

Meeting	Executive
Date	29 August 2019
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

23. 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.

Cllr D'Agorne declared a personal interest in Agenda Item 10 (The Danesgate Community – Academy Conversion), as one of the ward councillors for the area who were mentioned in the report as taking part in discussions on the proposals.

24. Exclusion of Press and Public

The Chair confirmed that, since the Annex to Agenda Item 11 (Future of Centaurs) was now in the public domain, there was no need for Members to consider making a resolution to exclude the press and public during consideration of that item.

25. Minutes

Resolved: That the minutes of the Executive meeting held on 18 July 2019 be approved and then signed by the Chair as a correct record.

26. Public Participation

It was reported that there had been nine registrations to speak at the meeting under the Council's Public Participation Scheme and one request to speak by a ward member.

Cllr Warters, member for Osbaldwick & Derwent ward, spoke on matters within the Executive's remit, expressing concern about the state of roads and footpaths in the city and suggesting that the council set up a mobile service to clear debris and bring the week-killing service in house.

The following members of York Private Hire Association (YPHA) spoke on the council's taxi licensing policy in relation to Agenda Item 5 (Forward Plan) and as a matter within the Executive's remit, with reference to Uber taxis operating in York:

- Drew Thompson commented that, by allowing Uber to operate in York, the council was failing to protect local businesses in accordance with legal requirements;
- Barry Page raised issues about Uber drivers' lack of local knowledge, involvement in traffic accidents and potential contribution to increased crime and carbon emissions;
- a) David Rhodes queried why officers were seeking to amend the policy rather than prosecute Uber under the 1976 Act;
- b) Wendy Loveday (Chair of YPHA) drew attention to the successful prosecution of out of area operator by another local authority in 2014.

Andrea Dudding spoke on Agenda Item 6 (Responding to the Council's Climate Change Motion), on behalf of UNISON, expressing UNISON's support for the motion, and urged Members to support a Climate Strike in September.

Hon. Ald. Brian Watson spoke on Agenda Item 7 (My City Centre Project), noting that the project covered areas that were outside the city centre and querying how councillors would contribute to it.

Roger Pierce spoke on Agenda Item 8 (City Centre Access ETO Phase 1 Proposals). He supported the principles of the security cordon but suggested it should be extended to include Goodramgate and High Petergate.

Tricia Head spoke on Agenda Item 10 (The Danesgate Community – Academy Conversion), as Headteacher of the Danesgate Community. She outlined the context of the application to convert, in the light of the particular needs of the school's pupils, and stressed that it would not alter the nature of the school nor its emphasis on forging partnerships.

The final registered speaker was not present at the meeting.

In responding to the comments made, the Chair noted that:

- the Executive Member for Environment and Climate Change would receive a report on weed control in October;
- discussions would take place with UNISON on their and the Council's shared goals on climate change.

27. 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.

28. Responding to The Council's Climate Change Motion

The Head of Corporate Policy and City Partnerships presented a report which responded to a motion approved by Council on 21 March 2019. The motion called on Executive to declare a Climate Emergency, commit to making York carbon neutral by 2030 and request a report within 6 months setting out actions to address this (*Minute 68 of the Council meeting refers*).

The report summarised actions already taken in recent years towards environmental sustainability (paragraphs 9-16), suggested steps needed to create and implement a Carbon Reduction Plan and emphasised the elements that would be key to its success, in including learning from others and partnership working. The following options were presented in order to develop the Plan towards carbon neutrality:

Option 1 – to request the actions detailed in paragraph 35 of the report;

Option 2 – to request additional or alternative actions.

Members welcomed the report and the progress already achieved, while recognising there was much still to do.

Resolved: (i) That the significant activities and commitments already made in respect of the Climate Emergency agenda be noted.

Reason: To confirm that the Executive is aware of work carried out against this commitment of the Council.

(ii) That the following activities be requested, as set out in paragraph 35 with the addition of the words highlighted in bold below:

- a) The Climate Change Policy & Scrutiny Committee to consider York refreshing its engagement with the Global Covenant of Mayors for Climate & Energy;
- b) Officers to investigate the potential for York's participation in the developing network of UK Climate Emergency cities;
- c) Officers to investigate how to engage with the newly established Local Government Association Climate Emergency Task and Finish Group, which will make recommendations on how the government can support councils in achieving climate emergency targets;
- d) A further report to be developed regarding the emerging Carbon Reduction Plan, the timing of which will be determined by the Leader.
- e) Reports in relation to the following investments made in the Emergency Budget to be brought to the Executive / Executive Member for Economy & Strategic Planning, as indicated below:
 - To Executive:
 - The Northern Forest, **with this initiative to be signed up to by the council**
 - Building Insulation Programme
 - Electric Charging Points.
 - To the Executive Member:
 - Additional capacity to speed up the production of Supplementary Planning Documents to support the Local Plan.

Reason: To allow the work in response to the Climate Emergency declaration to be progressed.

29. **My City Centre Project – Establishing a Strategic Vision for York City Centre**

The Head of Regeneration Programmes presented a report which set out proposals to create a My City Centre project (the project), using the £100k budget set aside in February to devise a strategy in response to the social, economic and environmental challenges facing York city centre.

The challenges in York, though less extensive than in some areas of the UK and masked to an extent by York's successful evening and leisure economy, included issues associated with larger retail units in the city, and a need to balance the conflicting interests of bar / restaurant users, traditional family shoppers, visitors and residents. Challenges identified to date were set out in Annex 1 to the report.

The aim of the project was *'To engage the public and stakeholders to develop a long term social, environmental and economic strategic vision for a sustainable future for York city centre'*. Led by the Major Projects and Regeneration team, it would be overseen by the Assistant Director for Regeneration and Asset Management, with regular update reports to the Executive Member for Economy & Strategic Planning. The approach to stakeholder consultation would be similar to that used successfully in the My Castle Gateway project. A Project Initiation Document (PID) was attached as Annex 2. It was proposed that the budget be split between internal resources to manage the project and external resources to support stakeholder engagement work.

Members welcomed the proposals and the chance to bring people together and to re-connect residents with the city centre. Officers confirmed that the project was intended to cover the core city centre area, but there was no bar to including other areas.

Resolved: (i) That the aims and outcomes for the My City Centre project be approved.

Reason: To provide a strategic vision for the city centre that reflects stakeholder and public views and can guide development, regeneration and investment decisions.

(ii) That the approach, scope and governance for the My City Centre project be approved.

Reason: To ensure that the aims and objectives of the My City Centre project are delivered.

(iii) That the proposed spend of the £100k previously allocated to the project be approved.

Reason: To provide the resources required to deliver the My City Centre project.

(iv) That approval be given to procure a contract for the identified public engagement support required to deliver the project and that authority be delegated to the Assistant Director for Regeneration and Asset Management, in consultation with the Assistant Director of Legal and Governance or his/her delegated officers, to take such steps as are necessary to award and enter into the resulting contract.

Reason: To provide the necessary external support to deliver the public engagement that will sit at the heart of shaping the strategic vision.

30. City Centre Access Experimental Traffic Order Conclusion and Phase 1 Proposals

The Assistant Director of Transport, Highways & Environment presented a report which sought approval for actions to progress the implementation of measures to mitigate the risks and impact of a hostile vehicle attack in the city centre and on the public highway at the racecourse. Sean Tunstall, of the North East Counter Terrorism Unit, was in attendance to give an overview of the national situation with regard to potential terrorism targets.

In accordance with the decisions made by Executive on 27 September 2018 (*Minute 47 of that meeting refers*), an Experimental Traffic Regulation Order (ETO) covering the area shown in Annex A to the report (Phase 1) had been implemented on 5 November 2018 and further consultation had been undertaken with stakeholders, in particular disabled residents and Blue Badge holders. No formal objections to the

scheme had been received but access concerns had been raised, and measures proposed to mitigate these were contained in Annexes B and C. Approval was now sought to make the ETO permanent and to procure permanent hostile vehicle mitigation measures at the Racecourse Road / Knavesmire Road junction. Officers were working with York Minster to ensure the inclusion of similar measures in the Masterplan for the Minster area.

Members welcomed the proposals as an important first step towards ensuring the safety of the city centre in the context of the national security situation.

Resolved: (i) That the update provided in the report and its annexes, including the traffic monitoring and findings from stakeholder engagement events and the objections to making the Experimental Traffic Regulation Order permanent, be noted.

(ii) That, following consideration of the objections, approval be given to make permanent the Experimental Traffic Regulation Order, whereby the city centre will be closed to all traffic, except emergency vehicles and those with essential permission, during the footstreet hours, which currently are normally 10:30 am to 5:00 pm.

(iii) That officers be authorised to progress the process of advertising and changing the Traffic Regulation Order (TRO) exemptions to create a new permit for emergency and essential permissions to the city centre under a single heading of permit holders.

(iv) That the findings from the various disabled groups, as indicated in Annex B to the report (with further details of the engagement process and results in Annex F), be implemented, and that further reviews be undertaken as to any improvements to disabled access and disabled parking between city centre car parks and the footstreets area that would further mitigate the impact of implementing the TRO.

(v) That the design of the new bollard following consultation with conservation groups, as shown in Annex G, be noted.

(vi) That authority be delegated to the Assistant Director of Transport, Highways and Environment to carry out the procurement and installation of non-moving bollards at the end of Parliament Street at the earliest opportunity.

(vii) That the council work with the Counter Terrorism Unit to review the temporary measures for Christmas 2019.

(viii) That officers be requested to commence a procurement exercise for a supplier to procure and install the hostile vehicle rated measures in the city centre.

(ix) That officers be requested to commence the procurement of permanent measures at the Racecourse Road / Knavesmire Road junction, these to be in conjunction with measures to be implemented and operated by York Racecourse to manage access on race days.

(x) That details of the cost of the installation, operation and maintenance of the permanent measures be brought back to the Executive.

(xi) That the council work with the Police, consultants and other blue light services to finalise the operational protocols for providing emergency vehicular access to the city centre during the footstreets hours.

(xii) That the council continue to work with York Minster to review security arrangements and use the opportunity offered by their Neighbourhood Plan to propose alternatives to the current temporary hostile vehicle mitigation measures around the Minster area, known as Phase 2.

(xiii) That it be noted that:

- a) the Counter Terrorism Unit will continue to advise the council;
- b) the council will need to introduce essential measures and review them on a regular basis;
- c) the My City Centre consultation, which is the subject of the previous item on this agenda, will give residents the opportunity to comment on future use of the city centre, including the security and accessibility of any future proposals that come forward.

Reasons: (i) To respond to the advice given by North Yorkshire Police and the Counter Terrorism Unit to protect York's areas of high footfall against the 'vehicle as a weapon' (VAW) threat, through the provision of Hostile Vehicle Mitigation measures.

(ii) To ensure that measures are implemented to mitigate as best as possible the effect of the Hostile Vehicle Mitigation measures on blue badge holders, in view of the outcome of disabled group workshops and direct correspondence.

31. Refresh of Ward Committees

The Corporate Director of Children, Education & Communities and the Assistant Director, Communities & Culture presented a report which set out proposals to build on the success of the council's approach to ward working by removing unnecessary bureaucracy and delay while ensuring proper accountability for the use of public money.

The report had been informed by issues raised by the Children, Education & Communities Scrutiny Committee during a discussion on ward working at their meeting on 23 July 2019, as set out in the paragraph 5 of the report. The proposals included:

- Criteria for allocating the new Safer Communities Fund (SCF) to meet residents' priorities, with the impact of projects to be planned in advance and their outcome evaluated;
- Additional training sessions for Members on ward working, suggested to be run in political groups;

- Extra one-off funding for the Ward Highways Capital Scheme for improvements to highways and walking / cycling, with a revised process to improve timely delivery of schemes;
- Allocating ward funding in proportion to the number of members per ward, for a more equitable distribution;
- A new process for HEIP schemes, to achieve better value for money and more timely delivery of schemes;
- Use of the Social Value Engine, an online tool providing a universal measure of outcome, to compare projects;
- Plans to improve engagement with residents and refresh the liaison and partnership working with parish councils.

Details of current ward budget allocations were set out in Annex 1 to the report.

In response to questions from Members, officers confirmed that:

- The SCF would allow a broad scope for the use of funds to meet the needs of communities and residents, while requiring clear objectives to be identified for all schemes;
- The carry forwards of funding shown in Annex 1 related to ongoing projects rather than unallocated funds;
- Officers would look at the possibility of publishing the minutes of residents' associations as well as ward committees.

Members welcomed the report and

- Resolved: (i) That the following be approved:
- a) The criteria for the Safer Communities Fund set out in paragraph 6 of the report;
 - b) The proposal for member development set out in paragraph 9;
 - c) The allocation for highways funding and the draft updated process for identification of schemes set out in paragraph 12;
 - d) The revised basis for allocation of ward funding set out in paragraph 17;
 - e) The updated process for Housing Environment Improvement Programme (HEIP) schemes set out in paragraph 18.
- (ii) That the Social Value Engine be endorsed as a method for evaluating ward schemes.

(iii) That the proposals for resident engagement and the use of 'Planning for Real' set out in paragraph 25 onwards be endorsed.

(iv) That the proposals for Parish Liaison be endorsed.

(v) That the ideas for future development set out in paragraph 38 onwards be noted.

Reason: To support the Council's commitment to working with local communities and devolving power and budgets to residents.

32. The Danesgate Community - Academy Conversion

The Corporate Director of Children, Education & Communities and the Assistant Director, Education & Skills presented a report which sought to resolve a number of land lease issues, to enable the Danesgate Community to convert to academy status and join the South York Multi-Academy Trust (MAT).

The conversion would involve a 125 year lease of land on the Danesgate site to the MAT. Where the Council proposed to change the designation of land currently used for education purposes, Executive approval was required to exclude these areas of the land from the lease. Four such areas of the Danesgate site had been identified, as detailed in paragraphs 10-13 of the report and shown on Appendix C.

Both Danesgate and the MAT were in favour of the proposals, which also took account of other issues affecting the land, including the wishes of ward members to extend a proposed Residents Parking Scheme to Area 1, existing play equipment in Area 2 and the museum storage facility in Area 4.

Resolved: (i) That the following areas of land (as marked on Appendix C to the report) be excluded from the 125 year lease to the Multi Academy Trust:

- a) Area 1 - Road next to Triangle (grassed area)
- b) Area 2 - Triangle (grassed area) of land

(ii) That, in respect of Area 3 (Road to south of the site) approval be given to split the road area, with the car parking area on the northern edge to

remain education land and therefore included in the 125 year lease to the Multi Academy Trust (reserving a right of way over this land in favour of the council), and the remaining area of road excluded from the 125 year lease and designated a Public Right of Way.

(iii) That in respect of Area 4 (Walled Garden) approval be given to lease this area to the South York Multi Academy Trust as part of the 125 year lease, excluding the storage facility which is currently leased to the York Museums Trust.

(iv) That authority be delegated to officers to:

- a) where appropriate, obtain approval under Schedule 1 of the Academies Act 2010 and Section 77 of the School Standards & Framework Act to allow the transfer of land around this conversion to take place;
- b) agree future budgets when consents are obtained; and
- c) report back to Members in due course on the Public Right of Way application and process.

(v) That, in the event that the academisation of Danesgate does not take place or is delayed, Areas 1 and 2 no longer be designated as land currently used for educational purposes and therefore be removed from being part of the site and be adopted by the council.

Reason: In order to resolve outstanding land issues to enable the Danesgate Community to convert to academy status, in accordance with the requirement of the Academies Act not to disadvantage a school when so converting and taking into account the interests of other current users of the land.

33. Future of Centaurs

The Director of Children, Education & Communities and the Assistant Director, Communities & Culture presented a report

which outlined options for a pair of marble sculptures of centaurs purchased by the council at auction in 1949.

The sculptures, carved in Rome around 1755, had originally been displayed in the Assembly Rooms and later loaned to York Art Gallery, but never formally accessioned into the city's museum collection. In 2012, they had been mistakenly transferred by York Museums Trust to York Conservation Trust (YCT). Recent discussions between YCT and council officers had established that YCT would now be willing to transfer them to the city's collection.

Two options were available, as detailed in paragraphs 11-16 of the report:

Option 1 – to accession the sculptures into the council's museum collection. This was the recommended option, since it would resolve the ownership issue to the benefit of York residents and enable the works to be properly conserved.

Option 2 – to seek return of the sculptures from YCT for the purpose of selling them. This was not recommended, as it could damage the council's reputation and its relationship with YCT.

Resolved: That approval be given to accession the two Centaurs sculptures into the council's museum collection (Option 1).

Reason: In order to resolve the issue of ownership of the sculptures and ensure that they can be put on public display for the benefit of York residents.

34. 2019/20 Finance and Performance Monitor 1

The Corporate Finance & Commercial Procurement Manager presented a report which provided details of the council's overall finance and performance position for the period 1 April to 30 June 2019.

The financial pressures facing the council were projected at £1,384k, broadly in line with previous years at this stage. The report highlighted a number of known pressures, with strategies to manage and minimise these. Contingency provision of £500k was available to cover some of the projected pressures and the position was expected to improve over the year. All repayments were up to date on the two outstanding loans over £100k, both

to Yorwaste. It was expected that the council would again out-turn within the approved budget. Officers drew attention to the proposed use of government grant received to deal with costs associated with Brexit and the possibility of additional funding for adult social care arising from the Government's spending review.

Key statutory services continued to perform well, with 2 of the strategic indicators for which there was new data showing improvements. Details of all indicators, grouped around the new portfolio areas created in May 2019, were set out in paragraphs 38–118. For the next quarterly report, there would be a new Performance Framework and set of indicators, based on the Council Plan approved for 2019-2023.

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

(ii) That the use of grant funding outlined in paragraphs 29-32 of the report be approved.

(iii) That the council tax charging proposals for long term empty properties outlined in paragraph 33 be approved.

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

35. Capital Programme - Monitor 1 2019/20

[See also under Part B]

The Corporate Finance & Commercial Procurement Manager presented a report which set out the projected out-turn position of the council's capital programme for the 2019/20 financial year, along with requests to re-profile budgets to and from current and future years.

A decrease of £65.816m on the current approved programme was reported, resulting in a revised programme of £205.478m. Variances against each portfolio area were set out in Table 1 at paragraph 6 of the report and detailed in paragraphs 8 to 62.

Approval was sought for:

- An increase of £200k in the budget for the Assistance to Older & Disabled People scheme to cover a backlog of

adaptations carried over from 2017/18, funded from an HRA revenue contribution; and

- The award of a 5 year contract, totalling £1.1m, to deliver an essential Firewall software upgrade, funded from the existing budget set aside for this purpose.

Resolved: (i) That the 2019/20 revised budget of £205.478, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2019/20 – 2023/24, as set out in Table 2 at paragraph 17 and detailed in Annex A, be noted.

(iii) That approval be given to increase the gross budget for the Assistance to Older & Disabled People programme by £200k, funded by a revenue contribution from the Housing Revenue Account (HRA), as detailed in paragraph 25.

(iv) That the contract award outlined in paragraphs 57 to 62 be approved.

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

PART B - MATTERS REFERRED TO COUNCIL

36. Capital Programme - Monitor 1 2019/20

[See also under Part A]

The Corporate Finance & Commercial Procurement Manager presented a report which set out the projected out-turn position of the council's capital programme for the 2019/20 financial year, along with requests to re-profile budgets to and from current and future years.

A decrease of £65.816m on the current approved programme was reported, resulting in a revised programme of £205.478m. Variances against each portfolio area were set out in Table 1 at paragraph 6 of the report and detailed in paragraphs 8 to 62. Approval was sought for:

- An increase of £200k in the budget for the Assistance to Older & Disabled People scheme to cover a backlog of adaptations carried over from 2017/18, funded from an HRA revenue contribution; and
- The award of a 5 year contract, totalling £1.1m, to deliver an essential Firewall software upgrade, funded from the existing budget set aside for this purpose.

Recommended: That Council approve the adjustments resulting in a decrease of £65.816m in the 2019/20 budget, as detailed in the report and contained in Annex A.

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

Cllr K Aspden, Chair
[The meeting started at 5.30 pm and finished at 6.20 pm].