

## **Executive**

**Thursday, 26 September 2019**

### **Decisions**

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 26 September 2019. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the second working day after this meeting. Please note that items 13 and 14 on the list are recommendations to Full Council and cannot be called in.

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

#### **5. Update on City of York Council preparations for Brexit**

Resolved: That the contents of the report, and the council's preparations for the UK's exit from the European Union, be noted.

Reason: To confirm that the Executive is sighted on the preparations that have taken place in advance of Brexit.

#### **6. Reducing York's Carbon Footprint with Electric Vehicles**

Resolved: (i) That the progress of the Hyper hubs project be noted.

(ii) That approval be given to proceed with the procurement of a contract for the supply and installation of the hyper hubs and that authority be delegated to the Assistant Director of Transport, Highways & Environment, in consultation with the Assistant Director of Legal & Governance or his / her delegated officers, to take such steps as are necessary to award and enter into the resulting contract for the delivery of the Hyper hubs project,

with the proviso that, if the scheme needs to be tailored to the available budget, this be brought back to Executive in a further report.

(iii) That the approach to the wider estate and progress on fixing the council's current Electric Vehicle (EV) charging assets, as set out in the report, be approved.

(iv) That officers be asked to develop the principles set out in the report, along with the comments, into a formal Public EV Charging Strategy to be brought to a future Executive meeting.

(iv) That the fees for parking in EV bays be included in the budget proposals for 2020/21.

Reason: In order to move forward and implement an EV charging infrastructure that meets the Council's ambitions in terms of carbon reduction, promoting sustainable transport and increasing the use of electric vehicles to improve air quality in the city.

## **7. Re-procurement of Primary Care Contraception Service**

Resolved: (i) That Option 1 be approved, enabling a joint commissioning approach for the provision of Long Acting Reversible Contraception (LARC) between City of York Council (CYC) and NHS Vale of York Clinical Commissioning Group (VoYCCG).

Reason: To ensure that CYC meets its mandated responsibility to provide LARC to women in York through effective and efficient joint commissioning arrangements.

(ii) That approval be given to procure LARC through a competitive tendering process, to secure provision for the proposed duration of commissioned activity, from 1 April 2020 to 31 March 2026.

Reason: To provide adequate resources and duration of contract to ensure that provision of LARC within York is equitable and sustainable.

(iii) That authority to award a contract to the preferred bidder be delegated to the Director of Public Health, in consultation with the Executive Member for Health and Adult Social Care.

Reason: To enable the contract to be awarded in a timely manner and allow maximum time for mobilisation of the new service to commence from 1 April 2019.

## **8. Housing Delivery Programme Update**

Resolved: (i) That the progress made on Lowfield, Ashfield football pitches and Duncombe Barracks, and the procurement of a design team to assist in delivering the objectives of the Housing Delivery Programme, be noted.

(ii) That the 'Building Better Places' Design Manual attached as Annex B to the report be approved as the new set of standards for the Housing Delivery Programme.

(iii) That the 'Shape Homes York' brand, and the creation of a website to support the council's open market and shared ownership sales, be supported.

(iv) That the proposed approach for:

- site based business case development
- the setting of open market and shared ownership sales prices (supported by RICS valuations and guidance from procured sales agents) and
- agreeing sales, including the associated delegated authorities (see Annex C), with quarterly sales reports to be presented to the Section 51 Officer and the Executive be supported.

(v) That the proposed new public engagement strategy for the Programme be approved, to ensure that the voices of York's communities are heard and responded to.

(vi) That approval be given to re-allocate the budget approved by Executive on 12 July 2018 for detailed design work to develop and submit a planning application for the Askham Bar site (Resolution (iv) in Minute 16 of that meeting refers) to undertake instead the equivalent work at the Ordnance Lane and Hospital Fields Road site, and to bring forward the Askham Bar site as part of a later phase of development.

(vii) That the proposed timetable for the submission of planning applications and a business case for Burnholme, Duncombe Barracks and Ordnance Lane / Hospital Fields Road be noted.

Reason: To progress with the building, rental and sale of much needed new homes in York, set within healthy and sustainable new neighbourhoods.

## **9. Review of the Constitution and Governance Procedures**

Resolved: (i) That the proposals to review the Council's Constitution and Governance arrangements using a 3-stage approach, as detailed in Option 2 at paragraph 9 of the report, be approved.

(ii) That the review of the Constitution include consideration of the provisions regarding key decisions, to ensure that the legal requirements are met.

(iii) That the Terms of Reference for Stage 2 of the review (governance arrangements) be agreed by the Leader and Deputy Leader, in consultation with the Chair of Audit & Governance Committee.

Reason: To facilitate an expedited review of the Constitution document to ensure it is accurate and effective, and to enable a thorough and robust review of the Governance arrangements, taking into account the impact of any potential changes on all interested parties.

## **10. Update on Taxi Licensing Policy**

Resolved: That Option 1 be approved and the amendments to the Taxi Licensing Policy be adopted.

Reason: To allow the council to align policies in relation to training and suitability with the West Yorkshire authorities, which will help ensure that people across the six authority areas are transported safely and protected from harm to standards applied consistently across the area.

## **11. Interpretation of the Law – ‘Out of Town’ Licences**

Resolved: (i) That Option 1 be approved, and the legal position outlined in paragraph 3 of the report be confirmed, with no changes required to the Taxi Licensing Policy.

Reason: To provide clarity for the public in relation to the council’s interpretation of the law, and to avoid an increase in the risk of a major impact on the service, which could cost over 10% of the Public Protection budget.

(ii) That, endorsing the recommendations of the Licensing & Regulatory Committee, officers should explore potential options to improve enforcement actions across the city, particularly in relation to poor practice by private hire vehicles; for example, improving enforcement against such vehicles parking in hackney carriage taxi ranks or in restricted areas.

Reason: To address concerns raised about the behaviour of some operators.

(iii) That it be noted that this is an issue faced by many authorities across the country and, noting specifically Medway Council’s decision to secure additional legal advice on this matter, support be given pending consideration of this to working with a number of local authorities, and the Local Government Association, to ensure that the council’s

position is kept under review and reflects the most up to date situation.

Reason: To ensure confidence in the council's legal position on taxi licensing issues.

## **12. York Outer Ring Road Improvements Update**

Resolved: (i) That the potential grant award of around £26m from the Department for Transport (DfT) for upgrading the A1237 (Phase 1 Dualling: Rawcliffe to Hopgrove), and the need to co-ordinate planning and design work on the current junction upgrade programme, be noted.

Reason: To confirm that the Executive is aware of the potential impacts of co-ordinating design and construction on the YORR programme.

(ii) That the inclusion in Transport for the North's Regional Evidence Base submission to the DfT of a scheme to dual the A1237 from A19 Rawcliffe to B1223 Wetherby Road (Phase 2 Dualling: Rawcliffe to Wetherby Road) be noted.

Reason: To confirm that the Executive has been informed about the current status of proposals for dualling sections of the A1237 York Outer Ring Road (YORR).

(iii) That officers be instructed to investigate options for the introduction of further measures across the city to lock in the sustainable transport and environmental benefits that could result from the increased capacity provided by dualling the A1237.

Reason: To ensure that the potential for significant sustainable transport and environment benefits resulting from the dualling of the YORR are investigated further, with options presented to Members for future decision.

(iv) That, subject to Council approval of the recommended budget (Minute 51 refers), approval be given to procure a contractor to undertake the

civil engineering and associated construction works and authority be delegated to the Assistant Director for Transport, Highways and Environment, in consultation with the Assistant Director of Legal & Governance or his / her delegated officers, to take such steps as are necessary to award and enter into the resulting contract, with the final layout being subject to the approval of the Executive Member for Transport following consideration of a report reviewing the landscaping, drainage and highway integration for east-west cycling and walking routes and options for the Hurricane Way B&Q junction.

Reason: To enable the procurement process for a contractor to be undertaken and the resulting contract awarded.

(v) That officers be requested to identify opportunities to reduce the City of York Council's contribution through external funding (HIF, developer contributions etc.) which, if successful, will reduce overall CYC borrowing.

Reason: To reduce the council's overall financial contribution.

(vi) That approval be given in principle to pursue a Compulsory Purchase Order (CPO) using powers contained in Part XII of the Highways Act 1980 to acquire the land edged red on the plan attached as Annex C to the report, which is required to deliver the Monks Cross Junction improvements.

Reason: To enable Executive to consider a report in December seeking authority to make the Order, should continuing negotiations to acquire the land not be successful.

(vii) That authority be delegated to the Assistant Director of Transport, Highways and Environment to take all steps necessary to prepare for the CPO referred to in resolution (vi) above, this delegation to include:

- negotiation of easements and temporary rights where freehold ownership is not required, e.g.

- for drainage purposes or temporary occupation for construction works, and
- obtaining the release / extinguishment or variation of any third party rights over affected land (for example, a third party may have a right of way over land which needs to be acquired).

Reason: To ensure that, in the event of a final resolution to make the Order, the council is in a position to make it as soon as is practicable.

(viii) That the delegated authority of the Assistant Director of Transport, Highways & Environment to purchase land by private agreement / private treaty be extended from £200k to £250k in any one land interest.

Reason: To enable the Assistant Director to negotiate the acquisition of land by private agreement / private treaty in an efficient and timely manner to support the planning, development and delivery of the YORR Improvement scheme.

### **13. Reducing York's Carbon Footprint with Electric Vehicles**

Recommended: That Council approve an increase in the budget of £700k, including £400k additional prudential borrowing, to fund the increased cost of the Hyper hubs project.

Reason: In order to move forward and implement an EV charging infrastructure that meets the Council's ambitions in terms of carbon reduction, promoting sustainable transport and increasing the use of electric vehicles to improve air quality in the city.

### **14. York Outer Ring Road Improvements Update**

Recommended: That Council approve a budget of £7m for the 'enhanced option' upgrading of the Clifton Moor junction, to be funded from £2m West Yorkshire Transport Fund contribution and



£5m prudential borrowing, the revenue costs of which will be incorporated in the 2020/21 Revenue Budget.

Reason: To enable the construction of an upgraded junction which will be future proofed to provide access to a proposed new development site, shown in the Draft Local Plan, for approximately 1,350 new homes, new cycle and pedestrian networks, and accommodating dualling of the A1237; in addition, delivering a single enhanced scheme will minimise traffic disruption and the abortive work that would result from delivering the WYTF and development schemes separately.