

Executive

Thursday, 13 January 2022

Decisions

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 13 January 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 Democratic Services 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 Fiona Young.

6. Coronavirus Update Including Support to Businesses

Resolved: (i) That the coronavirus update contained in paragraphs 5 to 12 of the report be noted.

(ii) That the Chief Operating Officer be recommended to:

- a) approve the delegation for business support schemes set out in paragraph 21 for the Additional Restrictions Grant and Covid Additional Relief Fund; and
- b) approve the distribution of the Hospitality & Leisure Grant in accordance with the Government's prescribed scheme.

Reason: To provide urgent financial support to the city's businesses to help them through the ongoing pandemic specifically in relation to the recent Omicron variant.

(iii) That it be noted that the Arts Council England are responsible for the distribution of the Cultural Recovery Fund on application.

7. National Reforms to the NHS and Impact on the Council

Resolved: (i) That the developments be noted, including the proposed structure and arrangements for the NHS and care within the region from the next financial year.

Reason: As both a provider and commissioner of health and care services, and as a partner within the York health and care system, the council has a duty to participate in and influence the direction of the reforms to the NHS and care.

(ii) That the draft constitution of the proposed NHS Humber and North Yorkshire ICB and Humber and North Yorkshire ICP, included in Annex A, be noted.

Reason: The council will have direct and indirect involvement in the new structures, and Executive Members should be involved in shaping the York 'place' within health and care.

(iii) That the Chief Operating Officer be recommended, along with the Leader of the Council and the Chair of the Health & Wellbeing Board, to write to the ICS, NHS England and other affected local authorities in the region to highlight York's concerns; this letter to make clear that:

- as per NHS guidance, the place boards (such as York) should be the statutory sub-committees or joint committees of the Integrated Care Board (ICB) to which delegation is passed, and any further delegation to other regional partnerships (such as York and North Yorkshire) must be agreed from Place and not from ICB;
- each Place should be represented on the Integrated Care System (ICS) Board and ICS Partnership;
- the recently announced pause be used as an opportunity to engage residents and groups with consultation.

Reason: In view of the importance of the topic and issues raised in the report.

8. City Centre Access - Security Measures

Resolved: (i) That the locations of static and sliding bollards as detailed in Annex A be noted, and that the Chief Operating Officer (COO) be recommended to delegate authority to the Director of Transport, Highways and Environment, in consultation with the Executive Member for Transport, to approve any minor amendments to the exact locations.

Reason: To give security rated effect to the traffic restrictions in the Traffic Regulation Order changes approved by Executive in August 2019 and November 2021 and the statutory consultation which seeks to remove the remaining exemptions.

(ii) That the COO be recommended to approve an additional £500k from unallocated highways funding, to increase the Hostile Vehicle Measures capital budget to £1,832k.

Reason: To enable the delivery of the scheme of permanent measures for city centre security.

(iii) That the COO be recommended to approve the undertaking of a procurement process to engage contractors to supply, install and maintain the permanent hostile vehicle mitigation measures, and to delegate authority to the Director Transport Highways and Environment, in consultation with the Director of Governance and Chief Finance Officer, to take such steps as are necessary to award and enter in to the resulting contracts.

Reason: To enable the delivery of the scheme of permanent measures for city centre security.

(iv) That the COO be recommended to approve the statutory consultation for the advertisement of the revocation of the exemptions, as proposed in Annex D.

Reason: To allow a secure system to operate with minimal vehicular access permitted during the footstreets hours.

(v) That the COO be recommended to ask officers to report to the Executive Member for Transport, presenting an update on the statutory consultation to remove the remaining exemptions to access the footstreets and a summary of the operational protocols and procedures and associated risks, including confirmation of the ongoing revenue costs.

Reason: To enable the Executive Member to understand the procedures entailed in managing the scheme in line with the proposed changes to the Traffic Regulation Order.

(vi) That the COO be recommended to approve the continuation of the staffing of the current temporary city centre barriers, the cost of which is between £67k and £93k and is met from existing budgets.

Reason: To maintain the management of access to the city centre footstreets with temporary measures, including access for market vehicles whilst the footstreets hours are until 19:00 under the current temporary arrangement.

9. **The Groves – The Future of the Low Traffic Neighbourhood Trial**

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

Resolved: (i) That the Chief Operating Officer (COO) approve making the ETRO permanent, with the following changes to the scheme as set out in the report:

- changing the closure points to use bollards and signage improvements in and around The Groves;
- making permanent the changes that were made to a small number of parking spaces,

which were removed or relocated to make room for turning points at the closures, and merging the existing resident parking zones permanently.

Reason: To provide quality alternative sustainable modes of transport in order to encourage behavioural change and maximise the use of walking, cycling and public transport and continue improving road safety; minimise the emission of harmful pollutants and traffic danger within the Groves; enhance public streets and spaces to improve the quality of life; minimise the impact of motorised traffic and encourage economic, social and cultural activity.

(ii) That the COO be recommended to ask officers to continue to monitor and review the impacts of the scheme and (as part of LTP4), consider further mitigations to be identified where required.

Reason: In line with Transport objectives, both existing LTP3 objectives and emerging LTP4 objectives and as is normal practice for newly established Low Traffic Neighbourhood schemes.

(iii) That the COO be recommended to delegate authority to the Director of Environment, Planning & Transport, in consultation with the Executive Member for Transport, to sign off the detailed design for the permanent closure points (bollard type and exact locations), and approve any further small changes to parking, signing and lining required to make the arrangements permanent.

Reason: To enable the closure points to be designed for the permanent scheme, with adequate signage for highway users within and around the Groves.

(iv) That the Groves Community Plan be noted as the outcome of the community consultation and that the COO be recommended to ask officers to explore options and opportunities for external funding to bring forward objectives identified in the Plan.

Reason: To improve the Groves area and deliver the benefits identified by the Groves Community Plan.

**10. Provision of Affordable Homes on New Developments
Scrutiny Review - Final Report**

Resolved: That the Chief Operating Officer be recommended to approve the recommendations of the review, as set out in paragraph 6 of the covering report

Reason: To conclude the scrutiny review in line with the council's scrutiny procedures and protocols.

**11. Extension of Contract for Long-Acting Reversible
Contraception (LARC)**

Resolved: (i) That the Chief Operating Officer (COO) be recommended to approve Option 3, and agree to the direct award of a further contract to Nimbuscare Ltd for provision of LARC in Primary Care for a further two (2) years when the current contract expires on 30 June 2022 without proceeding with a full tender exercise.

Reason: To ensure that the council delivers the joint commissioning responsibilities set out in the Section 75 agreement with the CCG and to ensure that that the statutory public health responsibilities for access to sexual health and contraception are met.

(ii) That the COO be recommended to require that the provision of LARC for contraception purposes will be open to all persons who meet the clinical criteria and that the contract will reflect this and the council's policies.

Reason: To ensure equality of access to services.

12. Future Libraries Investment Programme

Resolved:

In relation to Project Finances (as detailed in Table 1)

- (i) That the Chief Operating Officer (COO) be recommended to approve the new overall Programme Capital Budget of £7.701m, including:
- Additional borrowing of £1m to fund the Programme, subject to approval by Budget Council in February 2022.
 - Allocation of £0.3m from the council's Climate Change budget to the new overall Programme Capital Budget.
 - Allocation of £0.8m from the Education (Basic Needs and SEND programmes) to the new overall Programme Capital Budget.
 - The ring fencing an re-investment in the new overall Programme Capital Budget of all future land sale income from the disposal of the existing Clifton Library site and housing land disposal as part of the CWJS site, assumed at the date of this report to be £400k for the existing Clifton Library site and £375k for the CWJS development housing land disposal.

In relation to Property Matters

- (ii) That the COO be recommended to approve the open market disposal (by freehold sale or long lease) of the existing Clifton Library site, as shown edged red on the plan at Annex E. Such land not be disposed of until the CWJS development is complete.
- (iii) That the COO be recommended to approve, with effect from 1 August 2022, the appropriation of the former Clifton Without Junior School (CWJS) site, as shown red on the plan at Annex G, from being held for the purpose of school / education, to:
- Library and ancillary social / community purposes in respect of that part of the site shown edged in green on Annex G;
 - Housing purposes in respect of that part of the site shown edged in blue on Annex G.
- (the 8 year restriction period imposed by Paragraphs 4 and 6 of Schedule 1 of the Academies Act 2010 ("AA 2010") requiring that the consent of the Secretary of State for Education is obtained for the disposal or appropriation/change in use of land which was used wholly or mainly for the purposes of

a school/academy will expire by the end of July 2022 as any use for education purposes (non-sport/non playing-field use) ceased by 18 July 2014 according to confirmation received from Hope Sentamu Learning Trust).

- (iv) That the COO be recommended to approve the principle of disposal (by freehold sale or long lease) of that part of the former CWJS site shown edged in red on the boundary plan at Annex I for the purpose of affordable housing provision, including negotiation of the terms of and entering into any legal documentation including the requirements set out in paragraph 36 of the report, which shall be amended to read as follows:
 - *The purchaser of the site will be required to adhere to all statutory permissions governing the development of the site, including planning considerations such as ecology (which shall include an objective to retain the majority of the Fairway hedgerow), Tree Protection Orders, landscaping, all other ecology issues and character of the scheme.*
- (v) That the COO be recommended to approve the disposal by an open market sale (by freehold sale or long lease) of the vacant former Haxby Library site, as shown edged in red on the plan at Annex D, including negotiation of the terms of, and entering into, any necessary legal documentation. Capital income from such sale returning to be classed as a corporate capital receipt.
- (vi) That the COO be recommended to approve the entry into a Settlement Agreement with Hope Sentamu Learning Trust (HSLT) regarding the former CWJS site, on the proposed terms set out in paragraphs 38-40 of the report.
- (vii) That the COO be recommended to approve the entry into an Agreement for Surrender and Leases with both Haxby & Wigginton Youth & Community Association (HWYCA) and Explore regarding a proposed new co-located library and community centre at Oaken Grove in Haxby whereby:
 - a. The council will agree to apply for planning permission for the proposed development.

- b. If and when planning permission is granted on satisfactory terms:
- HWYCA will surrender its current lease of the site back to the council;
 - the council's chosen contractor will carry out the necessary construction works, on completion of which:
 - the council will grant HWYCA a replacement Head Lease of the redeveloped site on similar terms to HWYCA's existing lease (at nil Premium and peppercorn rent for a Term expiring on 31 December 2102);
 - HWYCA will grant the council a long sublease of the 'library exclusive areas' (with a communal right to use the 'shared used areas') for a Term expiring circa 25 December 2102 at nil Premium and peppercorn rent until the 34th anniversary of the lease date ('the Rent Commencement Date') (after the Rent Commencement Date the rent payable by the council to HWYCA would increase to open market rent, which would after that point be subject to upwards only review every 5 years but the council can terminate the lease at any point after the Rent Commencement Date by giving at least 6 months' prior written notice to HWYCA);
 - the council will in turn grant Explore a sublease of the 'library exclusive areas' (with a communal right to use the 'shared used areas') at nil Premium and at peppercorn rent for a Term/period expiring on 31 March 2034 (with option for grant of further lease if the libraries service contract between the council and Explore is extended).

(viii) That the COO be recommended to delegate authority to the Director of Housing, Economy & Regeneration, in consultation with the Director of Governance and the

Executive Member for Culture, Leisure & Communities, to negotiate the terms of and enter into any and all legal agreements necessary to implement the property transactions referred to above including, but not limited to, the leases with HWYCA and Explore relating to the site at Oaken Grove in Haxby consequent upon the proposed Agreement for Surrender and Leases.

In relation to all other matters in respect of the Programme

- (ix) That the COO be recommended to approve the principle of future development at the current Explore Centre at Acomb and associated public consultation.
- (x) With regard to the CWJS Development, that the COO be recommended to grant approval for the council to undertake works within the adjoining Vale of York Academy site (which is leased by the council to HSLT) to create a new access path for students, safe vehicle access to the school parking with safe delivery and drop off points, and relocation of a school garage that sits across the land boundary.
- (xi) That the COO be recommended to delegate authority to the Director of Customer & Communities, in conjunction with the Director of Governance and in consultation with the Executive Member for Culture, Leisure & Communities, to develop and submit planning applications in 2022 for both H&W and Clifton library developments.
- (xii) That, following successful planning approvals, the COO be recommended to delegate authority to the Director of Customer & Communities, in consultation with the Director of Governance and the Chief Finance Officer, to procure the building contractors to deliver the construction of H&W and Clifton library developments and enter into the relevant necessary contracts.
- (xiii) That the current anticipated Programme timetables for delivery, as set out in the report at tables 3-5, be acknowledged.

Reason: To progress with the Programme, entering into all necessary legal agreements, to deliver new libraries for

Haxby & Wigginton and Clifton, and start the public conversation with regard to planned future development at the current Explore Centre in Acomb.