their childcare • Engagement with community cohesion projects • Running or supporting befriending / mentoring schemes for vulnerable adults or children and young people 	<ul style="list-style-type: none"> • Number of employees benefitting from childcare • Number of community projects supported • Number of vulnerable adults or children supported • Number of hours volunteered

Relevant One Planet Principles: Health & Wellbeing, Strong Resilient Community, A City Working Together

2) Vibrant & Inclusive Economy

Objectives	Examples of social value	Example outcome measures
Supporting the local economy	<ul style="list-style-type: none"> • Maximising the total spend within the local supply chain • Involving SMEs, voluntary sector organisations and social enterprises within the supply chain • Providing support to new businesses, SMEs, social or green enterprises or voluntary sector organisations • Attracting inward investment into the city or wider region 	<ul style="list-style-type: none"> • % of total spend within the local supply chain • Number of SMEs etc. supported • Amount of inward investment achieved
Helping residents to get good quality jobs and ensuring we have the workforce of the future	<ul style="list-style-type: none"> • Creating new jobs within the local economy • Providing apprenticeships or work experience placements • Supporting young people to develop their skills (e.g. by providing training courses, mentoring, career guidance, talks, mock interviews, advice on CVs, etc.) • Offering curriculum support to schools • Providing training courses or workshops to improve digital literacy 	<ul style="list-style-type: none"> • Number of jobs created • Number of apprenticeships or work experience placements provided • Number of young people supported • Number of schools engaged with and / or time committed • Number of digital literacy courses offered / reach of course
Promoting equity and financial inclusion	<ul style="list-style-type: none"> • Paying the Foundation Living Wage • Providing specific employment support to vulnerable or underrepresented groups, such as the long-term unemployed, ex-offenders, or individuals with disabilities • Targeting recruitment of the one or more of the above groups • Increasing the rate of pay for lowest-paid staff by 	<ul style="list-style-type: none"> • Number of vulnerable individuals receiving support • % increase in pay for lowest paid staff or reduction in the pay gap between lowest and highest paid staff members • Number of staff with additional needs supported

	<p>adoption of the Foundation Living Wage</p> <ul style="list-style-type: none"> • Supporting staff with additional needs by permitting flexible working • Working with schools to support children at risk of poor educational attainment or becoming NEET (not in education, employment or training), such as those in care • Providing guaranteed interview schemes for the unemployed 	<ul style="list-style-type: none"> • Number of children engaged with
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Relevant One Planet Principles: Decent standard of living, Education & Opportunity, Fairness & Inclusion, Sustainable Food and Materials

3) Healthy Environment

Objective	Examples of social value	Example outcome measures
Minimising waste, water usage and energy consumption	<ul style="list-style-type: none"> • Reducing waste sent to landfill* • Maximising % of waste recycled* • Maximising use of renewable and/or low-carbon energy sources * • Supporting local sustainable transport initiatives • Minimising distance travelled to access services • Supporting or delivering environmental education campaigns • Maximising use of sustainable materials <p>*should be considered in relation to the entire supply chain</p>	<ul style="list-style-type: none"> • Reduction in waste sent to landfill by X% (compared to previous contract) • % of waste recycled • % reduction in energy usage (compared to previous contract) • % of energy from a renewable source • % of service users or employees travelling by sustainable modes of transport • Number / reach of environmental campaigns
Protecting and enhancing the natural environment	<ul style="list-style-type: none"> • Providing additional open space • Significant investment in trees and landscaping • Minimising the impact on air quality • Minimising noise pollution 	<ul style="list-style-type: none"> • Amount of open space provided • Spend on trees / landscaping • Reduction in noise or air pollution compared to previous contract
Supporting local and sustainable food suppliers	<ul style="list-style-type: none"> • Maximising the use of locally-sourced, sustainable and / or fair-trade food • Reducing food miles (field to fork) through the use of local suppliers 	<ul style="list-style-type: none"> • % of food products that are locally-sourced, sustainable and / or fair-trade

Relevant One Planet Principles: Zero Carbon and Sustainable Transport, Zero Waste, Land Use and Wildlife, Sustainable Food, Water and Materials

Why have we developed a social value policy?

- To maximise the value we obtain from public spending
- To reduce demand on services, by encouraging suppliers to support our strategic priorities
- To meet our legal obligations
- To help support local businesses and the voluntary sector
- To enable us to deliver social value in a manner that is consistent and measurable

What will success look like?

- An increase in the number of procurements that include social value in their specification and bid evaluation
- Social value is discussed at all meet the buyer events and throughout the pre-procurement stage
- Managers, members and suppliers are aware of what social value means and how they can help deliver it

How will we incorporate social value into the procurement process?

Separate guidance will be developed to ensure that social value is fully embedded into procurement processes. Ongoing support and training will be provided for managers and members. We will engage with suppliers, partners and other stakeholders to ensure they are fully aware of what social value means and how they can contribute. Additional guidance and support will be offered to SME's and voluntary sector organisations.

When should the policy be applied?

The policy must be considered when buying goods or services over the value of £100k, but can also apply to contracts of any value. The degree of consideration should be proportionate to the value of the contract. At least 10% of bid scoring will be allocated to social value. An exception must be sought if this is to be waived.

How has the policy been developed?

The priorities set out in this social value policy reflect the principles underpinning One Planet Council and One Planet York. Both initiatives seeks to mobilise the city towards a more sustainable, resilient and collaborative future, with a vibrant and inclusive economy, strong community and healthy environment. One Planet Council addresses this from our own internal organisational perspective, whilst One Planet York is externally-focused and concerned with mobilising the city. At the centre of the two initiatives are ten key sustainability principles:

The ten principles are:

- Decent standard of living

- Education and opportunity
- Fairness and inclusion
- Health and wellbeing
- Strong resilient community
- A city working together
- Zero carbon and sustainable transport
- Zero waste
- Land use and wildlife
- Sustainable food, water and materials

The policy promotes the council values of working together to improve and make a difference.

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