

Executive

Tuesday, 22 November 2022

Decisions

Set out below is a summary of the decisions taken at the Executive meeting held on Tuesday, 22 November 2022. 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 the recommendations to Council, at Items 16, 17 and 18 on the list, cannot be called in.

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

5. 10 Year Strategies

[See also Item 16]

Resolved: (i) That the strategy and policy framework, showing how different related strategies, policies and plans will deliver the ambitious goals articulated in the 10 year strategies, be noted.

(ii) That the recommendations of the Climate Emergency Policy & Scrutiny Committee be approved.

(iii) That the Climate Change Action Plan be approved.

(iv) That the establishment of the Economic Partnership be approved.

(v) That the 10 year strategies implementation plan be endorsed.

Reason: To engage partners, city leaders, businesses, stakeholders and residents to work together on key

agreed priority areas that aim to actively improve the quality of life for all York's residents.

6. **Addressing the Cost of Living Crisis in York**

Resolved: That the following be noted:

- a) The context and overview of current impacts of the Cost of Living Crisis in York;
- b) The actions being undertaken by the council and its partners in response;
- c) The key activities and outputs from the Cost of Living Summit and next steps; and
- d) The challenges facing local government in setting budgets for 2023/24.

Reason: To ensure Members have full information on the wide impacts of the crisis, both long and short term, and what activity is being undertaken to understand challenges and provide residents with practical support, information, advice and guidance across all city partnerships.

7. **Pavement Café Licence Update**

[See also Item 17]

Resolved: (i) That the Access Consultants' work in Pavement Café Licences contained in Annex A be noted.

Reason: This is the context for the proposed changes to the way in which pavement cafés will be licensed.

- (ii) That approval be given to provide information about pavement cafés on the council's website, for users who want to plan in advance.

Reason: This is the context for the proposed changes to the way in which pavement cafés will be licensed.

- (iii) That a regular panel be set up for York groups and communities to provide feedback on their lived experience of pavement cafés in York.

Reason: To enable groups and communities to provide feedback in a suitable format and timescales (as the consultation process under the Business and Planning Act is very short) and to enable lived experience to inform licence reviews or enforcement action where required.

8. Active Travel Programme - Programme Revision and Contract Award

Resolved: (i) That the revision to the Active Travel Programme proposed in Option 1 in the report, with the prioritisation of Phase 1 projects as set out in Annex 2, be approved.

Reason: To ensure that the Active Travel Programme is affordable, achievable and effective.

(ii) That approval be given to award the contract for Principal Designer services relating to a number of schemes on the Active Travel Programme, and that authority be delegated to the Director of Environment, Transport and Planning and the Chief Finance Officer, in consultation with the Director of Governance or his delegated officers, to take such steps as are necessary to award and enter into the resulting contracts (Option 3).

Reason: To enable progress to be made on the 'City Centre North South Cycle Route' and 'University East-West Campus Link' schemes.

9. Recommissioning of Alcohol & Drug Treatment and Recovery Services in York

Resolved: (i) That officers within City of York Council be authorised to tender a new contract for the provision of alcohol and drug services.

(ii) That the Director of Public Health, in consultation with the Executive Member for Adult Social Care & Public Health and the Director of Governance, be authorised to accept the bid for this contract which scores highest on the evaluation criteria, and to award and sign the contract.

Reason: To enable substance misuse treatment and recovery services to be available to York residents that are value for money and responsive to local need.

10. Occupational Health and Day One Absence Management Provision

Resolved: (i) That approval be given to procure an occupational health and day one provision effective from May 2023.

(ii) That authority be delegated to the Chief Operating Officer to select the appropriate procurement route and award the contract to the successful bidder.

(iii) That the future procurement of a contract of this nature be considered as 'routine', on the basis that it is a re-procurement of existing arrangements.

Reason: To ensure that managers continue to be provided with the tools to facilitate proactive absence management and that professional occupational health advice is available at the earliest opportunity, with the supplier able to work with the Council to develop solutions to keep employees with health issues at work and safe.

11. SEND Capital Plan, 2023-25

Resolved: That the schemes outlined in the SEND Capital Plan, 2023-25 be approved.

Reason: To ensure that the sufficiency of suitable school places for children and young people with SEND has been addressed, reducing the need for out of city provision and meeting parental preferences.

12. 2022/23 Finance and Performance Monitor 2

Resolved: That the finance and performance information, and the actions needed to manage the financial position, be noted.

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

13. Capital Programme - Monitor 2 2022/23

[See also Item 18]

Resolved: (i) That the 2022/23 revised budget of £154.557m, as set out in Table 1 at paragraph 19 of the report, be noted.

(ii) That the restated capital programme for 2022/23 – 2026/27, as set out in Table 2 at paragraph 72, be noted.

(iii) That the proposed mechanism for dealing with inflationary increases in the programme, as set out in paragraphs 3 – 15, be noted.

(iv) That the schemes fully funded by UK Shared Prosperity Fund and Ruarla Prosperity Fund of £1.3m be introduced into the capital programme, subject to funding allocation being confirmed.

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

14. Treasury Management Mid-Year Review and Prudential Indicators 2022/23

Resolved: (i) That the Treasury Management activities to date in 2022/23 be noted.

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

Reason: in accordance with the Local Government Act 2003 (revised), and to ensure the continued performance of the Council's Treasury Management function.

15. Lord Mayoralty 2023/24

Resolved: That the Liberal Democrat Group be invited to accept the nomination for Lord Mayor for 2023/24, in

line with the accumulated points system set out in paragraphs 3-6 of the report.

Reason: To ensure that the Council uses an appropriate method to nominate Lord Mayors for Office.

16. **10 Year Strategies**

[See also Item 5]

Recommended: That Council adopt the 10 year Strategy and Policy framework, which comprises the Climate Change, Economic and Health and Wellbeing 10 year strategies and the emerging 10 year City Plan.

Reason: To engage partners, city leaders, businesses, stakeholders and residents to work together on key agreed priority areas that aim to actively improve the quality of life for all York's residents.

17. **Pavement Café Licence Update**

[See also Item 7]

Recommended: (i) That the following changes be made to local guidance used in the determining of pavement café licenses under the Business and Planning Act 2020:

- a) Cafés only allowed on footways if 1.5m width remains for people to get past (width increased to 2m in high footfall areas, for example busy junctions, near bus stops, etc). In footstreets with access level between footways and carriageway (for example Coney Street), licences may be issued for pavement cafes to cover the full width of the footway. If a licence is refused under the Business and Planning Act it would be possible for the applicant to use the planning permission process (and licensing under Highways Act Part 7A) to seek permission for a pavement café area. If a permission and a licence were

to be granted under this process, adequate access mitigations would be conditioned through the planning permission on a case-by-case basis and all costs associated with required highway improvements would need to be borne by the applicant.

- b) Café areas can be allowed in on-street parking bays, where sufficient parking and loading capacity remains (including for Blue Badge holders) and the café area can be protected from passing traffic (if required). The licence holder will be required to cover all associated costs (changes to the permanent TRO, changes to the kerb line/protection measures).
- c) To require the named licence holder to have completed the ACT Awareness E-learning course and provide additional information to licence holders on the Protect Duty.
- d) To adopt the updated guidance document (Annex B) and proposals for additional information to be provided. Key changes are: updated barriers requirements and specifications, updated access width requirements, strengthened enforcement process, reintroduction of a £100 charge per licence. Additional information to be provided includes: design and set up guidance for licence holders, advice and support on 'How to set-up your pavement cafe area', and information on hospitality venues' duties under the Equality Act. Pavement café licence holders will be written to – to notify them of the changes.

Reason: To clarify the criteria against which pavement café applications will be assessed and mitigate the impact of some pavement cafes on accessibility and to clarify the criteria against

which pavement café applications will be assessed and the standards licence holders will be expected to meet and provide additional support and guidance to licence holders.

(ii) That the Policy for Pavement Cafes under the Business and Planning Act 2020 be reviewed by the Licensing & Regulatory Committee and be added to the list of functions of that committee. Officers will continue to determine applications made under that policy.

Reason: So that the Licensing & Regulatory Committee can review the policy.

18. Capital Programme - Monitor 2 2022/23

[See also Item 13]

Recommended: That Council approve the adjustments resulting in a decrease in the 2022/23 budget of £38.193m, as detailed in the report and contained in Annex A.

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