

Meeting	Executive
Date	17 January 2019
Present	Councillors Gillies (Chair), Aspden, Ayre, Brooks, Dew, K Myers, Runciman and Waller
In Attendance	Councillors D'Agorne and S Barnes

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## **Part A - Matters Dealt With Under Delegated Powers**

### **88. 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 Dew declared a personal interest in Agenda Item 6 (A Clean Air Zone for York), as the recipient of a small pension from First York.

Cllr Waller declared a personal interest in Agenda Item 8 (Discretionary Rate Relief Awards 2019-2021), as Treasurer of Chapelfields Community Association. He left the room during consideration of that item and took no part in the debate or decision thereon.

### **89. Minutes**

Resolved: That the minutes of the Executive meeting held on 20 December 2018 be approved and then signed by the Chair as a correct record.

### **90. Public Participation**

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

Brian Watson spoke on a matter within the Executive's remit, requesting a written answer to the questions he had asked

previously about the selling back of advertising rights at the Community Stadium.

Cllr Kallum Taylor, member for Holgate ward, spoke on a matter within the Executive's remit, requesting the attendance of the relevant Executive Members at the meeting of the scrutiny committee that was due to consider a report on the deaths of homeless people in York. He went on to comment on Agenda Item 5 (York Central Partnership Legal Agreement), suggesting that this item be deferred to examine how the council could play a greater role in development activity on the site.

Richard Clark spoke on Agenda Item 5, noting that it was the fourth time he had spoken on York Central and calling for the council to have equal status with the major landowners of the site, with a seat on the Delivery Co-ordination Board.

Mike Stancliffe spoke on Agenda Item 5 on behalf of the YCP, supporting both the proposed agreement, as a major milestone in the project, and the council's ongoing approach to public engagement.

Marc Bichtemann spoke on Agenda Item 6 (A Clean Air Zone for York) on behalf of First York, supporting the recommendations in the report and recognising the role of bus operators in working with the council to reduce emissions in a sustainable way.

Caroline Lewis spoke on Agenda Item 6, on behalf of Clean Air York. She supported the proposals but expressed concern at the delay in bringing them forward and called for the introduction of anti-idling measures on an enforcement basis.

Graham Collett spoke on Agenda Item 6, as Chair of York Bus Forum. He welcomed the proposals but suggested they be extended to cover other high emission vehicles and that operators be encouraged to replace rather than retro-fit their buses.

Niall McFerran spoke on Agenda Item 6, as Chair of the St Leonard's Place and Museum Street Residents' Group. He suggested that, to address 'idling' issues, all drivers be required to switch off their vehicles' engines when stationary in the city centre.

## **91. 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.

## **92. York Central Partnership Legal Agreement**

The Director of Economy & Place and the Assistant Director of Regeneration and Asset Management presented a report which sought approval for the Heads of Terms of a formal agreement between members of the York Central Partnership (YCP), to be developed into a legal contract before construction of the infrastructure began. It also requested the allocation of funding to begin site preparation works, outlined early work to ensure that York Central delivered significant social and environmental benefits, and proposed a revised approach to community engagement.

The draft Heads of Terms, at Annex 2 to the report, had been worked up from the Memorandum of Understanding agreed by the YCP partners in June 2018. They outlined how the partnership would operate as the project moved into the delivery phase, including governance arrangements, financial and land contributions and returns, and arrangements for monitoring quality and delivery in the long term.

In December 2018, Council had established a budget of £155m for core infrastructure to allow development to proceed. To ensure funding deadlines were met, approval was now sought to release £1.25m of the York Central budget to fund the early site preparations works listed in paragraph 40 of the report and a further £5m for the enabling works in paragraph 43, the latter being subject to planning and funding decisions. Work on securing the social and economic benefits of York Central, including housing, active public spaces and support for economic development, was set out in paragraphs 45-67. With regard to community engagement, developments were under way to encourage more active and open participation than the current Community Forum, as outlined in paragraphs 69-79.

In response to Members' questions and comments made under Public Participation, officers confirmed that the agreement represented a fair and equitable sharing of risks and rewards

between the partners. The council would continue to play a significant role in the direction of the project, as both the Highways and the Planning authority and with the Leader and Deputy Leader sitting on the Strategic Board and officers on the Delivery Co-ordination Board.

Resolved: (i) That the Heads of Terms for the York Central Partnership (YCP) legal agreement be approved and that authority be delegated to the Director of Economy & Place and the Director of Corporate & Customer Services to take such steps as are necessary to enter into the legal agreement.

(ii) That £1.2m of the £155m York Central capital budget, to be funded initially from City of York Council's capital budget, be committed to undertake pre-construction site preparations, including telecommunications mast and rail line relocation and site segregation from the operational railway and bridge agreements with Network Rail, as set out in paragraph 40 of the report.

(iii) That a further £5m of the £155m York Central capital budget, to be funded from the Housing Infrastructure Fund, be committed, subject to planning and external awards, to commence the enabling works, including site clearance, utility diversions and Millennium Green preparation, as set out in paragraphs 42-43.

(iv) That it be acknowledged that a further report will be brought back to Executive to agree the submission of the reserved matters planning application and to commit the capital budget for delivery of the Phase 1 infrastructure, including:

- bridge access onto the site
- a new spine road
- drainage
- construction of an additional pedestrian and cycle deck onto Severus Bridge
- construction of a new rail connection between the NRM and the East Coast Main Line subject to the award of outline planning permission for the scheme and the final agreement of the external grant funding from both

the West Yorkshire Transport Fund and the Housing Infrastructure Fund.

Reason: To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding.

(v) That a further report be received, setting out proposals for economic development on York Central.

(vi) That a business case be prepared for the council to acquire affordable housing on the York Central site as part of the first phase of residential development.

(vii) That proposals be developed for the next phase of community engagement and a report be brought to Executive to seek financial support for community groups to develop capacity to engage effectively with YCP, with a view to active engagement to deliver social and economic benefits.

Reason: To ensure that the social, environmental and economic benefits of York Central are delivered and are strongly influenced by community engagement.

### **93. A Clean Air Zone for York**

*[See also under Part B]*

The Assistant Director for Planning & Public Protection presented a report which set out options and timescales for improvement of the emissions standards of vehicles operating on the local bus network.

On 25 January 2018, Executive had approved the introduction of a Clean Air Zone (CAZ) in 2020 within and including the inner ring road, subject to consultation with local bus operators and the public. A graduated approach was proposed, to give operators time to plan and upgrade vehicles. Results of the consultation carried out in summer 2018, including responses to the questionnaire attached at Annex 2 to the report, were set

out in paragraphs 12 to 31 and in Annex 3, with officer comments in paragraphs 32-41.

The following options were considered, as detailed in paragraphs 42-68:

**Option 1** – introduce the CAZ in January 2020, in line with Annex 1, subject to Council approving a funding allocation of £1,640,000.

**Option 2** – work in partnership with operators to introduce cleaner buses over the next 2 years, implementing a CAZ in January 2021.

**Option 3** – progress the introduction of cleaner buses as in Option 2, introducing the CAZ in 2022 only if air quality objectives were still being exceeded.

**Option 4** – introduce the CAZ over a longer period to reflect the timescales in which operators could upgrade their fleets without the need for additional subsidy.

Option 1 was recommended, on the grounds that it was supported by 90% of respondents to consultation and would provide the quickest route for delivery of the CAZ and reduced emissions.

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

- they would be working with other local authorities to ensure that state aid requirements were met;
- a report on anti-idling measures covering all vehicles would be taken to the Joint Decision Session of the Executive Member for Environment and the Executive Member for Transport & Planning on 7 February.

Resolved: (i) That the content of the report be noted.

(ii) That the introduction of a Clean Air Zone (CAZ) for vehicles operating local bus services from January 2020, by making a request to the Traffic Commissioner pursuant to section 7(1) of the Transport Act 1985 that he exercise his powers under that section to impose traffic regulation conditions designed to reduce air pollution, be supported.

(iii) That a twelve month 'sunset' period be permitted from January 2020, when vehicles not meeting the CAZ requirement may continue to be

operated if evidence can be submitted by an operator that an order for retro-fitting of an existing vehicle, or procurement of a replacement Euro VI (or better) vehicle has been placed but not yet delivered.

(iv) That the potential for grant funding to offset the cost be noted and that any amendment to the council contribution will be notified in future reports to Executive.

(v) That the procurement of contracted bus services with Euro VI minimum emission standard in line with the service levels offered on the existing tendered bus network be approved, with the results of the procurement exercise to be considered at a future Executive meeting following receipt of tenders.

*(Note: a summary of the routes to be re-tendered is included at Annex 4 to the report).*

(vi) That the progress made towards tackling anti-idling measures and proposals for addressing bus idling from January 2019 (including that detailed in Annex 5 to the report) be recognised.

Reason: To improve air quality in York through the acceleration of improvements to bus emissions levels.

#### **94. Building More Homes for York - Removal of the HRA Borrowing Cap**

The Assistant Director of Housing & Community Safety presented a report which set out the implications for the council of the government's decision to lift the Housing Revenue Account (HRA) borrowing cap.

HRA debt caps had been introduced in 2012 to control overall borrowing caps and the council had been assigned a cap of £146m. This had now been lifted, and borrowing linked to the Prudential Code. The report outlined how, in view of the Executive's decision on 12 July 2018 to deliver the Housing Delivery Plan (HDP) via the HRA rather than creating a

separate company (Minute 16 of that meeting refers), the lifting of the cap would enable:

- Accelerated delivery of over 600 homes across 8 sites within the HDP
- The purchase of additional land for housing development
- Acquisition of extra affordable housing via Planning Obligations in S106 agreements
- Opportunities for more investment in the provision of older persons' accommodation.

The indicative costs of and funding for the programme were summarised in paragraph 16 of the report, with further details in paragraphs 17-19. Detailed site business cases and associated budget requests would be presented to Executive as they came forward.

The Chair thanked officers for the detail in the report, commenting that the programme would enable the best delivery of housing by the council in 40 years.

Resolved: (i) That the proposed means of delivery of the Housing Delivery Programme (HDP) through the Housing Revenue Account (HRA) be further endorsed.

(ii) That the appropriation of sites within the HDP from the General Fund into the HRA be approved in principle, noting the increased debt that will occur, with sites to be appropriated following Executive approval of individual site business cases.

(iii) That the additional opportunities brought by removal of the HRA borrowing cap in respect of potential land acquisitions for new housing developments and the purchase of new affordable housing through S106 agreements be noted, with a business case to be brought to Executive for consideration when such opportunities are available.

Reason: To accelerate the construction of much needed homes in the city, allowing the council to build more than 600 homes in the next five years, of which over 250 will be council homes and low cost home ownership tenures.



**95. Discretionary Rate Relief Awards 2019-2021**

The Director of Customer & Corporate Services presented a report which provided details of new applications for Discretionary Rate Relief (DRR) from 1 April 2019 to 31 March 2021 and invited the Executive to decide whether to approve any new awards.

Existing DRRs were set out in Annex A to the report. New applications recommended for approval were detailed in Annex B. 61 new applications were recommended for discretionary top-up relief for the April 2019 – March 2021 cycle, at a total cost to the council of £40,704. The higher volume and cost compared to last year was due to all existing long term recipients falling due for renewal in this cycle. Members were invited to approve or decline the recommended applications.

Resolved: That the new applications for Discretionary Rate Relief set out in Annex B to the report be approved.

Reason: In accordance with the officer recommendations and to provide a transparent process for awarding DRR.

**96. Discussion with North Yorkshire County Council to Explore Merging Coroner Areas**

The Director of Customer & Corporate Services presented a report which sought approval to undertake discussions with North Yorkshire County Council (NYCC) to explore merging the City of York Council (CYC) and NYCC coroner areas, at the request of the Chief Coroner and the Ministry of Justice (MoJ).

The Chief Coroner's guidance on merging coroner areas (Guidance Note 14) was attached as Annex 1 to the report. York was currently a single coroner area, with a temporary part-time senior coroner. NYCC had two coroner areas, East and West. In 2014, CYC's refusal to merge with Hull & East Riding had been upheld on the understanding that it would explore a merger with NYCC when one of their senior coroners retired. NYCC was now considering whether to merge its two areas, with the East area senior coroner due to retire in March 2019.

Two options were available:

**Option 1** – seek permission from the Chief Coroner for York to remain as a separate area.

**Option 2** – open discussions with NYCC to consider merging the coroner areas. This was the recommended option, as a merger would be in line with the wishes of the Chief Coroner, the MoJ, the senior coroners and North Yorkshire Police. It would also provide a more resilient, efficient and consistent service and was likely to result in a small financial saving.

Resolved: That approval be given to hold discussions with NYCC to explore the merging of coroner areas, in accordance with Option 2.

Reason: To improve resilience and efficiency, with minimal financial impact and in line with the Chief Coroner's guidance.

## 97. **Provision for Occupational Health**

The Head of HR presented a report which sought approval to re-procure Occupational Health (OH) provision for the council after expiry of the current contract with Health Management Limited (HML).

The contract with HML would come to an end on 23 June 2019. A summary of current usage of this service, which cost the council an average of £135k per year, were attached at Annex A to the report. A separate contract with Ryedale Osteopath Services Ltd. (average cost £19k per year) was due to end on 22 June. It was proposed to review and integrate this service as part of the wider OH service review.

Two options were available:

**Option 1** – procure an integrated occupational health service, including an osteopath service, as recommended in the report.

**Option 2** - spot purchase occupational health advice on an ad hoc basis as the need arose. This would not result in a proactive co-ordinated approach and would be more costly.

Resolved: That approval be given to procure an integrated health contract, including the management or provision of an osteopath service, with effect from June 2019, in accordance with Option 1.

Reason: To ensure that professional occupational health advice is available that can work with the council to develop solutions to keep employees with health issues at work.

## Part B - Matters Referred to Council

### 98. A Clean Air Zone for York

*[See also under Part A]*

The Assistant Director for Planning & Public Protection presented a report which set out options and timescales for improvement of the emissions standards of vehicles operating on the local bus network.

On 25 January 2018, Executive had approved the introduction of a Clean Air Zone (CAZ) in 2020 within and including the inner ring road, subject to consultation with local bus operators and the public. A graduated approach was proposed, to give operators time to plan and upgrade vehicles. Results of the consultation carried out in summer 2018, including responses to the questionnaire attached at Annex 2 to the report, were set out in paragraphs 12 to 31 and in Annex 3, with officer comments in paragraphs 32-41.

The following options were considered, as detailed in paragraphs 42-68:

**Option 1** – introduce the CAZ in January 2020, in line with Annex 1, subject to Council approving a funding allocation of £1,640,000.

**Option 2** – work in partnership with operators to introduce cleaner buses over the next 2 years, implementing a CAZ in January 2021.

**Option 3** – progress the introduction of cleaner buses as in Option 2, introducing the CAZ in 2022 only if air quality objectives were still being exceeded.

**Option 4** – introduce the CAZ over a longer period to reflect the timescales in which operators could upgrade their fleets without the need for additional subsidy.

Option 1 was recommended, on the grounds that it was supported by 90% of respondents to consultation and would provide the quickest route for delivery of the CAZ and reduced emissions.

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

- they would be working with other local authorities to ensure that state aid requirements were met
- a report on anti-idling measures covering all vehicles would be taken to the Decision Session of the Executive Member for Transport & Planning in February.

Recommended: That a budget of £1.4m be allocated to establish a competitive grant fund for bus operators, financed from prudential borrowing, noting the revenue implications of £115,000 per annum.

Reason: To enable the improvement of air quality in York through the acceleration of improvements to bus emissions levels.

Cllr I Gillies, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].