

Executive

Thursday, 12 October 2023

Decisions

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 12 October 2023. 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.

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

5. Development of a new York Local Transport Strategy

Resolved:

- i. Endorsed the proposed new Transport Strategy as the basis for the consultation;
- ii. Approved the proposed consultation process (Annex A to this report);
- iii. Approved the establishing of an Expert Group to advise the Council, the terms of reference for which are attached as Annex C to this report.

Reason: To enable consultation to commence in November to allow a Strategy to be put before Full Council in March 2024 and adopted by City of York Council for presentation to the Mayoral Combined Authority and the newly elected mayor at the start of their term of office.

6. Delivering the Vision for the City Centre

Resolved:

- i. Supported the overarching aims of the Vision for the city centre approved in November 2021, which set out an inclusive vision for residents and business.

Reason: To re-launch the Vision for the city centre and re-focus partner collaboration and drive delivery.

- ii. Approved the updated themes which set out the key aims of the Vision and emphasise the focus on residents and city centre businesses through the change in name to “Our” City Centre.

Reason: To reflect the current priorities for the city, emphasising the importance of the city’s residents and of creating an inclusive city through the Vision and subsequent delivery strategy.

- iii. Instructed officers to work with the Economic Partnership to bring together key partners and stakeholders to promote effective collaboration on delivering the Vision for the city centre through the creation of a joint delivery strategy.

Reason: To ensure that the Our City Centre Vision is collectively owned by stakeholders and communities. A jointly owned delivery strategy is key to realising the Vision. Effective collaboration between partners and stakeholders will drive delivery and maximise benefits. The detailed “actions” within the themes were only aspirations to be explored further through the drafting of a delivery strategy.

7. Consideration of changes to the City Centre Traffic Regulation Order (Footstreets)

Resolved:

- i. Noted the revised policy position of a new council plan, and how this changes decision making;
- ii. Noted the updated Our City Centre Strategy (to be considered at the same meeting);
- iii. Noted the advice of Counter Terrorism Policing contained within Annexes A and B attached to this report. At Economy, Place, Access and Transport Scrutiny Committee on the 26th of September,

Counter Terrorism Policing Northeast confirmed their advice contained within Annex B remained their advice. The Executive have had a private briefing by Counter Terrorism Policing before making this decision and the information provided should also be considered;

- iv. Noted the responses to the consultation on the principles for restoring Blue Badge access to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, King Square, and Colliergate during pedestrianised hours, contained with Annex C attached to this report.
- v. Acknowledged the positive impact of restoring Blue Badge access for disabled people.
- vi. Noted the impacts of increased risk of accidents between pedestrians and vehicles linked to additional vehicles within the pedestrianised streets, (including the potential negative impacts on some groups with protected characteristics under the Equality Act 2010) and the technical and practical challenges in administering an access regime;
- vii. Agreed to implement Option 3, contained within the report, that the Hostile Vehicle Mitigation Measures will continue to operate but that Blue Badge access will be permitted to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, Kings' Square and Colliergate through the Hostile Vehicle Mitigation Measures during pedestrianised hours as shown in Annex H to this report from January 2024. To start the process and consultation of developing an Anti-Terrorism Traffic Regulation Order and some events may mean access is restricted for the event;
- viii. Agreed that any additional ongoing costs, currently estimated at £200k, will need to be classed as priority growth as part of the 2024/25 budget process.

Reason: Executive are required to consider if the option to restore Blue Badge access is reasonable and proportionate having fully considered the Equalities Impact Assessment. Executive therefore need to weigh up the equalities and human rights benefits to Blue Badge holders of restoring access and if the

proposed mitigation of introducing an Anti-Terrorism Traffic Regulation Order balances the wider public interest, including the right to life, the duty to protect life, and the potential negative impact that additional vehicular traffic in the pedestrianised area could have on some groups with protected characteristics under the Equality Act 2010.

8. UK Shared Prosperity Fund

Resolved:

- i. Agreed to the following non-material changes to the York SPF Investment Plan:
 - a. Skills funding is concentrated on inclusion and a new Construction Skills Initiative to ensure maximum impact and deliverability by March 2025;
 - b. High street improvement funding on intervention E1 is allocated to Phase 2 improvements to Acomb Front Street, including further engagement with the local community to respond to the petitioners' concerns to allow completion of the Acomb Front Street works and maximise impact and deliverability;
 - c. Unallocated capital funding from E22 (capital workspace) is re-focused to support other priorities in the Business Investment strand (revenue) and E1 (capital high street improvements), recognising the need to focus on project deliverability in the remaining 18 months of the plan;
 - d. Rural England Prosperity Fund (REPF) funding implementation plans are further refined in consultation with rural stakeholders, with recommendations to be brought back to the Executive Member early in 2024. To ensure that remaining rural funding reflects the needs of rural communities and businesses.
- ii. Agreed that the revised investment plan is implemented by extending the current delegation to the Corporate Director of Place in consultation with

the Executive Member for Economy and Transport and taking advice the York SPF Partnership Board.

Reason: To enable efficient and effective decision making and implementation of programme priorities.

- iii. Agreed that the Council seek to proactively influence the future governance and approach to the York and North Yorkshire investment plan for SPF from April 2025 onwards, including seeking devolved responsibility for specific elements of the programme to a local level where appropriate.

Reason: To ensure that MCA investment of SPF funds continues to reflect York place priorities.

- iv. Agreed that the York SPF Partnership Board is expanded to include rural representation and trade unions and that the minutes and papers of future Partnership Board meetings are published.

Reason: To ensure good, open governance of the programme.

9. Establishing a York Community Fund

Resolved:

- i. To establish, the YCF and agree to enter into a partnership agreement with an appropriate community fund manager;
- ii. Agreed to waive the requirements set out within the Council's CPRs within the Council's Constitution and delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to enter into a partnership agreement directly with a suitable Partner, without any prior procurement exercise;
- iii. Agreed to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance the drafting, negotiation, and completion of a partnership agreement with the successful community fund manager and other partners, as well as authority to draft, negotiate and complete

- any subsequent variations to the partnership agreement once in place;
- iv. Agreed to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to establish a supplementary ring-fenced fund within the YCF arrangements once in place, specifically to collect funding raised by the externally led UFSM fund raising campaign;
 - v. Agreed to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance and other officers as and when required, to develop a Case for Support to support the fundraising for the delivery of a UFSM Pilot;
 - vi. Agreed to delegate authority to the Chief Operating Officer, in consultation with the Chief Finance Officer, the Director of Customer & Communities, and the Director of Governance to approve roles to, and delegate authority to, Council officers in the relevant structures and steering groups.

Reason: To establish a permanent community fund that will fund and deliver community projects and growth on a permanent basis, with the ability to have specific and targeted campaigns for an agreed set of projects aligned to the administration's priorities. By establishing the YCF, it provides the city with a fundraising mechanism for additional opportunities that officers and partners can explore in partnership.

10. Biodiversity Net Gain (including information on Local Nature Recovery Strategy)

Resolved:

- i. Noted the delays to the implementation of the BNG regime by Government;
- ii. Agreed to delegate to The Executive Members for the Environment and Climate Change Emergency the necessary Member decisions for the development of the LNRS and that officers convey those decisions for consideration of NYC as statutory Authority;

- iii. confirmed that whilst not statutory Authority they wish to reserve the agreement to adopt the LNRS as a key decision;
- iv. Agreed the one off £30k expenditure from the Government grant detailed in the financial implications to commission a 2-phase approach to enhanced BNG opportunities for York and along with sums negotiated for the delivery of the LNRS expenditure is delegated to the Director of Transport Highways and the Environment in consultation with the Executive Members for Environment and Climate Change Emergency.

Reason: To improve biodiversity net gain in York.

11. **Capital Projects 2024/25**

Resolved:

- i. Approved the £3,000,000 budget for capital maintenance works planned for 2024/25.

Reason: To complete the annual programme of maintenance works within the maintained school estate, dealing with the most urgent issues for 2024/25.

- ii. Approved the budget of £1,400,000 to build additional classrooms to accommodate a growth in pupil places at St Oswald's CE VC Primary.

Reason: To accommodate the demand for mainstream school pupil places.

- iii. Approved the budget of £1,100,000 to build additional classrooms to accommodate the demand SEN pupil places at Hob Moor Oaks Community Primary Academy.

Reason: To accommodate the demand for special school pupil places for those children with complex special educational needs.

- iv. Approved the budget of £1,100,000 to refurbish the science labs at Huntington Secondary School.

Reason: To resolve health and safety issues within the existing science labs that mean teachers are unable to deliver the full science curriculum. This will ensure these labs are future-proofed for existing pupil numbers prior to the increased pupil numbers expected from planned housing developments.

- v. Approved the £600,000 budget to create outdoor learning areas at Danesgate Community Pupil Referral Unit.

Reason: To accommodate the increased demand for alternative teaching spaces for pupils with Social and Emotional Mental Health (“SEMH”).

- vi. Agreed to delegate approval of expenditure on individual schemes to the Corporate Director of Children’s Services and Education (or his delegated officers).

Reason: To ensure efficient spend and that decisions are made in a timely manner on individual schemes throughout the life of the capital programme.

- vii. Agreed to delegate authority to the Corporate Director of Children’s Services and Education (or his delegated officers), in consultation with the Director of Governance (or his delegated officers), to determine the provisions of any new works contracts necessary for the delivery of the Education Capital Programme, 2024/25, and to award and conclude each of these contracts following the appropriate competitive tendering processes.

Reason: This ensure compliance with LA’s Contract Procedure Rules and its obligations under Public Procurement Law, as well as enable the Education Capital Programme, 2024/25 to be delivered on time.

12. Youth Justice Plan

Resolved:

- i. Agreed the Youth Justice Plan.

Reason: To secure the Youth Justice Board funding for the financial year.

13. Approved Provider List (“APL”) Dynamic Purchasing System

Resolved:

- i. Approved the established Approved Provider List (APL).

Reason: The proposed APL will ensure that services are procured in line with our statutory duties and obligations under the Care Act 2014 and the Public Contract Regulations 2015, as well as our own standing orders set out within the Council’s Contract Procedure Rules under Appendix 11 of the Council’s Constitution, as well as ensure efficiencies and enable the Council to have more control of current and future contracts, for example ceiling rates.

- ii. Agreed to delegate authority to the Corporate Director of Adult Services and Integration (“DASS”), in consultation with the Director of Governance, to determine the provisions of the new APL, and to award positions on to the APL following an open, fair, and transparent competitive process and evaluation criteria.

Reason: To ensure the proposed APL is set up in accordance with and continues to be used/managed thereafter in line with the Light Touch Regime under the Public Contract Regulations 2015 and the Council’s Contract Procedure Rules, to ensure open, fair and transparent commissioning of services required to meet our statutory duties under the Care Act 2014, and to ensure the APL is set up within the procurement timescales.

14. Recommission of the current York Reablement service

Resolved:

- i. Approved the approach to commission a reablement service through a competitive tendering process.

Reason:
Contract

The option proposed will comply with CYC's Procedure Rules in terms of completing an open, fair, and transparent process as the market has not been approached since 2017. The procurement procedure is subject to the Light Touch Regime under the Public Contracts Regulations 2015 and will be completed as an Open Procurement Procedure and within the timescales in Appendix A. The Open Procurement Procedure timetable will enable this to be completed prior to the expiry date of the current waiver. The provision of Reablement Services reduces the need for more costly residential care home services whilst maintaining peoples' independence via a short-term intervention enabling them to return home. The recommission of this service creates the potential to enhance the service with the inclusion of an Occupational Therapist at the front door determining the level of care and support, equipment and technology required to maximise customers independence, whilst increasing throughput through the service maximising the use of the Councils financial envelope and ultimately reducing the number of expensive residential care placements and better outcomes for people.

- ii. Agreed to delegate authority to the Corporate Director of Adult Services and Integration ("DASS"), in consultation with Chief Finance Officer (151 Officer) to determine the provisions of the new Contract, and to award and conclude the final Contract following the competitive tendering process.

Reason: This will enable the Contract Award to be implemented within the timescales outlined in Appendix A.