

Meeting	Executive
Date	28 July 2022
Present	Councillors Aspden (Chair), Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson
Apologies	Councillor Ayre
In Attendance	Councillor Douglas
Officers Present	Ian Floyd – Chief Operating Officer Janie Berry – Director of Governance, and Monitoring Officer Debbie Mitchell – Chief Finance Officer Jamaila Hussein – Corporate Director of Adult Social Care and Integration James Gilchrist - Director of Environment, Transport & Planning Phil Delaney - Project Manager, Flood Risk Management Michael Jones - Head of Housing Delivery & Asset Management Matt Boxall – Head of Public Protection

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## **PART A - MATTERS CONSIDERED UNDER DELEGATED POWERS**

### **14. Declarations of Interest (5:31 pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllrs D'Agorne and Mason each declared an interest in Agenda Item 6 (City Centre Access – Action Plan Update), as Directors of York Bid, noting that they had not been involved in the representations submitted by the Bid on this item.

Cllr Douglas wished to place on record, in respect of Item 9 (Housing Asset Management - Planned Investment at Glen

Lodge and Bell Farm) that Glen Lodge and Bell Farm were in her ward of Heworth and, in respect of Item 8 (Additional Licensing in York - Consultation Results and Decision on Designation), that she was a private landlord.

**15. Minutes (5:33 pm)**

Resolved: That the minutes of the Executive meeting held on 16 June 2022 be approved, and signed by the Chair as a correct record.

**16. Public Participation (5:34 pm)**

It was reported that there were 15 people in attendance who had registered to speak at the meeting under the Council's Public Participation Scheme.

*[Note: participants are listed below in agenda order, and not necessarily in the order in which they actually spoke.]*

Cllr K Taylor spoke on the York Central Development, a matter within the Executive's remit, as Ward Member for Holgate, urging Members to seek a solution with the NRM to the access issues caused to Holgate residents.

The following spoke on Agenda Item 6 (City Centre Access – Action Plan Update):

- Diane Roworth, objecting to Blue Badge restrictions and highlighting hazards caused by pavement cafes.
- Jane Burton, stating that Blue Badge restrictions were preventing disabled people from supporting local business.
- Flick Williams, objecting to barriers to disabled people's access to the city centre.
- Andrew Digwood, of York and North Yorks. Chamber of Commerce, objecting to footstreet hours ending at 5 pm.
- Kate Latham, of Pairings Wine Bar, highlighting the benefits of pavement cafes to the early evening economy.
- Jacob Mayled, owner of a small business on Goodramgate, objecting to the removal of his outdoor seating area.
- Andrew Lawson, of the York BID, highlighting the detrimental effect of moving the end of footstreet hours back to 5pm.

- John Pybus, Landlord of the Blue Bell on Fossgate, highlighting the benefits to pubs of a later end to footstreet hours,
- Adam Wardale, Chair of the Hospitality Association York, highlighting the negative effect on businesses of reducing footstreet hours.

Written representations received from the following in respect of Item 6 had been circulated to Members before the meeting:

- Jason Hawkins, owner of the Blue Boar
- Michael Hjort, Director of the Food & Drink Festival
- Dr Brendan Paddison, Chair of York Tourism Advisory Board

Daniel Smith spoke on Agenda Item 7 (Hackney Carriage Licences), stating that it was the private hire sector that needed wheelchair-accessible taxis and raising issues regarding taxi ranks.

A written representation received from Alan Brewer, Hackney Carriage driver and Treasurer of YHCA, in respect of Item 7 had been circulated to Members before the meeting.

The following spoke on Agenda Item 8 (Additional Licensing in York – Consultation Results and Decision on Designation):

- Andy Simpson, of York Residential Landlords Association, objecting to the proposals.
- Cllr Pavlovic, Ward Member for Hull Road, supporting the proposals.

Cllr Webb spoke on Agenda Item 10 (Inspection of Local Authority Children's Services and Action Plan), questioning why no action had been taken to address service issues before the inspection.

#### **17. Forward Plan (6:21 pm)**

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.

#### **18. Catchment Flood Management Project (6:22 pm)**

The Director of Environment, Transport & Planning and the Project Manager, Flood Risk Management, presented a report

which summarised the proposed approach to the 5-year York and North Yorkshire Catchment Flood Management project to manage flood risk, as set out in the business case submitted to DEFRA in April 2022.

The project aimed to offset the impacts of climate change in York and smaller communities across North Yorkshire by initiating long-term change across the river catchment. The business case had been developed with involvement from a number of key partners and prepared following guidance provided by the Environment Agency, in line with the aims of the Flood and Coastal Resilience Innovation Programme. The total project value was £5.9m, including contingency of £1.3m. The project was considered necessary to improve the resilience of the City of York to flood risk over the long term, and had had been accepted for funding based on the approach summarised in the report. It was therefore recommended that it be implemented in accordance with that approach (option 1), rather than changing the approach (option 2) or rejecting the project altogether (option 3).

The Executive Member for Environment & Climate Change endorsed the recommendation, highlighting the collaborative work on the project by the council and the Environment Agency, and it was

Resolved: That the implementation of this project, using the approach summarised in the report, be approved.

Reason: To enable the delivery of the York and North Yorkshire Catchment Flood Management project.

#### **19. City Centre Access – Action Plan Update (6:26 pm)**

The Director of Environment, Transport & Planning presented a report which provided an update on the city centre access action plan, following the decision on 18 November 2021 to restrict vehicle access to the footstreets during pedestrianised hours based on Police Counter Terrorist advice (Minute 53 of that meeting refers).

Details of progress on the action plan were set out in Annex A to the report and in paragraphs 20-36. The report also sought approval to begin consultation on the proposed 'City of York Guidance and Conditions for Pavement Cafes' (the Guidance),

and asked Members to approve a 3-month extension of current pavement café licences and consider the timing of consultation on a permanent change to the footstreet hours, which had been temporarily extended to 7:00 pm as part of York's Covid emergency response. Options in respect of each proposal were set out in paragraphs 54-75. In summary, these were to:

- Adopt, reject or consult on the Guidance;
- Extend pavement café licences (legislation permitting) or require new applications in October;
- Commence, postpone or cancel the statutory TRO consultation on extension of the footstreet hours.

In response to matters raised under Public Participation and questions from Members, officers confirmed that:

- Closing times for pavement cafés would revert to 5pm in September, though there may be some exceptions.
- Separate traffic access restrictions applied in Fossgate.
- A number of constraints had affected the provision of dropped kerbs in some places, as set out in Annex B.
- The council did investigate any complaints received regarding pavement cafés and tried to find solutions.

With reference to paragraph 11 i) of the report, the Executive Member for Economy & Strategic Planning suggested postponing the TRO consultation, commenting that there was a need to review the situation to find the best long-term solutions and not to not set business interests against access issues affecting disabled people.

Resolved: (i) That approval be given to commence consultation on the proposed '*City of York Guidance and Conditions for Pavement Cafes*'.

(ii) That a report be brought to Executive in November on the outcome of the consultation (noting that the new '*City of York Guidance and Conditions for Pavement Cafes*' to be considered at that meeting would take effect in January 2023 if approved).

(iii) That it be noted that the long-term Government regulatory framework for Pavement Cafes remains uncertain; the current emergency legislation has since publication of the report been extended to September 2023.

Reason: To ensure the decision making on pavement cafes reflects the current situation and the needs of all city centre users.

(iv) That the update on the '*City Centre Access – Action Plan*' at Annex A be noted.

(v) That the planned commissioning of an Access Specialist Consultant be noted and the prioritised work programme, as set out in the report, be approved.

(vi) That the programme of dropped kerbs for autumn this year and spring 2023 be noted.

(vii) That the work to develop the feasibility of the City Centre Bus Shuttle be brought forward in advance of the original funding source being achieved (this will be co-produced with stakeholders, including the look and feel of vehicles and will require input from an access specialist along with transport input, which will be funded from transport reserves).

(viii) That officers be asked to explore whether the reduction in vehicles within the City Centre enforced in the future through Hostile Vehicle Mitigation Measures would enable a kerb free design to be implemented in the footstreet area.

Reason: To accelerate the delivery of *the 'City Centre Access – Action Plan'* including bringing forward the Feasibility Study of a City Centre Bus Shuttle in the absence of Bus Service Improvement Plan funding being available. If a kerb free design is possible in the footstreets, the Levelling Up bid for the City Centre, if successful, could help deliver elements of this.

(ix) That any decision to undertake statutory traffic regulation order consultation on a permanent change in footstreet hours to 7.00pm be postponed until the Executive have had the opportunity to consider the lived experience of the pavement cafes

under the new guidance, and until there is more clarity about the long term legislative framework and progress has been made in delivering the City Centre Access – Action Plan.

Reason: The major benefit of 7:00 pm is the extended hours in which pavement cafes can operate. Given the uncertainty over the national regulatory framework and the need to carry out work to implement local more accessible guidance, a consultation on footstreet hours is not appropriate and cannot be based upon facts.

(x) That the principle of renewing existing pavement cafes for three months free of charge but restricted to the footstreet hours be approved, and that it be noted that footstreet hours will revert to their normal 5:00 pm in October 2022 but be temporarily extended to 8:00 pm in November for the Christmas Market to end of December 2022.

Reason: Given the uncertainty over national legislation this decision adds a degree of assurance for pavement cafes and allows the council time to consult on its own new guidance and conditions for pavement cafés.

[The meeting was adjourned for a break at 7:02 pm]

## **20. Additional Licensing in York - Consultation Results and Decision on Designation (7:20 pm)**

The Head of Housing Delivery & Asset Management presented a report which analysed the results of two consultations on proposed additional licensing for Houses in Multiple Occupation and asked Executive to consider recommendations to implement the proposals within identified designated areas of the city.

The consultations had been carried in respect of the council's discretionary power under the Housing Act 2004 to licence smaller HMOs within a designated area, with the intention of ensuring minimum standards were met. The results, as set out in the report, clearly identified broad support for additional licensing within identified designated areas of the city. In total,

1032 responses had been received and this was considered a strong response rate, sufficient to support the recommendations.

The Executive Member for Housing & Safer Neighbourhoods welcomed the proposals as an important step forward in improving the standards of private rental stock. Having noted the comments made on this item under Public Participation, it was

Resolved: (i) That a designation be made of the following wards in the City of York Council as subject to Additional Licensing under Section 56(1)(a) of the Housing Act 2004 for all Houses in Multiple Occupation (HMOs), subject to the exemptions specified in Appendix 1 and Appendix 3 to the report, irrespective of the number of storeys, that contain three or four occupiers in two or more households within the following wards:

- Hull Road
- Guildhall
- Fishergate
- Clifton
- Heworth
- Micklegate
- Osbaldwick and Derwent
- Fulford and Heslington.

(ii) That the designation set out in Resolution (i) above shall come into force on 1 April 2023 for a period of 5 years.

(iii) That authority be delegated to the Corporate Director of Place to sign the 'Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022' in accordance with the provisions set out in the Scheme of Delegations in the Council's Constitution.

(iv) That upon signature of the designation the council will give public notice in accordance with the designation, a current draft of which notice is attached as Appendix 3 to the report.



(v) That the proposed amended fees and charges structure, as set out in Appendix 4, be adopted, and that those fees be reviewed annually to ensure they remain reasonable and proportionate and address any issues relating to surpluses or deficits in accordance with case law and the EU Services Directive.

(vi) That the amended HMO Licensing Policy 2020 at Appendix 5 be adopted, and that authority be delegated to the Corporate Director of Place to authorise amendments to the standards and conditions contained in the policy where necessary to ensure they remain reasonable and proportionate and in accordance with any relevant legislative changes.

(vii) That the creation of a stakeholders group to work collaboratively on driving up standards in the wider Private Rented Sector be supported - the composition of the group shall include representatives of organisations who have actively taken part in the consultation.

Reason: The proposal is consistent with the Council's ambition to improve management standards and housing conditions in private rented accommodation in the city and reflects the broad support for this approach identified through stakeholder consultation.

**21. Housing Asset Management - Planned Investment at Glen Lodge and Bell Farm (7:31 pm)**

The Head of Housing Delivery & Asset Management presented a report which sought approval to procure major repair and maintenance works at Glen Lodge and Bell Farm pods to address significant health and safety issues and bring accommodation up to a decent homes standard.

Details and costs of the work required at Glen Lodge were set out in paragraphs 5-14 of the report, and in paragraphs 15-26 for work required at Bell Farm Avenue, Huntington Road and Middleham Avenue. A full business case with tendered contract prices would be brought to a future Executive meeting. In

respect of those homes that were currently occupied, a programme of consultation and engagement was taking place with tenants to understand their individual circumstances and wishes and ensure that they could be relocated, temporarily or permanently, to a home that met their needs. Works were likely to start on site in spring/summer 2023.

Officers confirmed that work at Glen Lodge would be conducted in accordance with the Moving Homes Safety Protocol. The Executive Member for Housing & Safer Neighbourhoods welcomed the proposals, stressing the importance of continually upgrading the fabric of the council's properties.

Resolved: (i) That approval be given to procure a contractor to resolve water hygiene issues and improve the quality of the building at Glen Lodge, and that it be noted that a business case with final costs will be brought before Executive and recommended to Full Council for consideration prior to contracts being signed.

(ii) That the work being undertaken to agree with residents a move from the old wing of Glen Lodge to the newer wing with a package of support measures to minimise disruption and address individual residents' circumstances prior to the commencement of building works be noted.

(iii) That approval be given to commission design work and submit planning applications for the rear extensions at the identified Bell Farm properties.

(iv) That approval be given to procure a contractor to rebuild the existing bathroom pods and undertake a package of retrofit improvements works at the identified Bell Farm apartments, and that it be noted that a business case with final costs will be brought before Executive and recommended to Full Council for consideration prior to contracts being signed.

(v) That an application be progressed, under Wave 2 of the Social Housing Decarbonisation Fund, to seek grant funding towards the cost of retrofit works to the Bell Farm apartments.

(vi) That the work being undertaken to agree with remaining residents of the Bell Farm apartments a move to a suitable alternative property, with a package of support measures to minimise disruption and address individual resident's circumstances prior to the commencement of building works, be noted.

(vii) That the options for delivering works at the two properties in Bell Farm (Annex 1) which currently belong to leaseholders be noted, and that it be noted that the full business case for the delivery of this project will include details of the preferred option following discussions with the leaseholders and following advice from Legal Services.

Reason: To address significant health and safety issues and bring accommodation up to a decent homes standard, while ensuring that tenants have acceptable, suitable accommodation in the meantime.

## **22. Inspection of Local Authority Children's Services (ILACS) and Action Plan (7:45 pm)**

The Corporate Director of Adult Social Care and Integration (formerly Interim Director of Children's Services) presented a report which set out the outcome of the Ofsted inspection of Children's Social Care under the Inspection of Local Authority Children Services (ILACS) framework, conducted between 7 and 18 March 2022.

The inspection report, published on 4 May 2022, was available through the Ofsted website. The inspection had confirmed that the quality of children's services had not been maintained following the last inspection in 2016 and that York 'Required improvement to be good'. The council was required to submit an action plan to Ofsted by 12 August, outlining how it intended to address each of the areas for improvement and the monitoring arrangements. Approval was sought for the Action Plan attached at Annex A.

The Chief Operating Officer commented that the inspection report also included areas of good practice and that many other local authorities had achieved worse results than York.

Children's services faced a financial challenge at a national level. However there was no room for complacency and he remained committed to achieving excellence, with the support of Members and Chief Officers.

Resolved: That York's Action Plan in response to the areas identified for improvement be agreed.

Reason: In order to share York's agreed action plan with Ofsted and continue to progress improvement activity locally.

### **23. Developing a 5 Year Dementia Strategy for York (8:05 pm)**

The Corporate Director of Adult Social Care and Integration presented a report which briefed Executive on work carried out to develop a Dementia Strategy for York and sought approval for the draft Strategy prior to its publication this summer.

The draft York Dementia Strategy 2022-2027, attached as Annex A to the report, had been prepared by a working group including members from the council, health services and the voluntary sector. A series of engagement events had taken place, including a consultation event with people living with dementia to hear their views on the draft.

The Executive Member for Adult Social Care & Health thanked officers for their work on the Strategy, noting the significant engagement undertaken with people with lived experience of dementia, and it was

Resolved: That the draft Strategy be approved.

Reason: Having a York Dementia Strategy will clearly establish the common goals for health, social care, and community organisations in the City to deliver quality support to people with dementia and their carers. Once there is an agreed Strategy, progress can be made with a delivery plan to achieve the goals outlined, and improve the experience for the thousands of people living with dementia in our City.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **24. Hackney Carriage Licences (7:10 pm)**

The Head of Public Protection presented a report which asked Executive to consider the specification of vehicles to which the additional hackney carriage licences recommended by Licensing & Regulatory Committee should be granted, and to recommend to Council that the Taxi Licensing Policy be amended accordingly.

On 7 June 2022, the Committee had recommended that the number of hackney carriage licences available be increased from 183 to 190 to meet the identified unmet demand. They had also made a recommendation regarding the type of vehicle to which the additional licences should be granted, and this was the matter that Executive was asked to consider. Three options were available:

- Option 1 – amend the Taxi Licensing Policy to the vehicle specification in paragraph 25 regarding the grant of any new hackney carriage vehicles licences, as recommended by Licensing & Regulatory Committee
- Option 2 – Retain the existing vehicle specification outlined in paragraph 16.
- Option 3 – Specify a different vehicle standard.

In response to comments made under Public Participation and questions from Members, officers confirmed that:

- The unmet demand survey had been carried out in October 2021, having been postponed due to Covid.
- The shortage of hackney carriages had been partly due to a lack of drivers, who had left taxi work during Covid.
- Efforts were being made to address issues with parked cars at the Duncombe Place taxi rank now that more enforcement officers were available.

**Recommended:** That Council approve a change to the Taxi Licensing Policy in respect of the type of vehicle to which new hackney carriage licences will be issued; those being wheelchair accessible, 'fully electric' or 'plug in electric hybrid London taxis', and black in colour (as specified in detail in paragraph 25 of the report to Executive), in accordance with Option 1 in the report.

Reason: To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, as well as providing a more environmentally friendly and easily recognisable hackney carriage fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.

Cllr K Aspden, Chair  
[The meeting started at 5.30 pm and finished at 8.15 pm].