

**Notice of a public meeting of
Executive**

To: Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson

Date: Tuesday, 22 November 2022

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Thursday, 24 November 2022.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

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

2. Minutes

(Pages 1 - 10)

To approve and sign the minutes of the Executive meeting held on 6 October 2022.

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Executive.

Please note that our registration deadlines are set at 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Friday, 18 November 2022**. To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. **Forward Plan** (Pages 11 - 14)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. **10 Year Strategies** (Pages 15 - 40)

The Chief Operating Officer to present a report which details the development of a 10-year Strategy and Policy framework comprising the Climate Change, Economic and Health and Wellbeing 10 year strategies and the emerging 10 year City Plan, and asks Executive to recommend that Council adopt the framework.

Note: Annexes B, C and D to the above report have not been included in the printed or PDF agenda pack, but are available to view alongside the agenda online.

- 6. Addressing the Cost of Living Crisis in York** (Pages 41 - 78)

The Director of Customer & Communities to present a report which provides an overview of the current position regarding the national cost of living crisis locally in York, focusing on the impact on the Council, programmes being undertaken and key activities to tackle the impacts of the crisis, and including an update on the citywide York Cost of Living Summit held on 31 October 2022.
- 7. Pavement Café Licence Update** (Pages 79 - 174)

The Director of Transport, Environment & Planning to present a report which proposes changes to City of York Council's pavement café licensing guidance and process, following the completion of a review of the current licensing guidance, as approved by Executive on 28 July 2022.
- 8. Active Travel Programme - Programme Revision and Contract Award** (Pages 175 - 242)

The Director of Environment, Transport & Planning and the Chief Finance Officer to present a report which details work to be implemented in Phase 1 of the Active Travel Programme of projects to improve York's walking and cycling infrastructure, along with schemes that will be priorities for future funding bids, and seeks approval for the proposed programme and for the award of a contract relating to a number of schemes within it.
- 9. Recommissioning of Alcohol & Drug Treatment and Recovery Services in York** (Pages 243 - 252)

The Director of Public Health to present a report which seeks authority to approach the market for the tendering of an adult and young people's alcohol and illicit drug misuse service, delivering evidence-based harm reduction, treatment and recovery services to the population of York.
- 10. Occupational Health and Day One Absence Management Provision** (Pages 253 - 268)

The Chief Operating Officer to present a report which seeks permission to re-procure an Occupational Health and Day One Absence Management Service for the Council, key in ensuring employees are able to fulfil their duties safely with their health and wellbeing supported.
- 11. SEND Capital Plan, 2023-25** (Pages 269 - 288)

The Assistant Director, Education & Skills, to present a report which provides details of the 2023-25 plan for capital schemes to

improve the sufficiency of provision for children and young people with special educational needs and/or disabilities (SEND), and seeks approval for the schemes outlined in the plan.

12. 2022/23 Finance and Performance Monitor (Pages 289 - 334)
2

The Chief Operating Officer to present a report which presents details of the council's overall finance and performance position for the period 1 April 2022 to 30 September 2022, together with an overview of any emerging issues.

13. Capital Programme - Monitor 2 2022/23 (Pages 335 - 354)

The Chief Finance Officer to present a report which sets out the projected outturn position for of the council's capital programme for 2022/23, including any under/over spends and adjustments, along with requests to re-profile budgets to/from current and future years.

14. Treasury Management Mid-Year Review and Prudential Indicators 2022/23 (Pages 355 - 368)

The Chief Finance Officer to present a report which provides an update on Treasury Management activity for the period 1 April to 30 September 2022.

15. Lord Mayoralty 2023/24 (Pages 369 - 372)

The Director of Governance to present a report which asks Executive to consider the points system for the annual nomination of the Lord Mayor of York and confirm the qualification of the group with the most points to nominate the Lord Mayor for the next municipal year.

16. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

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City of York Council

Committee Minutes

Meeting	Executive
Date	6 October 2022
Present	Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Kilbane
Officers in Attendance	<p>Ian Floyd - Chief Operating Officer Bryn Roberts - Director of Governance and Monitoring Officer Debbie Mitchell - Chief Finance Officer Neil Ferris - Corporate Director of Place Sharon Stoltz - Director of Public Health Jamaila Hussain – Director of Prevention and Commissioning James Gilchrist - Director of Environment, Transport, and Planning Tracey Carter - Director of Housing, Economy, and Regeneration Will Boardman - Head of Corporate Policy and City Partnerships Nick Collins - Head of Property Sam Fryers - Public Transport Planner Michael Howard - Senior Transport Project Manager Richard Holland - Senior Projects Manager</p>

33. **Declarations of Interest (10:03)**

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 None were declared.

34. Minutes (10:03)

Resolved: That the minutes of the Executive meetings held on 28 July 2022 and 18 August 2022 be approved and then signed by the Chair as a correct record.

35. Public Participation (10:04)

It was reported that there had been 5 registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on matters relating to the governance of the new combined authority if devolution goes ahead, including concerns about accountability, the lack of opposition party presence from York being able to participate, and access to meetings for the public.

Carole Green spoke on Agenda Item 6 (Enhanced Partnership and Bus Service Improvement Plan), handing in a petition signed by 1235 people requesting permanent funding of the No. 11 bus route.

Flick Williams spoke on Item 6 noting the importance of bus travel especially for wheelchair users and the damage of lost routes. Concern was also raised regarding the access on current buses with park and ride buses using more single decker buses and the lack of space for wheelchair users over crowded buses have and can leave those with disabilities behind.

Doreen Magill spoke on Item 6 as Chair of York Bus Forum, noting that the enhanced bus partnership needed to be a partnership that addressed the concerns of passengers and feared it was largely a replication of the current system which did not do this. They noted that people in the city want to use buses the key is for the Council and operators to deliver a timetable and buses people wanted to use.

Ian Craven spoke on item 9, citing that he felt there had been insufficient consultation on the site of the Haxby station as Towthorpe residents were not consulted. They noted that they felt the site should be closer to the bypass and asked that a

consultation be undertaken before a planning application was submitted.

36. Forward Plan (10:20)

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.

37. Update to the Community Asset Transfers Affecting Community and Parks Assets (10:50)

The Director of Place / Director of Housing, Economy & Regeneration presented a report which set out the representations received following publication of the Section 123 Notices proposing to dispose of various areas of open space land, and made recommendations in response to these.

Executive welcomed the report and noted that most of the assets had not received any comments. Regarding, the two Herdsman Cottages Members were pleased that they could not become holiday lets due to the 250 year leases restricting the properties to private residents.

Resolved: (i) That the progress to date on the Community Asset Transfers be noted.

(ii) That the five comments received in response to the Section 123 Notices published in respect of those properties qualifying as public open space be noted.

(iii) That the approval for the disposal of the two former herdsman's cottages at 103 Heslington Road and 159 Mount Vale be amended to be on the basis of granting a 250 year lease for each property, with each to contain a user clause restricting the use of the properties to private main/principal residences, rather than disposing of the freeholds.

Reason: To obtain a capital receipt from the disposal (by way of grant of long lease) of both properties on the open market which have been deemed surplus to

requirements, whilst seeking to ensure that the cottages are only used as private main/principal residences, as opposed to holiday lets.

(iv) That the assurances and further information provided in the report be noted regarding the three public comments received in respect of the intention to dispose through the granting of a lease of:

- Land at Mayfield South;
- Rowntree Park Tennis Pavilion; and
- Land at Chapman's Pond.

Reasons: a) To support York communities to access external funding and grants, to develop the facilities in line with local community aspirations and secure their long term sustainable care providing savings to the Council if it were to otherwise operate and manage these facilities itself.

b) To support the health and wellbeing of people in the local community by providing the use of council assets which can be actively managed and improved by the involvement of the local community.

38. Enhanced Partnership and Bus Service Improvement Plan (10:58)

The Director of Environment, Transport and Planning presented a report which sought approval to enact a statutory Enhanced Partnership between the council and local bus operators in order to secure the confirmed £17.36m Bus Service Improvement Plan (BSIP) funding from the DfT.

The Executive noted the importance of the new partnership to improve York's bus network with upgrades such as improved ticketing on park and ride buses. It was noted that the partnership should improve passenger participation in stakeholder engagement which should promote improvements in accessibility for disabled passengers. The Executive Leader commented on the challenges of securing long term funding for buses across the country, with a current cliff edge of funding come in March 2023 and confirmed that a letter had been sent to the Secretary of State for Transport regarding this funding challenge. National challenges were also noted in areas such as

driver shortages and it was confirmed that the Council was reviewing how to support driver training.

Resolved:

- i. That the Executive notes that a statutory Enhanced Partnership between the council and local bus operators has been made by officers on Tuesday 27th September under delegated powers. The EP is a prerequisite to secure the confirmed £17.36 million in Bus Service improvement Plan (BSIP) funding from DfT;
- ii. That the Executive Recognise the £17.36m BSIP funding for 2022-25 and confirms that the relevant sums should be added to the council's capital programme and revenue budgets for the current, 2023/24 and 2024/25 financial years;
- iii. That authority be delegated to the Director of Transport, Environment and Planning, in consultation with the Executive Member for Transport, to draft a bespoke amendment to the Plan and Scheme in the likely event that further detail is required by DfT in order to release the full BSIP funding allocation. Any substantive changes will be brought to a future Executive Decision Session for approval.

Reason: To help ensure that £17.36m in DfT BSIP funding is secured, and accounted for in the council's budget programming, and that the council and bus operators can proceed with the process of delivering the stated York BSIP objectives in line with the National Bus Strategy.

39. Director of Public Health Annual Report 2020-2022 (11:24)

The Director of Public Health presented her annual report, in accordance with the Health and Social Care Act 2012. The annual report, attached at Annex 1, covered a 2-year period due to the absence of a report in 2021 because of the Covid pandemic.

The Executive thanked officers in public health for their work in meeting a vast number of demands and acknowledged the impact of and Coronavirus was still challenging health services across the country. They noted that access to booster jabs were

available and recommended that residents who were eligible who haven't already had one to come forward for a vaccine.

Questions regarding the impact of Coronavirus and the cost of living crisis were raised. Officers confirmed that in line with the national picture poorer and more vulnerable residents have and would continue to be disproportionately negatively affected in areas such as family planning, cancer screenings, and overall life expectancy.

In York it was confirmed that additional health funding was

Resolved: That the publication of the report be approved, subject to the correction of typographical errors and any formatting issues.

Reason: To meet the statutory duty as set out in the Health and Social Care Act 2012.

40. Haxby Station – Update and Next Steps (11:45)

The Corporate Director of Place presented a report which provided an update on the progress of the Haxby Station project and sought delegated authority for a number of actions to take the project forward.

The Executive welcomed the report, noting that local residents had long supported the project. It was confirmed that the public consultation on the principle of a new railway station in Haxby had received 81% of respondents in support.

Costs associated with the project were discussed with some funding being provided by the Department for Transport it was confirmed. As things stood officers confirmed that the Department for Transport funding would remain in place as long as construction on the project started before the end of 2024.

Resolved: (i) That the additional £1.1m funding allocated to the project from government be noted.

(ii) That the results of the public consultation undertaken earlier in 2022 be noted.

- (iii) That the recent application to Round 2 of the government's *Levelling Up Fund* be noted.
- (iv) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Transport, to submit a planning application for the anticipated future construction of the new station.
- (v) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Transport and the Director of Governance (or his delegated Officers), to:
 - a) Undertake such steps as are necessary to commission Network Rail, as the council's delivery partners, to progress the next stage of development (*GRIP 4 & 5* stages), up to the point of delivery, noting that a further report will be brought to Executive to report on the actual build costs and to seek approval to proceed with construction.
 - b) Carry out a procurement to engage a consultant to undertake the required design services to deliver all Highways aspects of the project which are outside the station site and to take such steps as are necessary to award and enter into the resulting contract.
 - c) Carry out a procurement to engage a construction contractor to undertake the required construction works to deliver all Highways aspects of the project which are outside the station site, noting that a further report will be brought to Executive to report on the actual build costs and to seek approval to proceed with construction.

Reason: To afford City of York Council the best possible opportunity to progress this project in a timely fashion and enable the full delivery of a new rail station at Haxby by early 2024, as mandated by government.

PART B - MATTERS REFERRED TO COUNCIL

41. Agree the Devolution Deal and commence consultation (10:20)

The Chief Operating Officer presented a report which detailed the steps required following the announcement of the 'minded to' Devolution Deal for York and North Yorkshire, and asked Executive to approve the proposal and recommend that Council commence the consultation process to approve the Deal and carry out the relevant next steps.

On 1 August 2022 the Secretary of State for Levelling Up, Housing and Communities had announced that the Government was minded to enter into a Devolution Deal with York and North Yorkshire under which the region would benefit from £540 million of new Government investment to spend on local priorities to produce growth, together with a range of devolved powers. This was dependent upon the City of York Council (CYC) and North Yorkshire County Council (NYCC) establishing a Combined Authority for the area with an elected Mayor. A Governance Review undertaken by officers (Appendix 1 to the report) had concluded that a Mayoral Combined Authority was likely to improve the exercise of statutory functions in the area and a draft Scheme (Appendix 2) had therefore been prepared.

Subject to Member approval of the Review and the Scheme, the next step was to carry out an 8-week public consultation on the Scheme, as detailed in the report, before considering whether to create a Mayoral Combined Authority. To ensure proper governance and transparency, it was recommended that a Joint Committee be created at this stage between NYCC and CYC.

Members discussed the governance of the new Combined Authority and balanced views on their concerns with the creation of a Mayoralty against the access to funding which came from the devolution deal. Officers confirmed that measures had been negotiated which would require collaboration between the Metro Mayor and local authorities, such as the requirement for the Combined Authority Budget, which would need to be unanimously supported by local authorities.

Resolved: That the recommendations in the report be approved.

Recommended: That Council:

- (i) Approve the minded to Devolution deal.
- (ii) Approve The Governance Review as identified in Appendix 1 to the report.
- (iii) Approve publication of the Scheme at Appendix 2 for consultation and delegate to the Monitoring Officer any changes and actions needed to ensure that a full consultation exercise is conducted for the area.
- (iv) Delegate authority to the S151 Officer, in consultation with the Executive Members for Finance and Major Projects, to approve with North Yorkshire County Council (NYCC), work up the details of, and implement the financial arrangements, including a risk share mechanism and funding source.
- (v) Grant approval to cashflow, with NYCC, initial implementation costs of £600k (ahead of the funding being available to be drawn down) and agree to receive a further report once the full implementation costs are known.
- (vi) Approve the creation of a Joint Devolution Committee with NYCC and delegate authority to the Monitoring Officer, in consultation with the Leader, to approve the final terms of reference as agreed with NYCC.
- (vii) Approve the addition of £2m to the Capital Programme for affordable low carbon homes with any expenditure subject to the agreement of the S151 Officer upon business case approval and confirmation of grant conditions.

Reason: On the basis of the content of the report, and the beneficial Devolution Deal.

Cllr Aspden, Chair

[The meeting started at 10.03 am and finished at 11.56 am].

Forward Plan: Executive Meeting: 22 November 2022

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 22 December 2022

Title and Description	Author	Portfolio Holder
<p>Bus Network Review</p> <p>Purpose of Report</p> <p>To inform the Executive of options to stabilise the local bus network (as government support post Covid ends and within the context of a national driver shortage), whilst maintaining the objective to enhance the network within York's Bus Service Improvement Plan.</p> <p>Executive will be asked to: agree actions to stabilise the Bus Network within York.</p>	Michael Howard	Executive Member for Transport
<p>City of York Housing Delivery Action Plan</p> <p>Purpose of Report</p> <p>To propose a Housing Delivery Action Plan (HDAP), required by the National Planning Policy Framework 2021 and the update of the Local Development Scheme required by the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).</p> <p>Executive will be asked to: consider and approve the Housing Delivery Action Plan and updated Local Development Scheme to support the plans and subsequent implementation across Corporate teams in order to comply with the Council's statutory obligations.</p>	Kirstin Clow	Executive Member for Economy and Strategic Planning
<p>2023-2028 Housing Asset Management and Energy Retrofit Plan</p> <p>Purpose of Report</p> <p>To present a five-year Housing Asset Management and Energy Retrofit Plan which will guide the authority's actions to invest in its existing council housing stock.</p> <p>Executive will be asked to: Consider an evidence-based investment strategy for council housing over the next five years.</p>	Michael Jones	Executive Member for Housing & Safer Neighbourhoods

Title and Description	Author	Portfolio Holder
<p>Germany Beck Flood Alleviation Scheme</p> <p>Purpose of Report</p> <p>To update Executive on progress of a holistic scheme being developed, alongside the wider Environment Agency led programme of works in the city, to provide a pumping station to increase flood resilience to properties on Germany Beck, maintain access via Fordlands Road and further reinforce the works on the A19, and to request approvals for the next stages of the project.</p> <p>Executive will be asked to:</p> <ul style="list-style-type: none"> - endorse the work carried out to date; - approve the project to be taken through the planning process; - resolve to receive a future paper detailing the approach to the construction phase costs, procurement and delivery model and to approve the continued delivery of the project. 	Steve Wragg	Executive Member for Environment & Climate Change

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 26 January 2023

Title and Description	Author	Portfolio Holder
<p>Draft Community Infrastructure Levy Charging Schedule</p> <p>Purpose of Report</p> <p>To present a Draft CIL Charging Schedule setting out the proposed charges to support delivery and to help mitigate the infrastructure costs associated with development.</p> <p>Executive will be asked to: review the Draft CIL Charging Schedule and agree to formally consult on the above schedule in line with the CIL Regulations 2010.</p>	Kirstin Clow	Executive Member for Economy & Strategic Planning

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason
<p>Bus Network Review <i>See Table 1 for details.</i></p>	<p>Michael Howard</p>	<p>Executive Member for Transport</p>	<p>22/11/22</p>	<p>22/12/22</p>	<p>So that Executive can consider the outcome of a significant number of applications for service changes that have been made in the last few days. Further discussions with the bus industry will help to inform the appropriate response at December Executive to the current significant challenges that the whole bus network is facing.</p>

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Executive**22 November 2022**

Report of the Chief Operating Officer
Leader and Portfolio Holder Policy, Strategy and Partnerships

10 Year Strategies**Summary**

1. The country is experiencing significant change. Difficult international issues, emerging from the pandemic, the impact of Brexit, responding to the war in Ukraine, the rising cost of fuel and energy, adapting to ever increasing extreme weather events, we are facing issues not experienced for generations, if at all.
2. Nationally, just as the pandemic accelerated changes to our high street economies and hybrid working technologies, the cost of living and changing weather is accelerating adoption of energy saving measures and renewable technologies. Although locally we cannot pre-empt outcomes, we do know that over the decade ahead the way we live, work and co-exist together may change in ways we cannot yet imagine.
3. Now, more than ever, we need to work together across the city to consider how best to enhance our way of life, adapting to regional opportunities, learning and building on our response to the pandemic whilst mitigating the ongoing effects of Climate Change to achieve net zero carbon by 2030.
4. Following an extensive 18 month programme of resident, business and stakeholder engagement, the council has developed three interdependent 10 year strategies which have been informed by existing or emerging national and local policies.
5. By following a sustainable development approach to set out the strategy for the decade ahead, the council drafted three interdependent 10 year strategies (Economy, Climate Change and Health and Wellbeing), with all subsequent council strategies informed by the priorities set by these 10 year strategies.

6. These interdependent 10 year strategies are designed 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 our residents.

Recommendations

7. Executive is asked to
 - a) Note the strategy and policy framework that shows how different related strategies, policies and plans will deliver the ambitious goals articulated in the 10 year strategies.
 - b) Make recommendations to Council to adopt the 10 year Strategy and Policy framework which is comprised of the Climate Change, Economic and Health and Wellbeing 10 year strategies and the emerging 10 year City Plan.
 - c) Approve the recommendations from the Climate Emergency Policy and Scrutiny Committee.
 - d) Approve the Climate Change Action Plan.
 - e) Review the Climate Change Strategy 2022-2032, Economic Strategy 2022-2032 and the Health and Wellbeing Strategy 2022-2032.
 - f) Approve establishment of the Economic Partnership.
 - g) Endorse the 10 year strategies implementation plan.

National Policy Context

Integrated Health and Care

8. The Government has legislated within the Health and Care Act 2022ⁱ to establish Integrated Care Systems whilst at the same time abolishing Clinical Commissioning Groups (CCGs). The Act also allows the health and care system to create local place-based committees to plan care where appropriate.
9. In July 2022 the Humber and North Yorkshire Integrated Care Board (ICB) was established as the statutory body replacing the six CCGs in our region, and an Integrated Care Partnership (ICP) was formed on the same geography with representation from a wide

range of health and care organisations to set the strategic direction for the ICB.

10. In York, a place-based committee known as the York Health and Care Partnership, has been established and is comprised of the council, health and care and community partners. The Partnership has developed a prospectus that sets out the challenge and opportunities for health and care services in response to the Health and Wellbeing Strategy.

Levelling Up

11. The Government has published the Levelling Up White Paper and is currently taking the Regeneration and Levelling Up Bill through Parliament.
12. The Levelling Up White Paper sets an expectation that the devolution deal for York and North Yorkshire will progress, leading to the establishment of a Mayoral Combined Authority. The proposed deal has been agreed by Government and was reviewed by Council on 6 October 2022 with public consultation launched on 21 October 2022.
13. If devolution is approved, it is hoped the Council will have more access to government to be able to access more funding. By articulating York's priorities now, York will be better placed to identify future opportunities to potentially increase funding.

Climate Change policy

14. The Climate and Ecological Emergency Bill is a private member's Bill currently in its 2nd reading. It seeks to ensure the Government fulfils its Paris Agreement to limit global temperatures to 1.5C, conserve the natural world by protecting and restoring ecosystems.
15. The *Net Zero Strategy Build Back Greenerⁱⁱ* responds to the Climate Change Act 2008 and sets out the government's ambition.
16. In tandem the Environment Act 2021 sets out targets, plans and policies to improve the natural environment and protect air quality, nature and biodiversity and reduce waste.

The Council's Strategy and Policy Framework

17. To ensure the 10 year strategies steer delivery over the decade ahead, the council has developed a strategy and policy framework

which shows how different strategies, policies and plans will achieve ambitious goals articulated in the 10 year strategies.

18. The Strategy and Policy Framework is comprised of the three interdependent 10 year strategies (ie. Climate Change, Economic and Health and Wellbeing Strategies 2022-2032), supporting strategies that respond to different aspects of these three core strategies, policies setting out objectives and the policy context and action plans describing the actions that will deliver the ambitions set by the three 10 year strategies.
19. The Constitution sets out the policy framework and those plans and strategies that are required to be considered by Executive, who can then make recommendations and invite Council to approve the strategies. The Climate Change Strategy and Health and Wellbeing Strategy are required to have regard to the recommendations of Executive. The Economic Strategy is part of the framework because the three strategies are so interdependent.

The Council's Strategy and Policy Framework

Purpose	Report	Lifespan	The policy framework in the Constitution sets out the plans and strategies having regard of recommendations of Executive	Examples
Sets the vision and work with city partners	10 year strategies	10 years 2022-2032 Reviewed every 5 years	The Climate Change Strategy will be considered by Executive November 2022. The Health and Wellbeing Strategy was approved by the Health and Wellbeing Board and The Economic Partnership approved the Economic Strategy, both in November 2022.	The Economic Strategy The Climate Change Strategy The Health and Wellbeing Strategy
	Supporting strategies respond to aspects of the 10 year strategies	10 years Reviewed every 5 years	The Local Transport Strategy will be considered by Executive early 2023.	Skills Strategy (2021-2031) My City Centre Strategy (2021-2031) York Cultural Strategy (2020-2025)
Sets objectives which include the policy context	Policies and plans	10 - 15 years: review points determined by Executive	The Local Plan is due to Council (following Examination). The 10 Year Plan is due to be considered by Council in December 2022.	The Local Plan Local Transport Plan 3 (2011-2031)
	The Council Plan	4 years	The Council Plan is developed by Council officers, set by Executive to help determine the overall policy direction for the Council, and then subsequent action plans and service plans etc.	The Council Plan, Making History, Building Communities (2019-2023)
Describes action	Action Plans city wide action plans that include council and partner commitments – with funded and non-funded activities to describe intent	12-24 months	The Climate Action Plan will be approved by Executive in November 2022.	Domestic Retrofit Action Plan due at Executive Decision Session in November 2022 Local Cycling and Walking Infrastructure Plan due Executive March 2023 The Economic Partnership and Health and Wellbeing Boards will develop their respective Action Plans
	Programme plans covers ringfenced funding programmes of activity	Reviewed monthly	Programme plans are considered by Executive or in Executive Decision-Making Sessions. The Capital Programme is approved by Executive annually (February)	Major Capital Programme Housing Delivery Programme Active Travel Programme Retrofit Programme
	Council service plans provides an effective framework for delegated decisions	Reviewed regularly	Council service plans are developed in consultation with Executive portfolio holders	Service plans are noted in the Code of Corporate Governance (Principle C: defining outcomes in terms of sustainable economic, social and environmental benefits)

Local Policy Context

20. The local policy context informed the 10 year strategies.

The Council Plan [The Council Plan – City of York Council](#)

21. The Council Plan, Making History Building Communities 2019-2023 articulates the priorities for the administration and sets out the actions the council will take to achieve these.

22. The development of the 10 year strategies was informed by actions already being delivered in response to The Council Plan.

The Local Plan [The Local Plan – City of York Council](#)

23. The emerging City of York (CYC) Local Plan sets out a strategy for the future development of homes, employment, education and community and other infrastructure of York to 2032/33 and provides capacity to meet development needs to 2037/38. It recognises that in response to extensive resident consultation which informed the Local Plan, there is a requirement for the Planning Authority to preserve York's unique setting, heritage and character. It is being developed in accordance with the National Planning Policy Framework (2012) and currently in the 4th phase of examination which will explore individual development policies such as sustainable development.

Local Transport Plan [Local Transport Plan 2011-2031 – City of York Council](#)

24. York's Local Transport Plan (2011 to 2031) sets out how the city will configure its transport to (a) meet York's wider social, economic and environmental objectives (b) efficiently manage the city's extensive transport asset base of roads, cycle tracks, footways and footpaths, park and ride sites, bus infrastructure, streetlights, bridges, highway drains etc.

25. City of York Council are developing a York "chapter" of a new Local Transport Plan (LTP). This LTP will respond to new government guidance to be released next year and reflect the proposed change in those transport powers that could, if approved, transfer to the Mayoral Combined Authority, together with input from the associated transport committee, through devolution. This guidance will ask local transport authorities to set out the transport policies and measures which will contribute to the city's economic

prosperity, whilst meeting challenging national and local targets for reducing emissions.

Strategy development

26. The development of the Climate Change Strategy and Economic Strategy was informed by three processes.
 - a. Evidence collation and analysis: published as a technical annex, these have been shared with Scrutiny Committees, in part, in different meetings. The technical annex brings the full evidence set together and provides a baseline for the strategies' Action Plans going forward.
 - b. Resident, business, partner and stakeholder insight and intelligence which has been gathered in line with the Resident Engagement Strategy (approved by Executive in April 2021) over the last 18 months. The council set out to understand what is important to citizens, what changes they would like to see and whether they support the strategies.
 - c. Equalities impact assessments (EIAs) were produced to better understand the positive and potentially detrimental impacts of climate, economic or health ambitions on different groups of residents. These EIAs both informed the strategies and identified requirements for action plans.
27. This process is similar to the development of the Health and Wellbeing Strategy and where engagement has informed the development of all strategies, it is noted below.

Consultation and engagement process

28. The 10 Year Strategies were developed over 18 months by speaking to residents, businesses, community groups and partners. They also took into account feedback gathered during delivery of the Covid Recovery and Renewal Strategy.
29. The Our Big Conversation attitudinal survey helped us understand what's important for the people who live, work and study in our city. Over 2,000 participants, including residents and businesses, took part to tell us about different aspects of living in the city. The survey was available online and via *Our City*, the resident newsletter.

30. We helped shape the strategies and covered different aspects of climate change through a mixture of technical and industry roundtable meetings, focused stakeholder and partner discussions and through business groups, and health and wellbeing workshops.
31. The York Big Question took place during winter 2021 to 2022, engaging residents and third sector groups in what good health and wellbeing looks like to them.
32. Several key co-production projects fed into the development of the Health and Wellbeing Strategy, such as the Community Mental Health Transformation Programme.
33. Through the summer of 2021, we held stakeholder roundtable workshops covering the main themes of the Climate Change Strategy. These workshops, attended by experts from academia and industry, explored the local barriers and opportunities to delivering change at the pace and scale required to meet our ambition. A summary of the response is presented in the Stakeholder Perspective of the Technical Annex.
34. In May 2022 the Health and Wellbeing Board members held a workshop to agree the outline contents, building on this engagement and on the statutory Joint Strategic Needs Assessment, recently refreshed by the Public Health Team.
35. Independently facilitated focus groups to explore strategic themes with target demographics took place throughout May and June 2022. These targeted focus groups invited participation from residents who did not engage in Our Big Conversation to bring a blend of perspectives to help shape the strategies. The groups were:
 - Students in York
 - 16-24-year-olds in York
 - Members of York's LGBTQIA+ community
 - Blue-collar workers in York
 - Parents of children aged 0-10 in York
 - Disabled people in York
 - Members of York's BAME community
 - People in York who are currently not in education, employment or training

36. We invited residents, businesses, community groups, city partners, regional policy leads and city stakeholders to review the draft 10 Year Strategies and tell us what they think about what it will be like to live in the city in 2032 through the Our Big Conversation: 10 Year Strategies Consultation, held during summer 2022. The survey was available online or in print in libraries. There were approximately 500 participants engaged with this survey who completed either some or all of the sections, providing valuable feedback. These included individual residents, stakeholder and partner groups and organisations.
37. We held four discussion days at York Explore. The Climate Corners were attended by officers from the carbon reduction team to answer resident questions about the strategies through the prism of climate change. Over 150 residents engaged through the climate corner and were invited to complete printed surveys or respond online.
38. To understand perspectives from the business community, key stakeholders such as large employers and business networks were approached directly for their views on the draft Economic Strategy. The invitation was extended to other businesses and interested parties through the weekly CYC Business Bulletin and the Council website. Twenty detailed responses were received, and the views and insights provided informed development of the Economic Strategy.
39. During the above consultation process, members, community groups and partners were invited to provide feedback and this has been collated together with the rich feedback gathered through the consultation.
40. Throughout the last 18 months, thematic cross-party scrutiny committees explored different aspects and influenced each of the 10 year strategies, for example the Climate Emergency Policy Scrutiny Committee influenced the Economic Strategy.
41. Feedback gathered throughout this consultation process is now informing the development of the 10 year City Plan and the Local Transport Strategy.
42. Feedback is also the start of the budget consultation process and provided early sight of aspects York residents are most concerned about.

43. A summary of the resident feedback is included in **Annex A**.
44. In October, the Climate Emergency and Policy Committee reviewed the Climate Change Strategy and following a presentation from York Civic Trust about transport proposals, made the following recommendations for Executive to consider:
 - I. to undertake all necessary investigations leading to the adoption of the transport actions set out in the Climate Change Strategy Action Plan, that sets out clear targets for each sub group, eg: public transport, electric vehicles, active travel etc;
 - II. to adopt an analytical approach to the implementation of the adopted Climate Change Strategy and Action Plan which demonstrates the amount of carbon reduction which will be achieved year by year;
 - III. to develop a longer list of interventions to consider in relation to the implementation of the adopted Climate Change Strategy and Action Plan so that if any one strand of action becomes less feasible, other actions can be identified which can achieve the same pace of reduction, noting that successive administrations would take the necessary political decisions.
 - IV. to invite large organisations operating in the city to provide an annual update on their climate impact using measurable indicators;
 - V. in future consultations on Climate Change with residents that the Council ask respondents for how they would like to see York in the future;
 - VI. to consider amends to the Climate Change Strategy as outlined below:
 - a) That the Executive Summary to be amended to remove ‘in York, we lead the way’ with ‘York is committed to address this’ (The Climate Emergency);
 - b) That the Executive Summary provide greater detail on 39% emissions reduction from 2005 with a range of reasons for this;
 - c) That the five core principles within the Climate Change Strategy note the importance to delivering a strategy that delivers fairness and social justice and that a focus be noted on working with local and regional partners.
 - VII. that Executive request that all Councillors sign the Climate Change Strategy if it is approved by Council.
45. It is recommended these recommendations are enacted in full and the Climate Change Strategy updated as above.

The 10 year strategies

46. The council is following a sustainable approach to developing the city's ambitions for the decade ahead. The goal of sustainability is to, *"create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations."* or put simply - 'Enough, for all, forever' – a concept first developed by Charles Hopkins [ERIC - EJ868704 - Enough, for All, Forever: The Quest for a More Sustainable Future, Education Canada, 2009.](#)
47. This means that sustainable approaches need to consider the interdependencies between actions that might affect the environment, society, and the economy. To this end, the council is developing three strategies to inform city-wide direction over the next decade. These strategies cover health and wellbeing, economic growth and climate change and will be reviewed in five years.
48. The draft Climate Change Strategy (**Annex Bi**) and draft Economic Strategy (**Annex Ci**) have been produced by the council in consultation with different stakeholders and following extensive resident engagement. The Climate Change (**Annex Biii**) and Economic (**Annex Cii**) technical annexes set out the evidence base used to inform the strategies. The Equalities Impact Assessments have informed development of the strategies (**Annex Biv** and **Annex Ciii**) and inform the development of the related Action Plans.
49. The Health and Wellbeing Strategy has been developed through the independent partnership of the Health and Wellbeing Board with the Health and Wellbeing Strategy (**Annex D**) available for Executive to review and in particular note the inherent interdependencies.
50. The Health and Wellbeing Strategy was endorsed by the Health and Wellbeing Board on 14 November 2022 with Executive now invited to review it as a key part of the Strategy and Policy Framework.
51. The Local Transport Strategy is an enabling strategy that underpins and facilitates delivery of the strategic ambitions articulated in the 10 year strategies. It is currently in development and will align to

the priorities published in the 10 year strategies. Executive will be invited to consider this Strategy once the three 10 year strategies are approved, whilst needing to support the central government priorities which will be set out in the new Local Transport Plan guidance.

The 10 year Plan

52. The 10 Year Plan is part of the Strategy and Policy Framework and is being developed by city partners in response to the resident and stakeholder feedback which informed the development of the 10 year strategies.
53. It will be comprised of an overarching vision with agreed priorities for the decade ahead. In addition, it will confirm those areas city partners will work together on.
54. The 10 Year Plan is currently being developed and will be presented to Council as part of the approval process of the Strategy and Policy Framework.

The Climate Change Strategy

55. The Climate Change Strategy (**Annex Bi** with technical annex, **Annex Biii**) and Equalities Impact Assessment (**Annex Biv**) follows a Council Motion in 2019 that declared a Climate Emergency and set a city wide target for net zero by 2030.
56. For York to be net zero by 2030, in keeping with the limitation of global temperature rising to 1.5 degrees, requires reducing net carbon emissions by 13% each year. The council is on course for its own operations to be carbon neutral by 2030, setting an example for the city.
57. The Climate Change Strategy is a city-wide ambition that requires a city-wide approach, encouraging us all to work together to deliver our shared vision. The evidence base for the Climate Change Strategy (the technical annex, **Annex Biii**) has been shared in different Scrutiny and decision making sessions.
58. We have already made an ambitious start to refocus our economy creating green jobs, for example refocusing local skills in the council's Housing Delivery Programme Caddick contract which

mandates the creation of apprentices in green building skills, working with partners to create clean air zones, developing zero-carbon homes (which also have virtually no heating bills), and welcoming a fleet of electric Park & Ride buses and waste collection vehicles.

59. To help implement the Climate Change Strategy, York's Climate Commission draws together the expertise of academics, and the private sector providing advice to support the city's largest carbon emitters reduce carbon and York's Sustainability Lead Group ensures people whose job is to reduce carbon work together to develop common approaches and look for opportunities – both groups actively secure support across York's key institutions to make the biggest impact possible.

Climate Change Action Plan

60. The Climate Change Action Plan (**Annex Bii**) contains a list of 160 potential actions that support our net zero ambition by 2030. The actions identified cover the eight priority themes of the Climate Change Strategy and are based on the previous work done by Leeds University (Net Zero Roadmap for York), pathway modelling by Anthesis, best practice guidance from the Local Government Association, recommended actions for Local Authorities by Friends of the Earth, stakeholder workshops, consultation feedback and officer engagement.
61. The Action Plan provides high level estimates covering carbon impacts, cost implications, timescales, co-benefits, constraints, level of council influence and current stage of implementation.
62. Through ongoing work, we will provide further comprehensive and quantified implementation information that considers the actions and levers to achieve net zero to add to the annual Action Plan.
63. The Action Plan will be a live document reviewed annually. It will change over time in response to the reporting and feedback mechanisms that track progress against our ambition.
64. The Action Plan contributes to the strategy objectives to track action, monitor progress, report annually and assign responsibility.

65. Executive are invited to

- a. Approve the recommendations of the Climate Policy and Emergency Scrutiny Committee**
- b. Review the Climate Change Strategy (Annex Bi) and make recommendations to Council to approve it**
- c. Approve the Climate Change Action Plan (Annex Bii)**

The Economic Strategy

66. The Economic Strategy (**Annex Ci**, technical annex, **Annex Cii** and Equalities Impact Assessment **Annex Ciii**) has been developed through comprehensive engagement and builds on York's strengths. It builds on previous strategies, continuing to seek growth in high value employment and aiming to increase productivity and wages in York.
67. The new strategy also seeks to build on our high employment sectors – retail, hospitality and social care – through supporting growth in the productivity of those industries and seeking to help them become even better employers.
68. In addition, the Economic Strategy reflects co-benefits of the Climate Change Strategy and Health and Wellbeing Strategy by highlighting the additional 4.900 green jobs the city is forecast to attract through the sustained efforts to reach net zero. In addition, by encouraging businesses to thrive means reduced energy use, more sustainable journeys and warmer, healthier buildings to help improve health and wellbeing.
69. The evidence base for the Economic Strategy has been shared in different Scrutiny and decision making sessions and has been published as a technical annex (**Annex Cii**).
70. Executive are asked to approve establishment and terms of reference of the Economic Partnership who were invited to approve the Economic Strategy on 2 November 2022. The partnership approved the strategy and discussed several detailed actions, including:

- a. Present all the exciting developments taking place across the city over the next 10 years
 - b. Prepare a short narrative to promote the city to potential investors/developers
 - c. Explore how to promote the city's safe night time economy
71. The Partnership will meet bi-annually and continue to identify actions for an Economic Action Plan that will be shared with the Executive Member in due course.

72. Executive are invited to

- a. **Review the Economic Strategy (Annex Ci) and make recommendations to Council to approve it as part of the Strategy and Policy Framework.**
- b. **Approve the establishment of York's Economic Partnership, including the terms of reference (Annex Civ)**

The Health and Wellbeing Strategy

73. There is a statutory requirement for every local authority to have a Health and Wellbeing Board, and for that Board to produce a Health and Wellbeing Strategy (**Annex Di**).
74. The Board in York is made up of many partners, from NHS bodies to the council and third sector representatives, and so although the Health and Wellbeing Strategy (2022-2032) is one of the city's 10 year strategies, it is developed through a slightly different process, led between the partners within the health and care system rather than by the council.
75. The Health and Wellbeing strategy is based on extensive consultation with the health and care sector. It recognises that nationally rising health inequalities are replicated in York, and so sets out how York can be a healthier city and what would need to be in place to support this.
76. The Health and Wellbeing Strategy was publicly approved at the Health and Wellbeing Board on 14 November 2022.

77. Executive are invited to:

- a. **Review the Health and Wellbeing Strategy (Annex Di) noting the Equalities Impact Assessment (Annex Dii) and make recommendations to Council to adopt it as part of the Strategy and Policy Framework.**

Implementation Plan

78. A decade of action, significant funding opportunities, current and emerging challenges, and ongoing support and engagement requires a joined up implementation approach which supports Executive decision making.
79. Learning from the success of the city-wide Outbreak Management Advisory Board which was established to steer the city's response during the pandemic, it is recommended that the 10 year strategies are implemented drawing on the expertise of thematic advisory boards and following the below outline approach:

1. Share expertise

- a. Three independent advisory boards – the Health and Wellbeing Board, Economic Partnership and Climate Change Commission provide specialist knowledge to help shape policy and understand complexity.
- b. It is recommended chairs are invited to consider how to achieve the objectives articulated in the 10 year strategies, providing broader expertise at a local level and considering wider co-benefits.

2. Build momentum

- c. To address feedback in the consultation that residents would like more involvement in supporting actions going forward, it is recommended the ongoing programme of engagement to shape and inform delivery includes a focus on climate action.
- d. To share progress and support residents engage, updates will be shared through council channels and with city partners, clearly showing when activities respond to the 10 year strategies.

3. Align action

- e. City partners will be encouraged and supported to work together on shared priorities identified through the 10 year city plan which respond to the 10 year strategies ambitions.
- f. To support Executive decision making, the decision report will be revised to include information about climate change, health and wellbeing and economic evidence and/or impacts when relevant.

4. Inspire action

- g. To inspire action and encourage ongoing support, it is recommended that progress is reported to Executive bi-annually, with the Chairs of the independent advisory boards invited to present at Executive. The city partners group will be developed to facilitate this.
- h. The Health and Wellbeing Board will be extended to cover the health impacts of growing the economy and climate change and continue to be a public meeting sharing progress as per the usual agenda items.

80. Executive are invited to endorse the recommended implementation plan above.

Council Plan

The council plan is at the heart of the strategies which responds to the priorities *Well paid Jobs and an inclusive economy and a cleaner and greener city and Good health and wellbeing.*

Implications

- **Financial** Funding the strategies will be explored through successive Council Plans, with gaps in funding identified through action plans. The strategies help set out ambition to negotiate additional funding from alternative sources.
- **Human Resources (HR)** *(none)*
- **Equalities** Equalities Impact Assessments have been completed for the individual strategies and are included in the annex. They will be published online with the 10 year strategies

once approved. Actions from the EIAs will be/are included in the relevant 10 year strategy Action Plans.

- **Legal** There is no legal requirement to consult on the strategies. The Constitution (Appendix 1) confirms that the Climate Change and Health and Wellbeing Strategies are required to have regard to recommendations by Executive. Any issues requiring legal support will be addressed as and when they arise.
- **Crime and Disorder none**
- **Information Technology (IT) none**
- **Property none**
- **Other** Communications and engagement remains a core element of the implementation of the strategies

Risk Management

Under-representation: There was a risk that seldom heard voices were not given the opportunity to contribute. To mitigate this risk, community groups were invited to take part and focus groups have been held with individuals with protected characteristics or those who did not engage in the original survey. This should be viewed as an ongoing process with more discussions to follow.

Complexity: Three different strategies introduces complexity and could result in a confusing and disjointed narrative. By bringing them together and explaining how they will be delivered through Policy and Plans in the strategy and policy framework, it will appear simpler for audiences to both engage and contribute. A summary of the Strategies will also be published and website updated.

Conflicting feedback: there are multiple opportunities for residents, experts and Executive members to feedback about the strategies. This feedback has helped refine the strategies, although in some cases feedback conflicts and cannot be incorporated. A summary of the feedback has been collated with the recommended response discussed with the relevant Executive member.

Contact Details

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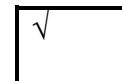
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Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A: Our Big Conversation 10 year strategies: summary of feedback
Annex Bi: Climate Change Strategy 2022-2032
Annex Bii: Climate Change Action Plan
Annex Biii: Climate Change Strategy Technical Annex
Annex Biv: Climate Change Strategy Equalities Impact Assessment
Annex Ci: Economic Strategy 2022-2032
Annex Cii: Economic Strategy Technical Annex
Annex Ciii: Economic Strategy Equalities Impact Assessment
Annex Civ: Economic Partnership Terms of Reference
Annex Di: Health and Wellbeing Strategy 2022-2032
Annex Dii: Health and Wellbeing Strategy Equalities Impact Assessment

Background papers

Covid Recovery and Renewal Strategy

[Agenda for Executive on Thursday, 25 June 2020, 5.30 pm \(york.gov.uk\)](#) – item 5

Strategy and policy framework examples

[York 10-Year Skills Strategy.pdf](#)

[Yorks-Creative-Future-York-Culture-Strategy-2020-2025.pdf \(makeityork.com\)](#)

[Agenda for Executive on Thursday, 18 November 2021, 5.30 pm \(york.gov.uk\)](#) – item 52

[Agenda for Decision Session - Executive Member for Environment and Climate Change on Wednesday, 11 May 2022, 3.00 pm \(york.gov.uk\)](#) – item 22

[Agenda for Decision Session - Executive Member for Transport on Tuesday, 19 July 2022, 10.00 am \(york.gov.uk\)](#) item 15

[Agenda for Executive on Monday, 7 February 2022, 5.30 pm \(york.gov.uk\)](#) – item 91

[Agenda for Decision Session - Executive Member for Housing and Safer Neighbourhoods on Thursday, 14 July 2022, 10.00 am \(york.gov.uk\)](#) – item 4

[Agenda for Decision Session - Executive Member for Housing and Safer Neighbourhoods on Thursday, 17 November 2022, 10.00 am \(york.gov.uk\)](#) – Retrofit Action Plan

[code-of-corporate-governance \(york.gov.uk\)](#) – Principle C: defining outcomes in terms of sustainable economic, social and environmental benefits

Devolution

[Agenda for Customer and Corporate Services Scrutiny Management Committee on Monday, 5 September 2022, 5.30 pm \(york.gov.uk\)](#) – item 4

[Agenda for Executive on Thursday, 6 October 2022, 10.00 am \(york.gov.uk\)](#) – item 5

[Agenda for Council on Thursday, 6 October 2022, 6.30 pm \(york.gov.uk\)](#) – item 17

Resident engagement strategy

[Agenda for Executive on Thursday, 22 April 2021, 5.30 pm \(york.gov.uk\)](#) item 123

Climate Change

[Agenda for Decision Session - Executive Member for Environment and Climate Change on Wednesday, 16 December 2020, 11.00 am \(york.gov.uk\)](#) item 13

[Scrutiny Report - Climate Change Engagement Plan - July 2021.pdf \(york.gov.uk\)](#)

[Agenda for Climate Change Policy and Scrutiny Committee on Tuesday, 12 October 2021, 5.30 pm \(york.gov.uk\)](#) – item 22 and 23

[Agenda for Climate Change Policy and Scrutiny Committee on Wednesday, 12 January 2022, 5.30 pm \(york.gov.uk\)](#) – item 30

[\(Public Pack\) Agenda Document for Economy and Place Policy and Scrutiny Committee, 10/02/2022 17:30 \(york.gov.uk\)](#) item 4

[Agenda for Climate Change Policy and Scrutiny Committee on Tuesday, 8 March 2022, 5.30 pm \(york.gov.uk\)](#) – item 5

[Agenda for Climate Change Policy and Scrutiny Committee on Tuesday, 12 April 2022, 5.30 pm \(york.gov.uk\)](#) – item 4

[Agenda for Climate Emergency Policy and Scrutiny Committee on Tuesday, 4 October 2022, 5.30 pm \(york.gov.uk\)](#) item 5

Health and Wellbeing

[Agenda for Health and Wellbeing Board on Wednesday, 16 November 2022, 4.30 pm \(york.gov.uk\)](#)

[Agenda for Health and Wellbeing Board on Wednesday, 20 July 2022, 4.30 pm \(york.gov.uk\) – item 100](#)

[Agenda for Health and Wellbeing Board on Wednesday, 19 January 2022, 4.30 pm \(york.gov.uk\) - Item 75](#)

Economy

[Agenda for Decision Session - Executive Member for Economy and Strategic Planning on Tuesday, 28 June 2022, 10.00 am \(york.gov.uk\) – item 5](#)

[Inclusive Growth Update report EMDS April 2022.pdf \(york.gov.uk\) item 59](#)

[January 2022 Quarterly Economic Update.pdf \(york.gov.uk\) item 46](#)

[Agenda for Decision Session - Executive Member for Economy and Strategic Planning on Wednesday, 20 October 2021, 3.00 pm \(york.gov.uk\) – item 20](#)

[Report to Executive Member for Economy & Strategic Planning Decision Session - 27th April 2021](#)

[Report to Executive Member for Economy & Strategic Planning Decision Session - 26th Jan 2021](#)

[Scrutiny report - Economy & Place Scrutiny - 24th November 2020](#)

[Report to Executive Member for Economy & Strategic Planning Decision Session - 21st October 2020](#)

[Report to Executive Member for Economy & Strategic Planning Decision Session - 16th March 2020](#)

[Scrutiny report - Economy & Place Scrutiny - 12th Feb 2020](#)

Scrutiny committees that were cancelled or postponed

[Agenda for Customer and Corporate Services Scrutiny Management Committee & Economy and Place Policy and Scrutiny Committee - Commissioned Joint Committee on Tuesday, 12 July 2022, 1.00 pm \(york.gov.uk\)](#)

[Agenda for Customer and Corporate Services Scrutiny Management Committee & Health and Adult Social Care Policy and Scrutiny Committee - Commissioned Joint Committee meeting on Wednesday, 13 July 2022, 1.00 pm \(york.gov.uk\)](#)

[Agenda for Climate Emergency Policy and Scrutiny Committee on Wednesday, 14 September 2022, 5.30 pm \(york.gov.uk\) – item 5](#)

[Agenda for Health and Wellbeing Board on Wednesday, 14 September 2022, 4.30 pm \(york.gov.uk\) – item 4](#)

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- i [Health and Care Act 2022 - Parliamentary Bills - UK Parliament](#)
 - ii [net-zero-strategy-beis.pdf \(publishing.service.gov.uk\)](#)

Annex A: 10 year strategies consultation: summary of feedback

Full reports are published on the Open data platform

- <https://data.yorkopendata.org/dataset/our-big-conversation-summer-2020>
- <https://data.yorkopendata.org/dataset/our-big-conversation-summer-2021>
- <https://data.yorkopendata.org/dataset/our-big-conversation-2022>

Summary

1. A summary of the feedback from Our Big Conversation 10 year strategies and the independent targeted focus groups is below.
2. Both the focus groups and the consultation participants shared what it's like to live in the city and also recommended actions the council could take to improve the quality of life for residents.
3. There are six common themes that have been articulated throughout:
 - a. Cost – what financial burden does the Climate Change Strategy place on residents and businesses?
 - b. Ambitions – are we ambitious enough? there is an inherent tension between the pace of change, scale of ambition and cost
 - c. Interdependencies – there are significant co-benefits between the strategies that has been identified through the comments – specifically climate action comments have been provided in response to the Economic and Health and Wellbeing Strategies, including the health impact of climate action and the health benefits of an inclusive economy.
 - d. Individual perspectives – the focus groups (and demographic differences in the attitudinal study) show the differing requirements and recommendations of different groups of people, the seldom heard and those with protected characteristics.
 - e. Targets – understanding the Climate Change targets created some confusion. This will be resolved through the revised strategy and Action Plan, with more work to follow to understand more details about the anticipated impact of the actions.

- f. Engagement – participants in the consultation (whether the survey, focus groups or face to face activities) highlighted their interest in supporting implementation of the strategies, recommending action and confirming they would like to continue to be kept informed.
4. Ultimately the inherent tension between pace and cost of change, ambition and interdependency, and different groups requirements and perspectives will rest with the Executive to resolve. Ongoing engagement will help inform the Executive.
5. The consultation process took place over 18 months, starting in the aftermath of the pandemic and concluding as fuel prices rose and during the highest heat wave since records began. The extent to which external factors (such as the heat wave) influenced resident insight is evident, with many of the Climate Change Strategy priorities recognised as the most important of all strategic priorities.

Our Big Conversation - 10 year strategies consultation report

Summary

6. The Strategies were broadly supported, although with a large proportion (c28%) not knowing if they could support. The Climate Change Strategy was both most supported and not supported simultaneously, with two thirds in favour and nearly a third not supporting. The main issue with the Climate Change strategy was the perceived lack of a roadmap of action and an action plan has been developed to address this.
7. Over 75% of participants agreed or strongly agreed that all five of the principles in the strategies were correct with the most important being the commitment *to continuously adapt to change and build inclusive, healthy and fair communities*.
8. Key priorities were mostly supported (recognised as either a priority or a high priority) with *reducing carbon, reforming local transport, improving the Natural Environment, making good health more equal, preventing poor health now and starting good health and wellbeing young* more of a priority.
9. Residents and businesses highlighted several areas where they could contribute to delivering the strategies, and where they would like the council to focus.

Our Big Conversation – focus group

Summary feedback

1. Cost was seen as the largest barrier to change although all participants are keen to change what they can with carbon offsetting distrusted. Education and maintaining the momentum of any changes were felt to be key to driving then delivering enduring change.
2. Participants feel both central and local government and large organisations bore the highest burden of responsibility for driving change.
3. Any change should be equitable and beneficial to all.
4. Participants are strongly in favour of the council taking climate action through leading by example but there were mixed views about the achievability of this. (Note, the Action Plan will help answer this challenge).
5. Affordability of housing as a driver for economic growth was a great concern for residents, as was the cost of living in York and there was a reoccurring recommendation that York sets a “York Living Wage”. A lack of industrial diversity was highlighted as an issue with Leeds perceived to have better diversity of job opportunities and a lower cost of living than York.
6. There is a perceived tension between economic growth and sustainability goals with York’s transport infrastructure considered inadequate with high congestion and poor alternatives to car use, and a perception that the council do not understand car use is essential for some groups. Although participants were keen car usage should be discouraged, a majority felt significant improvements to alternatives are needed to tempt them away from the “easy option” of car use.
7. There is a perceived tension between residents and tourists and whether a reliance on the tourism sector would harm York’s ability to diversify economically in the future.
8. Respondents did not trust generic consultations and called for strategies to be co-produced with residents.

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Executive**22 November 2022**

Report of the Director, Customer & Communities
Portfolio of the Executive Members for Finance & Major Projects, and
Housing and Safer Neighbourhoods

Addressing the Cost of Living Crisis in York**Summary**

1. The report will provide an overview of the current position regarding the National cost of living crisis locally in York including for:
 - Council Budget, Workforce and Services
 - Residents
 - Businesses
 - Impact on partners such as Health and the Voluntary, Community & Social Enterprise (VCSE) Sector.
2. The report will importantly focus upon local plans, impact on the Council, programmes being undertaken and key activities to tackle the impacts of the crisis. It will also include an update on the citywide York Cost of Living Summit held on 31st October 2022.
3. This is within the context that the crisis puts further pressure on public sector services and many councils are reporting significant shortfalls in budget, especially as the current situation follows more than a decade of cuts in central government funding.

Recommendations

4. The Executive is asked to note the following:
 - 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.

Background

Current Position in York

Impact on the Council Budget, Services & Workforce

National Picture

- 5. The second quarter of 2022/23 saw signs of slowing economic growth, as production fell. Inflation increased with little sign of slowing in the near-term, and bank base rate was raised to 2.25%.
- 6. In September and October 2022, there was a change in government fiscal policy, with proposed tax cuts likely to add to existing domestic inflationary pressures and potentially higher interest rates. Sterling fell after the “fiscal event” of the new Prime Minister and Chancellor on 23rd September 2022, adding further upward pressure to interest rates.
- 7. Following the confirmation of the new Prime Minister and new Chancellor on the 25th October, the Chancellor announced that the Autumn Statement will be pushed back to the 17th November 2022. It has been reported that public sector expenditure may need to be reduced by £50 to £60 billion by 2026/27 (around 1.7% of GDP).
- 8. It has also been reported that the government will delay the introduction of the cap on care costs for up to two years or it may not happen at all, as part of the reductions in public sector spending. Organisations including the Local Government Association (LGA), County Councils Network and Association of Directors of Adult Social Services (ADASS) have already contacted the government to request that the funding allocated for the reforms should be retained by councils during any delay, to invest in core social care services. However, it is unclear whether any of the funding released would be retained for social care, given the government’s priority of saving money.

9. On the 19th October 2022, it was confirmed that inflation had reached 10 per cent, its highest level for 40 years. While largely driven by the impact of Russia's invasion of Ukraine on food and energy prices and a global supply crunch following the coronavirus pandemic, these pressures are hitting people and businesses in local communities right across England.
10. On the 3rd November 2022, the Bank of England raised interest rates by an historic 75 basis points, its largest increase in 33 years. The Bank of England stated that the UK faced its longest recession since records began and described the outlook for Britain's economy as "very challenging," noting that unemployment would likely double during the country's two-year slump.
11. In response to the above, the Local Government Association (LGA) submitted a comprehensive submission to the government on behalf of councils to inform the development of the government's fiscal plans. It stated:

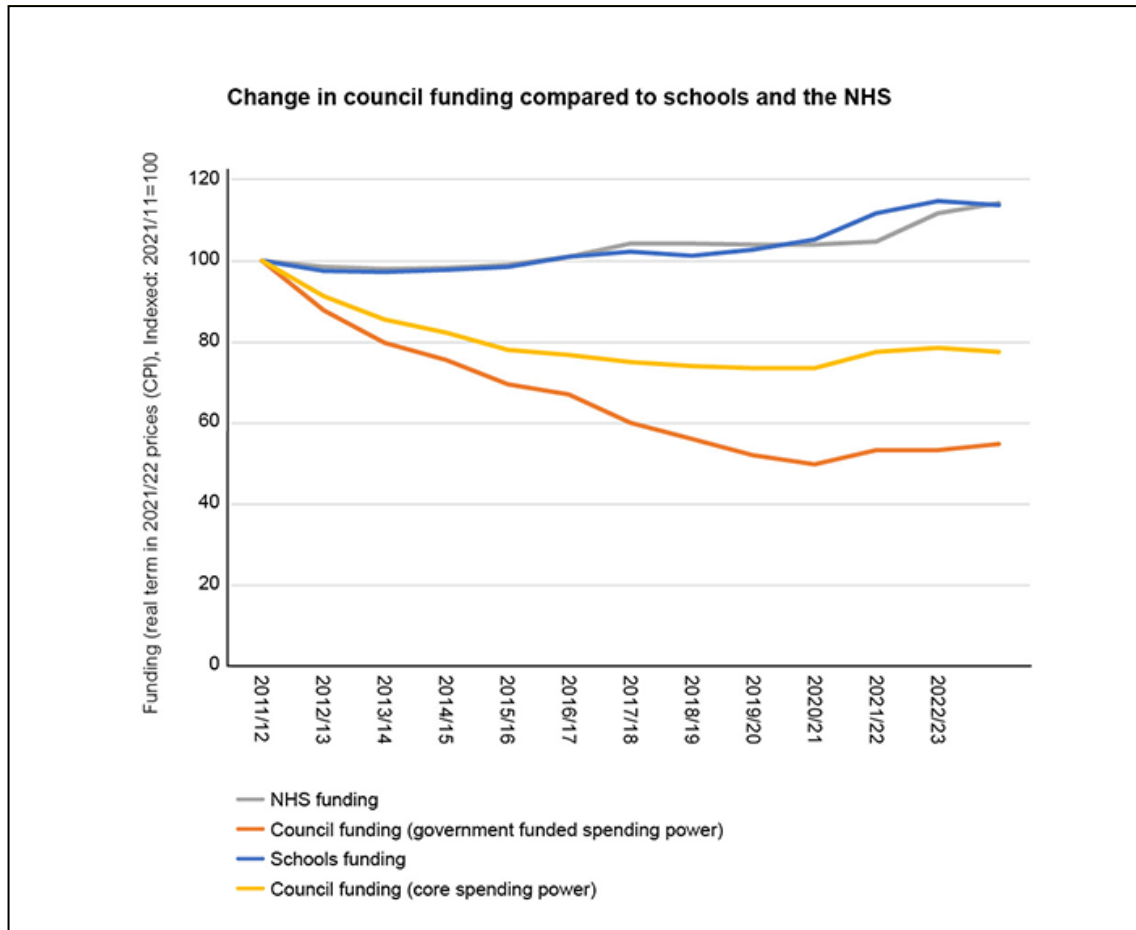
"At the time of the 2021 Spending Review the LGA estimated that the Government had provided sufficient funding for councils in 2022/23 to meet cost pressures, excluding existing pressures in adult social care, Special Educational Needs and Disability Services, homelessness and other services. Since that time, rising energy prices, increased inflation and the impact of projected increases in the National Living Wage mean that the councils face significant additional costs that could not have been predicted at the time of the 2021 Spending Review."

"Councils are facing additional cost pressures of £2.4 billion in 2022/23 since they started to set their budgets in Autumn last year. Fifty percent of these additional costs are due to compliance with recent published estimates by the Low Pay Commission of the National Living Wage, something which local government has no control over. In 2023/24 there is a funding gap of £3.4 billion which rises to a gap of £4.5 billion in 2024/25 just to maintain services at pre-COVID levels."

"For all these pressures to be met through council tax alone, income from council tax would have to increase by well over 10 per cent next year which is neither sustainable nor desirable given the current cost of living crisis. Without additional funding to cover these costs, councils would need to making savings equivalent to stopping spending on all cultural and leisure services such as libraries, swimming pools, open spaces, combined with spending on waste collection and Trading Standards."

"In particular, authorities were experiencing additional financial pressure or risk from pay pressures (94 per cent), energy price increases (94 per cent) and contract prices or re-negotiations (88 per cent) to a great or moderate

extent. In terms of contracted out services, 42 per cent reported that contracts were being passed back to the council and despite putting plans in place to try to mitigate the pressures in contacted out services, 58 per cent reported there would be a negative impact on service quality and delivery.”



12. With the difficult national context, local authorities across the UK are having to make incredibly difficult decisions to reduce spending and balance budgets. For example, neighbouring Leeds City Council have already announced freezes on recruitment and non-essential spending as it looks to tackle additional budget pressures of £20.4million for this year caused by unexpected rising national costs. It is also estimated that the new North Yorkshire authority will start the next financial year with a £27 million deficit from the county council and seven district and borough councils, with inflation adding an additional £70 million in costs.

Council Budget

13. As a council, we are facing unforeseen financial pressures and demand for our services, which is having an impact on our budgets both in the

current year and in the next year. Rising energy, fuel and food prices, inflationary increases in contracts, supplies and other expenses are making it difficult for the council to balance its budget, just as it is making it difficult for individuals and households to balance their budgets.

14. The Finance & Performance Monitor (Q2) outlines a forecast overspend of £8m that has been mitigated down to just under £4m through the use of one off funds from the contingency and earmarked reserves. Inflationary pressures are a particular challenge, adding some £4.5m to the overall forecast outturn. The 2022/23 pay award offer, now confirmed, adds a further £2.5m to the expected pressures.
15. 76% of council funding is raised via council tax. The maximum current increase allowed on council tax is 1.99% with a potential increase of 1% for Adult Social Care. Should this continue this allows the council to raise up to around an additional £3m in 2023/24 equivalent to an overall spending increase of 2.22%. As noted previously the LGA has shown councils would require an additional 10% to maintain service levels at current levels. With inflation at 10%, adult and children's care services rising at even higher levels and staff pay awards at 6%. The pressure on local authorities is at unprecedented levels. Without additional government support, the only option for council's would be a large scale reduction in service.
16. Due to the constraints placed on council budgets, we are unable to include cost of living increases in our contracts. We cannot increase our income and therefore are unable to generate any additional funds to pass on to our providers. Staff retention and turnover is also having a huge impact as more expensive agency staff are needed to ensure key services can be delivered.
17. In order to manage the forecast overspend, a number of measures have been introduced to ensure that there are additional expenditure controls in place, particularly around vacancy management and the use of temporary staff. In addition, measures are being introduced to reduce any non-essential expenditure. All areas of the council are currently considering where further efficiencies and reductions in spend can be achieved in order to support the overall financial position.
18. These are unprecedented circumstances affecting all organisations and York is not unique in experiencing these pressures. However, there has been no additional funding for councils to help contribute towards the significant financial pressures being experienced. Many councils are reporting significant shortfalls in budget, especially as the current situation follows more than a decade of cuts in central government funding.

19. There also remains a considerable amount of uncertainty in terms of financial planning for local government. It is assumed that funding for 2023/24 will be another “rollover” year. However, it is also understood that all Government departments have been asked to identify spending cuts for next year and it is likely that this again will have a negative impact on local government funding.
20. This will make it incredibly difficult to set a balanced budget for next year. Additional savings over and above those assumed in the Medium Term Financial Plan will be required, and this is likely to have a negative impact on services delivered by the council. This position could worsen further if additional pressures arise and / or if the Autumn Statement outlines further reductions in the funding available for local government.
21. The ongoing inflationary pressures and impact of rising prices on the council is, of course, a significant concern. There is clearly also a significant impact on the financial health of key providers and partners as well as that of individual residents. The continued increases in both the cost of and the demand for services will require a fundamental rethink of how local government operates and the services it can provide to residents.

Council Services

22. After almost 3 years of pressure of working in a crisis, a recent internal analysis identified the key areas of impact for council services. All services identified their top risks and thought through the mitigations they had in place or were developing. Many related to a number of risks outlined in the ADASS and York Health and Care Collaborative (YHCC) feedback below and others were related to energy and materials price increases, increased demand pressure on ‘people’ and benefits related services, school budgets and transport budgets impacted by fuel price increases, service sustainability and workforce issues (see also below in more detail), increased risk of exploitation and abuse, more support needed for care leavers, and increased cost of placements.

Council Workforce Impacts

23. There is evidence that the council’s workforce is increasingly under pressure because of the cost of living crisis. Traditionally well paid roles are now being exposed to financial challenges, especially those who have a single income into the house, who will not be entitled to government benefits, resulting in higher numbers of council employees facing in work poverty. This is on the back of many key workers who

worked during the pandemic and are feeling tired and demotivated. Some staff have chosen to change their career path or retire following the recent pandemic which has then developed increased challenges on succession planning.

24. Sickness absence rates are increasing, with an increase in personal related stress in the last twelve months possibly associated with financial pressures at home including rising energy costs, cost of food, increased commuting costs and childcare provision.
25. Increased employee absence inevitably puts pressure on remaining team members to deliver services with an increased workload, many staff provide many additional hours, without payment / overtime to ensure that they deliver a good job for their clients and support their colleagues; this, however, cannot be sustained.
26. There are also ongoing recruitment challenges, many posts are now hard to fill, some are left vacant, others that need to be filled to deliver essential and or statutory key services to residents are filled with agency staff which increases the overall establishment costs. In the recruitment market, terms and conditions need to be competitive. Councils are showcasing their terms more and more, but sadly are unable to compete with many NHS, Civil Service and private sector roles. This is now being experienced in relation to many levels of posts across the council, rather than the traditional hard to fill, attract and retain posts.
27. The recently confirmed local government pay settlement for 2022 will not sufficiently make the council's grade structure competitive compared to some neighbouring councils and local employers. Pay is however, not the only determining factor for staff to seek alternative employment - higher holiday entitlement, mileage rates and employer pension contributions are also factors.
28. There is a wider range of staff taking up or enquiring about secondary employment. Care must be taken to ensure that staff seeking an additional income stream are aware of working time directive, health and safety and in some cases conflict of interest issues if professional skills are used. Whilst permission will not be unreasonably declined for secondary employment (for those over a specified senior grade) the council needs to protect its interests for conflict as well as supporting employees from a wellbeing perspective.

29. Despite all of the above, the council are trying to respond positively to the challenges, promoting roles on numerous platforms with a new employer brand which showcases the council's terms and conditions on offer including hybrid working for relevant roles, car sharing scheme, flexible working and the learning and development offer. The council is also reviewing some terms and conditions to remain competitive however needing to be mindful of the financial constraints around additional costs.
30. On a practical basis, the council is constantly reviewing the way that services work and how they can be delivered effectively without detriment to the community, partners and agencies that they work with. The council's wellbeing offer is equally as important to support the valuable work that the workforce delivers, with staff signposted to key services, advice, and support with a range of drop-in sessions being planned to ensure all employees can access the benefits and support they need.

Residents & Communities

31. The Resolution Foundation estimated modelling of absolute poverty at a national level predicted that 17% of households would be in absolute poverty in 2020/21. When this figure is used to compare to York's total household this equates to approximately 14,713 households (see analysis at Annex A).
32. Prior to the coronavirus pandemic, the combined impact of austerity with welfare reform, and an increase in low paid and insecure employment had all contributed to increasing and deepening levels of poverty in some of York's communities, as it is elsewhere in the country.
33. The onset of the pandemic in 2020 itself proved to create new financial challenges, increasing pressures on low-income households and the most vulnerable in society, as well as pushing many additional households to experience financial uncertainty and hardship for the first time. The clearest indicator of this can be shown in Universal Credit (UC) claim figures shown below. This shows that double the amount of people remain on Universal Credit than pre-pandemic and 47.7% are in work but are still reliant on benefits:

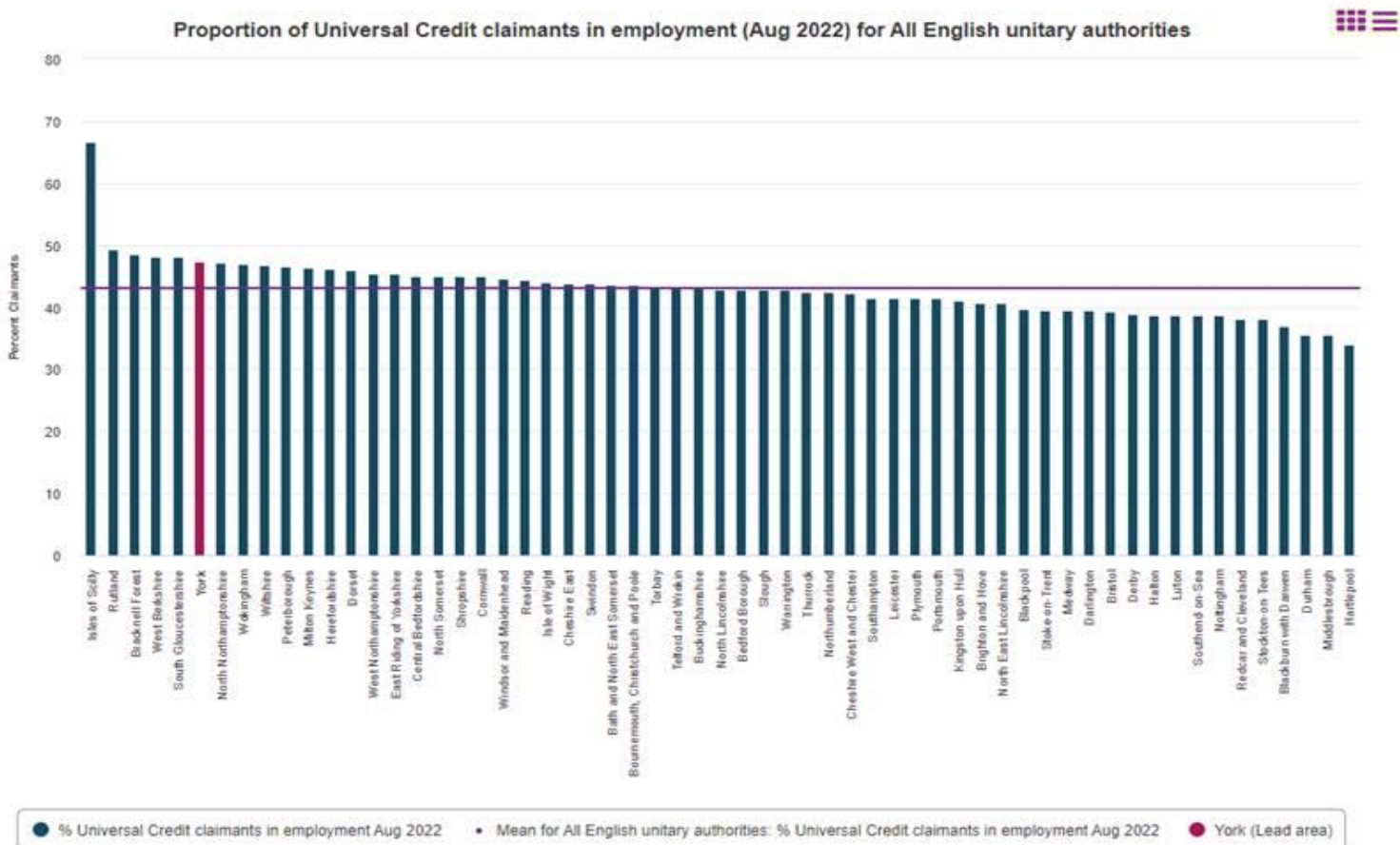
Date	UC Claimants
March 2020	6,535
March 2021	13,367
August 2022	11348*
September 2022	11475**

* 5377 (47.7% in work)

** No in/out of work figures available until the month following.

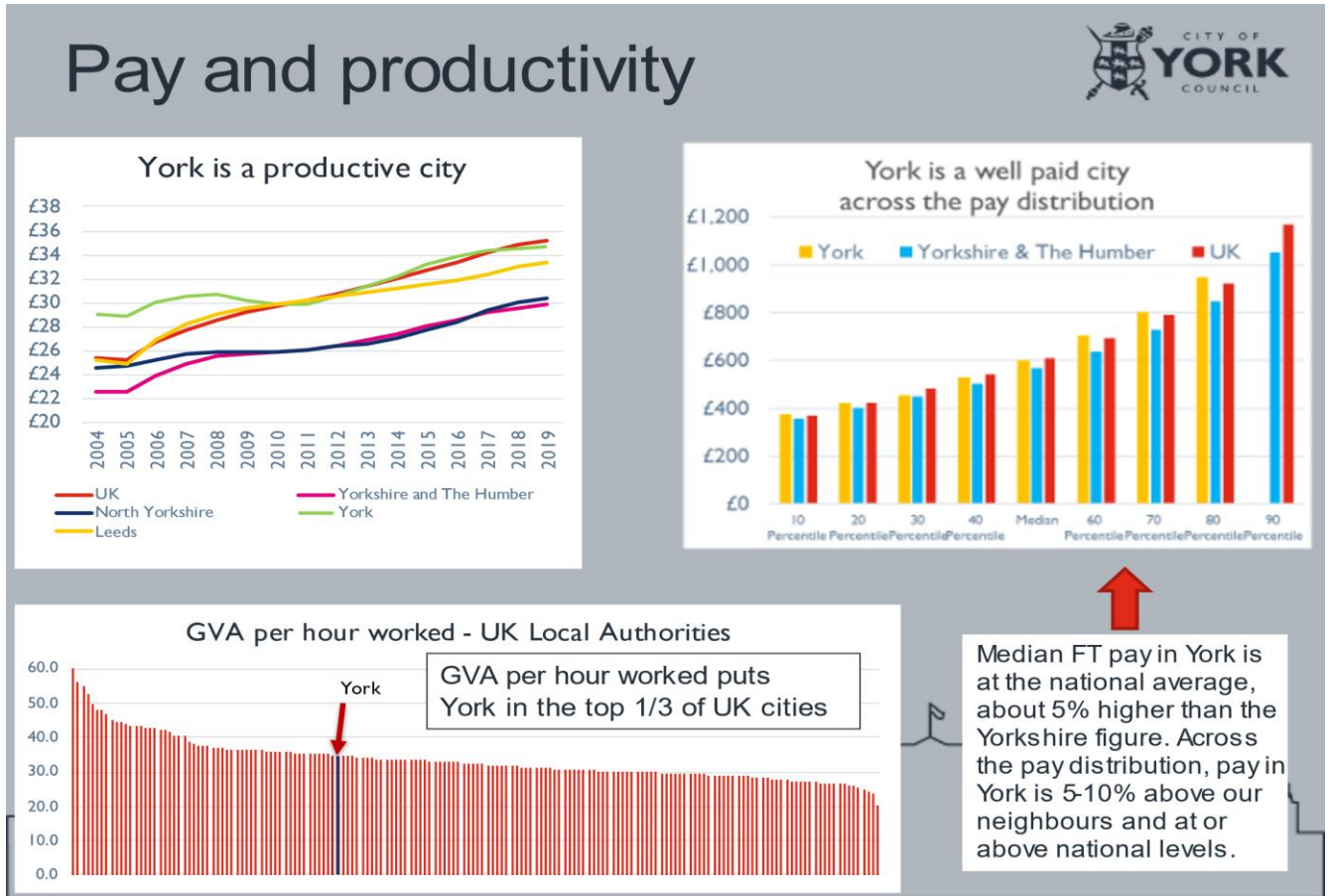
34. Comparatively this proportion of in work level of universal credit claimants is high as shown in Figure 1 below, but this is with low underlying unemployment and a high number of jobs in low paid and part time work in hospitality, retail and social care (relative to other sectors in other cities).

Figure 1:



35. This is within the context of a recovering post pandemic buoyant economy as shown in Figure 2 below:

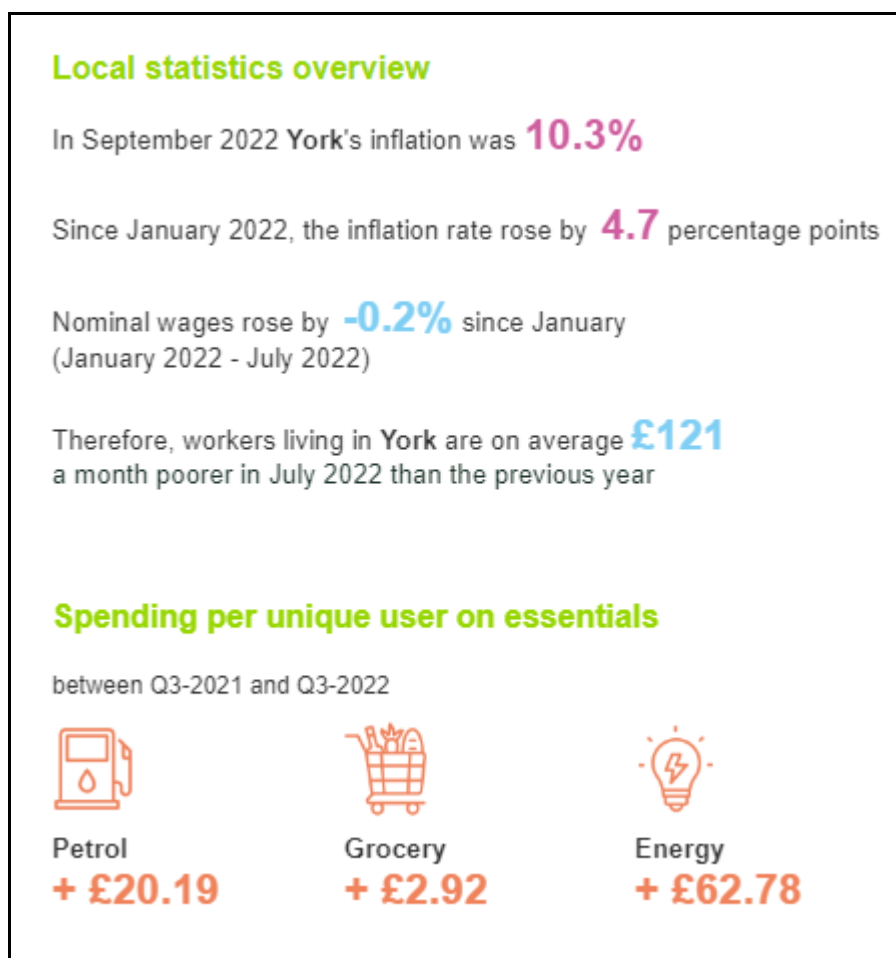
Figure 2 Consolidated York economic data:



36. Prior to this position numerous financial support measures had been implemented at both national and local levels during the pandemic (e.g. benefit up rates and conditionality easements, furlough, self-employed income support scheme, ban on evictions and various short term-funding initiatives for local authorities), providing temporary relief to many households. These measures however were not enough to lift households out of poverty, or to prevent more households from falling into financial hardship.
37. Many vulnerable groups including low-income households were disproportionately affected by issues such as reduction in income due to job losses, and the later removal of national support measures/schemes such as furlough, and removal of the £20 Universal Credit (UC) uplift, all occurring alongside increasing household costs due to rising bills, energy usage and supply challenges.

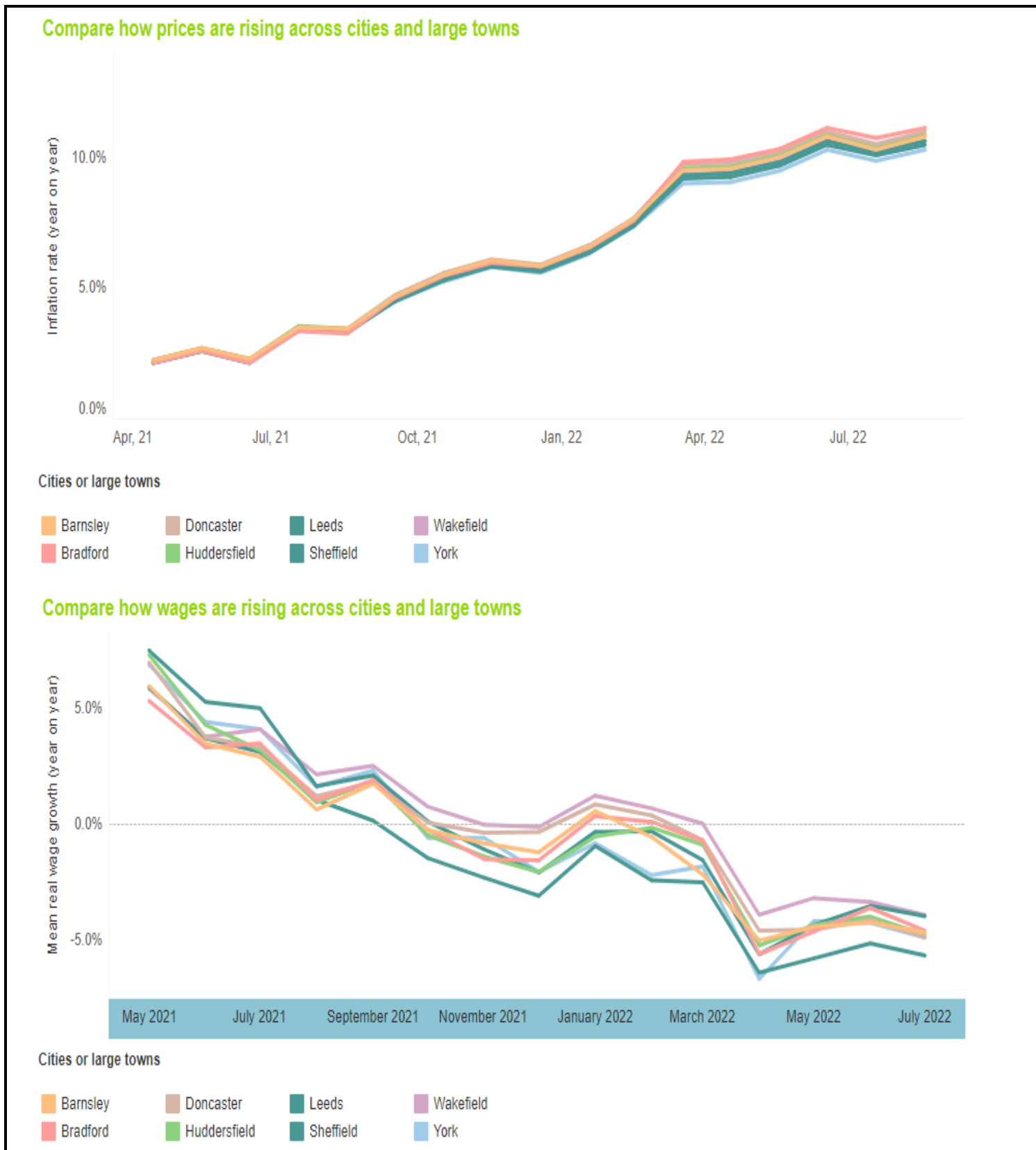
38. In terms of how cost of living increases have impacted overall on household incomes in York the following information is available from the Centre for Cities – see Figure 3 below.

Figure 3 Centre for Cities analysis for York for September 2022



39. During recent months, the financial pressure on households has only intensified. Further inflation rises (as previously stated the highest in 33 years) is impacting on mortgages and rent increases (see below) and the cost of living continues to rise, with the prices of food, fuel and energy being particularly affected, all of which disproportionately impact low-income households.
40. Using the centre for Cities data in Figure 4 it can be seen that compared to other cities in Yorkshire whilst York's local rate of price increase is slightly lower than others, the city's real wage increases have followed the regional trend (whilst York has strong underlying average wages as shown in Figure 2).

Figure 4 Centre For Cities data



41. In terms of lived experience and how the crisis is actually impacting on residents Figure 5 shows Citizens Advice York data on types of issues their clients are contacting them about with significant increases in 2022 in activity relating to debt and charitable support/foodbanks.

Figure 5 Citizens Advice York (CAY) (Quarter 2 feedback July – September 2022):



42. CAY have highlighted the following key features from their client interactions during the same quarter:

- The number of requests for cost-of-living advice is rising sharply and fewer people are seeking other advice as the crisis is taking precedent for them.
- Alongside energy debts, council tax debts and rent arrears, there is a trend for credit card debt rising as people put essential items such as food on credit cards.
- Advice on universal credit is in growth again as people are beginning to lose hours or even jobs as employers are making cut backs.
- The June to September 2022 data showed an average of 62% of clients were disabled or had long term health problems, and of those

disabled 40% suffered with mental health conditions and 29% with multiple impairments.

43. In summary, as everywhere in the country, the overall situation is leading to rising numbers of people facing financial hardship and falling into debt in York, as well as claiming benefits, seeking advice, support and access to food aid and other crisis support services.
44. The issue of benefits levels not accurately reflecting the cost of living, has been continuously highlighted at both national and local levels. In April 2022, benefit levels were updated by 3.1 per cent, well below the March inflation level of 7%. Current forecasts suggest the rate of inflation in January 2023 could still be above the current rate of 10%.

Health Impacts from Income Inequalities

45. The immediate concern for the Health and Social Care sectors is winter 2022, which coupled with the rising prices are also likely to see impacts of winter illnesses including flu and strains of Covid-19. This will further contribute to health and income inequalities.
46. There is no doubt that our communities will be affected as the national cost of living crises drives health inequality. A recent Public Health report (14th Sept 2022) included the following headline issues:
 - Over half of UK people in a recent survey commissioned by the Royal College of Physicians have reported that their health has been negatively affected by the rising cost of living.
 - A YouGov poll found 55% of people felt their health had worsened owing to issues such as higher; heating costs (84%), food costs (78%) and transport costs (46%). Stress was a driving factor. Figures were higher for those on lower incomes.
 - Almost nine in ten community pharmacists in England say they have patients who sometimes go without prescription medicines because they cannot afford the prescription charge.
 - People requiring electrical medical equipment like dialysis are concerned of how their bills may affect their health.
 - The mental health charity, National Voices – Behind the Headlines: the unequal impact of the cost-of-living crisis - highlighted the additional challenges faced by those with long term health conditions and disabilities. For example: people with Crohn's and Colitis face additional costs such as extra bathing laundry and travel costs when they cannot walk, cycle or use public transport.

- According to Marmot (Report) children growing up in cold homes have more psychological and respiratory symptoms than children in warm homes and also perform less well in school.
- Macmillan Cancer Support have reported that heating costs has been the number one issue that people with cancer are asking Macmillan for a grant to support with. They have given over £1 million to support patients with heating in just a 3-month period in 2022.

47. The Association of Directors of Adult Social Services (ADASS) has reported the following health and wellbeing impacts on:

a. The NHS:

- **Discharge:** patients may not be able to be safely discharged to safe and warm homes.
- **Admissions:** increased admissions and appointments due to cold homes increasing likelihood of respiratory infections and the exacerbation of long term conditions (such as cardiovascular disease). A&E attendance is also expected to rise.
- **Admission Avoidance Plans:** NHS plans to mitigate the risks of winter hospital surges by moving care from hospital to patients homes will not be possible if patients homes are too cold to be safe.
- **Continuing Health Care:** Where the NHS is funding care, particularly for people being cared for at home using specialist equipment there will be an increased cost for energy. Where this is not funded by the NHS, the cost will fall upon individuals and families. This affects adults and children with long-term conditions and disabilities.
- **Workforce:** NHS employees are equally affected by rising living costs. This will impact their health, wellbeing and ability to perform, as well as resulting in seeking employment with better terms and conditions (e.g. pay, less travel and so reduced costs). Increased workload and the strain of supporting people with complex needs will also add to the pressures they experience. This raises the likelihood of strike action, which will effect the provision of care and support available and discharges from hospital.

b. Families and individuals:

- **Health Care Costs:** reports of people having to return oxygen equipment and switching off their fridges (which has significant implications for those who need to keep medication cool) due to high energy prices. Having to pay for COVID-19 tests mean people may not test or have the financial support to isolate, and so continue

working. All of these factors will impact NHS admissions and GP attendance.

- **Debt:** not meeting rent or mortgage repayment obligations will create financial pressures which will affect decisions over eating and heating. This is likely to have both physical and mental health impacts, which will increase NHS admissions and GP attendance.
- **Social and Mental Health Impact:** shame over requiring financial or food assistance, as well as financial pressures making everyday social activities unviable increase the risk of loneliness and social isolation. Anxiety about money is linked to anxiety, depression and suicide ideation. This will also have an impact on NHS admissions and GP attendance.
- **Living Conditions:** cold houses heighten the risk of mould and damp, along with associated longer term health problems such as respiratory conditions. This is likely to add to the long term pressures on the NHS and social care.
- **Air Quality:** more people relying on wood/solid fuel burners due to the cost of electricity and gas will affect local air quality. This may exacerbate respiratory and cardiovascular conditions. This is likely to add to the long term pressures on the NHS and social care.

48. They have identified the following specific Health Risk Factors for adults:

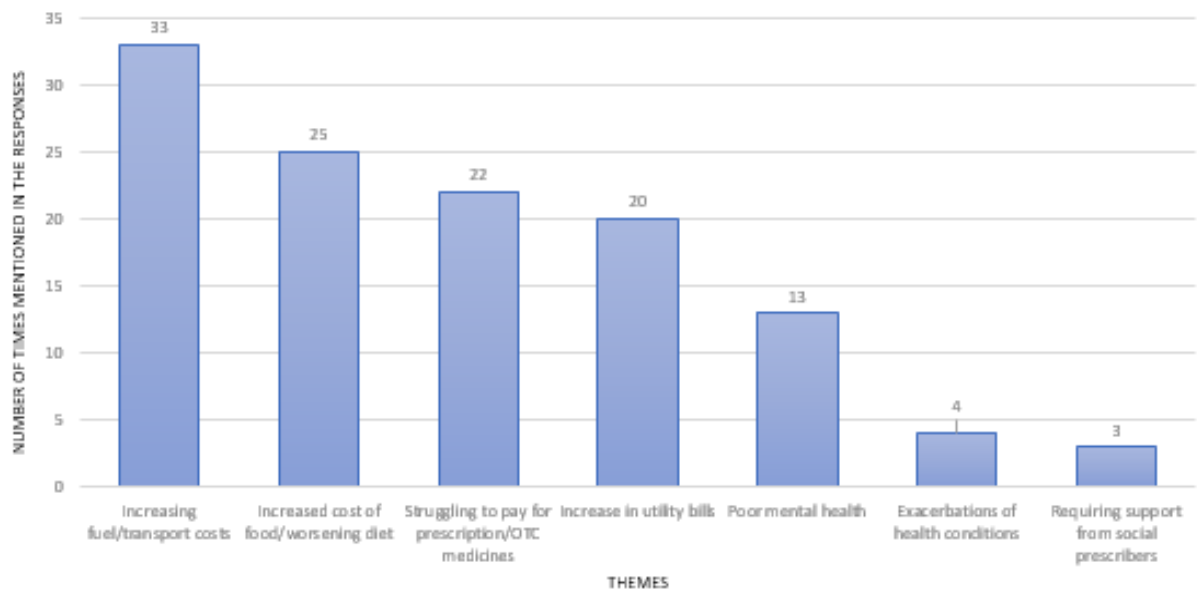
- Respiratory Problems
- Circulatory problems
- Long terms conditions and dementia
- Older people – presenting at hospital resulting from fuel poverty – respiratory problems, lower strength & dexterity, increased symptoms of arthritis so increase in falls.

49. NHS and social care services are under enormous pressure with more than 1,000 people a day attending emergency departments in the region. This pressure has significantly increased recently – especially in hospitals and GP surgeries – and is compounded by rising cases of Coronavirus and seasonal flu.

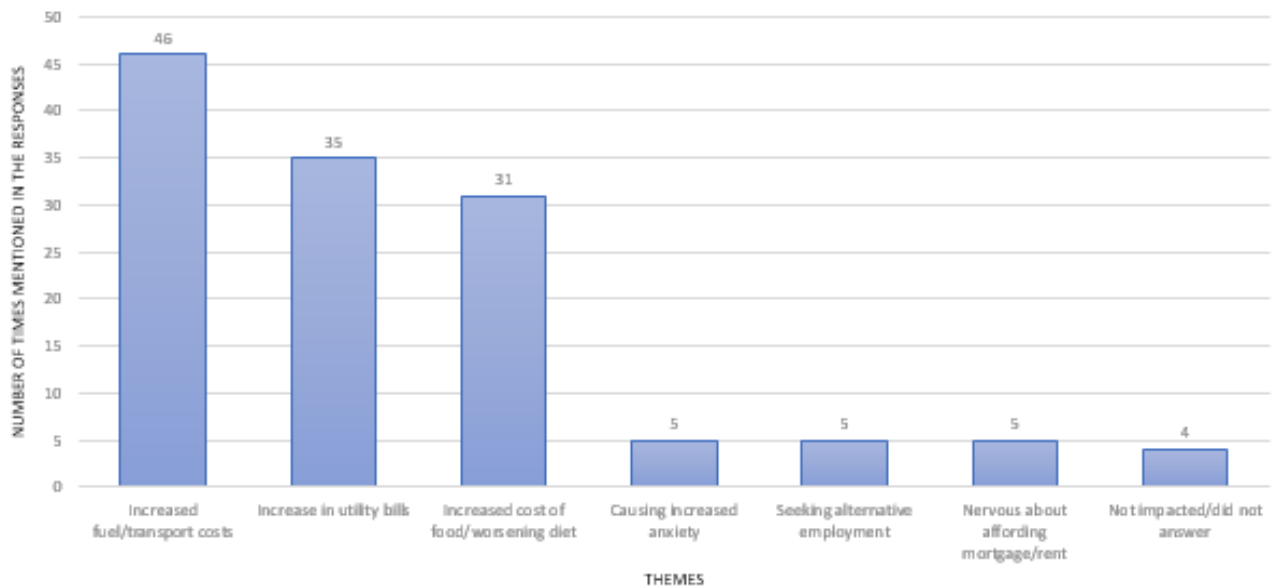
50. In terms of local impact the York Health and Care Collaborative (YHCC) has undertaken a recent survey with 96 responses from across the care sector, but with most responses from Primary Care shown in Figure 6 below:

Figure 6

Please share any ways that you have seen the increased cost of living impacting the users of your service.



Please share any ways that the increased cost of living is directly impacting you.



Impact on Rising Housing Costs

51. The current Council Housing Revenue Account (HRA) rent arrears are £1,845,225 as at end September compared to £1,661,758 July 2022. Housing Services through restructuring have provided dedicated staff for income and arrears work. There is further ongoing training on the new Open Housing system to ensure all staff are confident and competent exploiting the system to maximise its potential. The Housing Hardship Fund created in 2020 to support council tenants in arrears is now nearly exhausted. There is additional monitoring of frontline staff to ensure they are promoting other available funds and support available to tenants.
52. In terms of homelessness the number of contacts has risen from 80 per week pre-pandemic to 200 per week on a consistent basis. The new ways of working developed during lockdown has meant that the Housing team have been able to cope with the additional demand. The focus is on prevention and relief of homelessness where it is needed utilising the private sector as well as the council's own and partner stock for those families accepted as homeless. This higher demand is not due to an increase in any one particular reason (for example Section 21 eviction notices served) but a general increase all round. There has been a small increase in rough sleeping numbers over the summer some of which is linked to increased numbers from outside York. The official rough sleeping count will happen in November. This is replicated across the country and is verified by Government.
53. In terms of context in respect of the impact of the cost of living pressures on housing the following information sets out the current position:

- a. Private rent and the Local Housing Allowance freeze

The Resolution Foundation's national "Housing Outlook Q3 2022" highlights private rent increases as high as 12% year-on-year nationally, with low income private renters already paying a disproportionately high share of income on their rent. This is exacerbated by the freezing of Local Housing Allowance (LHA) at April 2020 levels. As the LHA is used to calculate benefits such as the Universal Credit housing element for private tenants this leaves low income private renters with a rapidly growing shortfall in many cases.

<https://www.resolutionfoundation.org/publications/housing-outlook-q3-2022/>

These factors combine to produce additional pressure on services for the most vulnerable residents. A severe risk of increased homelessness is anticipated alongside other health, wellbeing and educational impacts for households facing financial strain.

b. Mortgages

The Resolution Foundation has also produced up to date analysis of expected mortgage rises. While owner occupiers have had some protection from low interest rates until now, this is now changing rapidly and significantly. Furthermore the forecast combination of rising rates and falling house prices are likely to place additional pressures on council services and on partner organisations, and present further financial challenges to households. It is expected that this will affect the City of York to an extent although given the recent developments and complexity of the interaction between mortgage markets, affordability and house prices further evaluation of local impacts is needed.

Quote:

“In total 1.7 million households will see their mortgage payments rise later this year (Q4 2022) – including 500,000 households on new fixed rate deals – and a further 400,000 households will pay more in early 2023.”

“By the end of 2024, 5.1 million mortgagor households – close to one-fifth of all households in Britain today – will be spending more on their housing costs as a result of increases in mortgage rates since Q3 2022.”

“The increases are described as “stark”, with forecast average increases at almost £100/month: “The average mortgagor household, including those that are protected by their fixed rate mortgage, will see their annual mortgage payments rise by £3,500 between Q3 2022 and Q4 2024.”

Impact on Businesses in the City

54. From both small and large businesses, there is concern regarding the ongoing rise in inflation and the cost of doing business. This is affecting energy bills, transport costs, finance costs, wage costs and the price of raw materials and supplies. Initially the larger businesses were able to absorb costs but lately they have been passing these on in price rises to customers. Some firms are however finding it difficult to pass these increased costs on due to contractual arrangements. For small

businesses, the cost of doing business is becoming a crisis with many now questioning whether they can continue trading as costs increase while the spare money their customers have to spend on goods and services is decreasing sharply.

55. Companies importing are seeing delivery costs escalate and, in some cases, this is being priced separately. This is also linked to disruptions in the supply chain, especially from the far east. This is affecting both deliveries and imports. There are further concerns of supply chain disruption across the continent with the implementation of the European Union's Winter gas reduction plans which will affect UK businesses sourcing from the continent.
56. Recruitment is still a major concern for businesses in York. There are also wage pressures across most sectors, with staff expecting upward of 5% increase in salary as a minimum, reflecting the current rate of inflation. Employers continue to report that they are struggling to find people with the right sets of skills. One company has increased all staff wages by 21% to retain staff and ease recruitment pressures.
57. This places greater importance on the Good Business Charter which now has over 100 signed up organisations in York which pledge to ten key commitments:
 - Real Living Wage
 - Fairer Hours and Contracts
 - Employee Well-being
 - Employee representation
 - Diversity and inclusion
 - Environmental responsibility
 - Pay fair tax
 - Commitment to customers
 - Ethical sourcing
 - Fair payment to suppliers
58. The council's emerging Economic Strategy has focus on the need to increase the range of part-time work and the productivity of lower-paid industries, enable access to training and skills development for all, and support the small and micro businesses that are the bedrock of the city's economy.

Impact on the Voluntary and Community Sector

59. York has a strong and active civil society which in partnership with the public sector in York worked tirelessly throughout the pandemic and now is supporting many residents through the cost of living crisis. Following a

recent Cost of Living Crisis conference hosted by York Council for Voluntary Services (CVS) the sector raised the following concerns:

- Many funding contracts do not have cost of living increases built in and if they do they are insufficient to allow VCS organisations to award pay increases anywhere near in line with inflation.
- Energy costs for those who are coming to the end of fixed contracts, (e.g. CVS electricity is currently 11k and have been quoted as over 40k from March next year).
- A lot of the information in relation to support is digital and can be complicated and complex for advisers and their clients.
- Staff retention - some staff are leaving jobs because they cannot afford to travel to work.
- Many staff are asking to return to working in the office to cut down on heating bills (many of CVS have reorganised to adjust to previous staff requests to work from home and now no longer have the space to accommodate an increase in office based working).
- Concern especially for lower paid staff about cost of living - some organisations are bringing food in for those staff who are already struggling.
- Some foodbanks are concerned there are too many well intended similar groups are springing up and donated food supplies will run out.
- Some are considering opening up for extra days/sessions to cope with demand and offer warm places but need additional money to pay for this, e.g. staff costs, room hire, refreshments.
- Customers/service users are struggling to contribute to refreshments e.g. small amounts for coffee and biscuits but which help with ongoing running costs.
- Organisations that provide financial advice or energy advice run the risk of being inundated as demand for support increases (these are the types of services that need better resourcing as they are the ones that can provide practical support that will make a real difference.)

National/local plans, programme and key activities in place or developing

National & Local Funding Streams for support

National measures

60. This year the Government has made a series of announcements and interventions aimed at easing the inflationary burden on households. These include:
- Fuel Duty cut: From 23rd March 2022, petrol and diesel fuel duty was cut by 5 pence per litre for a period of 12 months.
 - Energy Bill Support Scheme: All domestic energy customers in Great Britain will receive a £400 grant to help with the cost of their energy bills through the Energy Bill Support Scheme.
 - Council Tax Fuel Rebate: Households liable for Council Tax in Bands A-D received a £150 payment to help with the rising cost of bills.
 - DWP - Cost of Living Payments: One-off cost of living payments have been administered by the DWP. Eligible households have received a payment of £650 paid in two lump sums of £326 and £324.
 - Pensioner cost of living payment - £300 for all pensioner households aged 66 or above paid alongside the Winter Fuel Payment.
 - Disability cost of living payment - £150 for Claimants who receive eligible disability benefits.
 - Two more allocations of Household Support Fund funding of £1m+ for York residents.
61. There have been further calls for the Government to do more, for example by increasing benefits to the most vulnerable, tackling the costs of childcare and protecting frontline public services.

Council & Community response

62. City of York Council and partners have been working to improve financial inclusion. The work has focused on building a strong collaborative partnership to develop innovative and sustainable actions for the residents of York. The Financial Inclusion Steering Group (FISG) has met regularly since 2013 and is a forum for sharing work, ideas, and best practice.
63. A key focus of the council working with partners has been managing the short-term government funding programmes that have been put in place to help mitigate the impact of increasing poverty. Details of the key areas of activities are highlighted below. The full picture of the work undertaken by partners and the council in this field was recently

summarised in the Annual Financial Inclusion and Welfare Benefits Report 2021/22: available here: [Welfare Benefits Financial Inclusion Final.pdf \(york.gov.uk\)](https://www.york.gov.uk/sites/default/files/2022-10/Welfare_Benefits_Financial_Inclusion_Final.pdf).

64. This year the Group have developed draft proposals for a revised Financial Inclusion Strategy and priorities identified were tested out at the York Cost of Living Summit held on 31st October 2022 (see paragraph 85 below) and contributions made at the summit will help to shape the final strategy.

Local Support for residents

65. As outlined in the Annual Report there are a range of support schemes available for residents and their families such as Council tax Support, Discretionary Housing Payments and the York Financial Assistance Scheme. The council's Benefits service continues to deliver a range of shorter term funded schemes including the recent fuel rebate scheme and a second Household Support Grant, plus food and fuel vouchers with recent payments as follows:

Energy Rebate scheme - 74,372 households paid £150 each. Total £11.1m*

Household Support Fund – 8,201 households paid. Total £1m**

Food and Fuel vouchers – over 2,000 vouchers issued. Total over £100k

York Financial Assistance Scheme (YFAS) 626 applications. Total £143k

Discretionary Housing Payments - 98 totalling £87k

*Some this was paid as a credit to council tax accounts

** Plus new HSF scheme from October to March of a further £1m+.

Holiday Activities & Food scheme

66. This scheme supplies food to children along with activities during some of the school holidays. Whilst the funding from the Department for Education is welcomed, this scheme does have limitations, and it is not the only solution to tackling food poverty within holiday periods for all children living in low income households. The funding is insufficient to include all eligible children, and, in addition to this funding limitation, the programme is restricted to 10 of the 13 weeks of annual school holiday. A food (HAF) officer is working with providers across the city to improve the offer working alongside a financial inclusion funded food officer to establish networks on the ground within communities.

67. The food and fuel voucher scheme continues to support communities across York and the maps in Annex B and C shows where that support is being accessed. Residents access these vouchers through trusted partners who then can give further advice and information about the full range of support that the person or family may be able to access.
68. Through the work of the council's Migrant Officer in communities CAY have trained Ukrainian residents working alongside York Foodbank to give debt advice locally.

Local Initiatives, Money Information and Awareness Raising

Advice and Information

69. The council now regularly undertakes Challenge Poverty/Talk Money events (Talk Money Week 11-16 July 2022) in which the advice sector in York (called the Advice York network) delivers a range of activities designed to support those struggling with a wide range of money worries. In the most recent event (Talk Money month) which lasted 4 weeks from 17 October – 12 November 2022 the *Worrying about money?* Leaflet based on national best practice was widely utilised by partners in starting the conversations about financial challenges for individuals and families with solutions for support to hand.

Council Tax Debt Pilot

70. The council is currently delivering a council tax 'debt pilot' which provides a dedicated welfare benefits adviser to support people who are finding it difficult to pay Council Tax and are at risk of arrears and court action. The adviser looks at their whole situation, ensuring people know about and are claiming all support available, maximising their income and reduce outgoings to help them manage their money and finances, including Council Tax payments, in a sustainable way going forward.
71. The project is testing and developing a model of working between advisers and Council Tax, Housing and Benefits services which takes a holistic approach of residents' situations and the support that is available.
72. So far, the project has been able to provide positive outcomes for 47% of people supported through the project.

Ward funded projects

73. Councillors in Hull Road and Heworth Without have worked on a pilot initiative being delivered through ward committee work to increase the take up of pension credit. It is well known that approximately one third of

pensioners do not claim pension credit and this can make a considerable difference to their income at any time let alone during the cost of living crisis.

74. The initiative will see a mixed approach including fortnightly take up sessions for the next 6 months within the community itself. Using data analysis the households within the ward will be targeted with information and Explore's mobile library bus will be used as a mobile community based office to help qualifying residents make applications. Elsewhere similar work will be rolled out through local volunteer groups.
75. The work will be monitored and the outcome of the pilot will be reported later in the new year. This sits alongside a wide range of ward based funded projects to support residents during the crisis – these range from food projects to Citizen Advice York outreach services.

Food Sufficiency, Good Place Network and Warm Spaces

76. Food sufficiency work has been facilitated by the council funding the Food Officer within the Communities Team and working with York's Good Place Network. The Good Place Network aims to bring together a previous Community Venues Network with community hubs and food projects to share best practice, network and discuss the pertinent issues facing community venues and projects.
77. In addition the Team are working with Healthwatch York to gather information about available warm spaces in York available over the winter and have developed a Warm Place 'filter' available on the Live Well York community website. A funding scheme is being developed to support community organisations to make the most of the opportunity to support their communities over the Winter months offering warm welcoming spaces.

Community Hubs

78. The council's community approach as a priority in the Council Plan, has been to develop Hubs within York's neighbourhoods and wards. The Hubs have been both physical and virtual (virtual throughout the coronavirus pandemic). They provide a focus for communities where residents can build relationships, access support and advice, food supplies/meals, learning and development activities.
79. The Hubs help to encourage more resilient communities through the support they can provide not just from the council but through community and voluntary organisations and resident volunteers themselves. They

help develop life skills as well as providing community contact for those who may be lonely, isolated, or vulnerable.

80. The Hubs also help provide 'intelligence' to the council on the real issues affecting communities so assumptions are not made. Linking in the Local Area Co-ordinators (LACs) and other community officers to the Hubs within wards helps to provide a network of support across the city. The Hubs form a key part of the city's armoury in supporting residents through the cost of living crisis also providing 'warm spaces' where residents can meet.

Poverty Truth Commission

81. The York Poverty Truth Commission (PTC) is currently being established through York CVS, part funded by the council and other partners. The purpose of the Commission is to put those with direct experience of poverty first and asking them to share their knowledge about what is truly needed to make change. They set the agenda. It acts as a vital link between those with experience and decision makers in the area, building real relationships and real trust. It also removes labels such as 'service user' and 'professional' and humanises the system which is currently in place to tackle poverty. Finally, it is a 'power-dynamic equaliser' in that all people within the PTC should be heard, and everyone's opinions are valued.
82. The PTC is currently at phase 1 which sees approximately 15 Community Commissioners recruited who have direct experience of poverty. They will meet regularly for a period of 6 to 8 months to get to know each other and explore experiences and decide what they would like to communicate about poverty to their area. About the same number of Civic and Business Commissioners are to form the other half of the commission. The phase will end with a public event in which commissioners share their experience of poverty.

HRA Energy Efficiency Programme

83. The progress of the HRA energy efficiency programme is set out below:
 - a. This financial year the council expects to deliver over 500 substantial improvement measures to around 250 homes across all tenures. The majority of these works are wholly or predominantly funded utilising around £3m government funding successfully secured in 2021/22.
 - b. In addition to this the council will undertake a series of 'quick win' interventions over the coming six months to help residents stay

warm. As such £60k is to be allocated to allow measures such as draught proofing and simple insulation measures be carried out to the homes of around 250 of the city's most vulnerable council tenants.

- c. A Social Housing Decarbonisation Fund Wave 2 bid is under development to deliver further energy efficiency improvements to over 100 council homes, for a programme around £2m including 50% match funding for. This proposal would fully commit the £2m HRA Retrofit Fund and should the bid be successful, around 190 council homes would have been improved to at least an EPC C standard utilising this existing budget.
- d. A draft Retrofit Action Plan is currently out to formal public consultation and sets out the need and range of tools available to both deliver and facilitate further retrofit works over the coming years. The Retrofit Action Plan aims to reduce emissions and energy bills across all tenures and will be considered by Executive later this year.

Support for businesses

- 84. In addition to considerable financial support schemes delivered throughout the pandemic the Business Rates team have awarded the Covid Additional Restrictions Fund (CARF) reduction to around 1000 businesses amounting to approximately £4 million. The Team have been working with the Economic Growth Team to identify any new qualifying cases, and awarded CARF to over 600 more businesses by the end of September.

Cost of Living Summit

- 85. The council through its own support and the national available welfare offer will not be enough, however, to resolve the escalating challenges as outlined in this report. The resources available will not be sufficient to meet the scale of the need. As such, re-energising citywide efforts to target the root causes of poverty and inequality, providing people with the support and opportunities they need to earn a good living and enjoy a healthy, secure family life, are more important than ever.
- 86. In light of this the council and University of York hosted a York Cost of Living Summit on 31st October 2022 with the aim of utilising the city's strengths to mitigate the impact of the current crisis and ultimately build stronger relationships and resilient communities. The summit was

requested as part of a Council motion in July 2022 declaring a Cost of Living Crisis in York.

87. The focus of the Summit was collectively ***What can we all do to help the city through this crisis? We know the constraints but what can we do better within them?*** The summit brought together 39 organisations and 70 people with ideas to match challenges with existing resources and capacity. This included an element of matching offers, wants and ideas (part of the registration process included questions to help identify this in advance of the event) and facilitating partnership building and identifying pathways for both organisations and individuals in the city to contribute.
88. The feedback from the event is extensive and is currently being collated into a sharable electronic form which will allow continuing ideas to be formulated and conversations to take place online. The challenge will be turning the outputs into actions that summit partners are able to take forward with likely further planned conversations to take place. As previously described some of the output will further help to refine the council's draft revised Financial Inclusion Strategy.

Other actions

89. Given the level of the impacts of the current Cost of Living Crisis Corporate Management Team (CMT) have agreed that a cross service Internal Cost of Living team is to be set up involving the network of officers already involved in the external Financial Inclusion Steering Group plus others such as Human Resources. The Team will:
 - a. Sense critical pressure points within the council and within communities, and escalate issues through to CMT;
 - b. Oversee finalising and delivery of the draft Financial Inclusion Strategy;
 - c. Ensure that momentum is maintained from the Summit to secure quick wins, facilitate ongoing and productive relationships, and develop longer term opportunities for the city from commitments made which can be fed into either the Poverty Truth Commission or other developing strategies.
90. Communities, financial Inclusion and food champion portfolio holders will be regularly briefed on the key issues being considered and responded to by the Team.

Conclusion

91. The cost of living crisis is not just a local issue but a national and international one. The impacts are significant for those delivering services in the local authority and the NHS, for our residents and communities and for our local businesses
92. The council is demonstrating community leadership as the crisis continues and develops over the coming months and years. The approach taken would normally be one that looks to deal with the immediate issues whilst addressing the cause of the problem. In the current circumstances we can only seek to support and respond to the issues affecting our residents as a result of the crisis whilst planning for the longer term recovery.
93. This report sets the scene and shows the extent of work been undertaken by the council and with its partners. The cost of living summit on Monday 31 October showed the willingness of organisations across the city to come together to try and better support our residents. It is clear that the best way to do this is by working together.
94. Other messages coming through from the summit and this report are that council and voluntary sector employees are caught up in the crisis. There is not enough money in the system to resolve all the issues and the funding position is not likely to improve so local innovation, solutions and capacity are going to be key to local improvement.
95. The coming years will be a real test of the resilience of our communities. Positively there is a real 'team' commitment across the sector to help and support no matter how small or large and we all have a part to play. This is a real opportunity to work together cohesively for the benefit of our communities.

Consultation

96. Corporate Management Team and the York Cost of Living Summit informed the content of this report.

Options

97. There are no alternative options to consider as this report is for information and noting only.

Analysis

98. As above

Council Plan

99. This report covers all priorities as set out in the Council's Plan 2019-23 (*Making History, Building Communities*) and any other key change programmes.

Implications

100. As this report is for information only there are no direct implications of this report although the Cost of Living Crisis impacts financially on the council and the city's businesses and residents. If an equalities impact assessment had been undertaken on any related decisions there would be a detrimental impact of the crisis on all those with single or multiple protected characteristics. Any solutions developed in partnership across the city would seek to mitigate impacts across all equality groups.

- **Financial** None
- **Human Resources (HR)** None
- **Equalities** None
- **Legal** None
- **Crime and Disorder** None
- **Information Technology (IT)** None
- **Property** None
- **Other** None

Risk Management

101. Cost of Living Risks have been added into the council's Corporate Risk Register in relation to the following risks:

- KCR1 Financial pressures
- KCR4 Changing demographics (health impacts)
- KCR7 Capital Programme costs
- KCR9 Communities (Wider determinants of health impacts)
- KCR10 Workforce/capacity risks
- KCR11 External market conditions (failure to deliver commissioned services)
- KCR12 Major incidents eg power outages over winter.

Contact Details

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Chief Officer Responsible for the report:

Pauline Stuchfield
Director of Customer & Communities

Report
Approved

Date 10/11/2022

Specialist Implications Officer(s) List information for all

Financial:

Name: Debbie Mitchell
Title: Chief Finance Officers

Legal:-

Name: Bryn Roberts
Title: Director of Governance

Wards Affected: [List wards or tick box to indicate all]

All

For further information please contact the author of the report

Background Papers:

Financial Inclusion/Welfare Benefits outturn report 2021/22
Executive Member for Finance & Major Projects Decision Session 10th
October 2022

Annexes

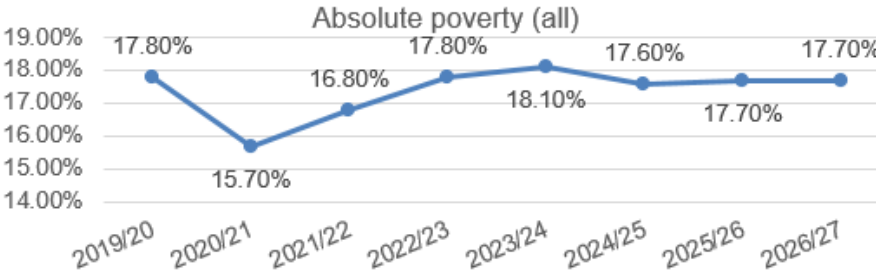
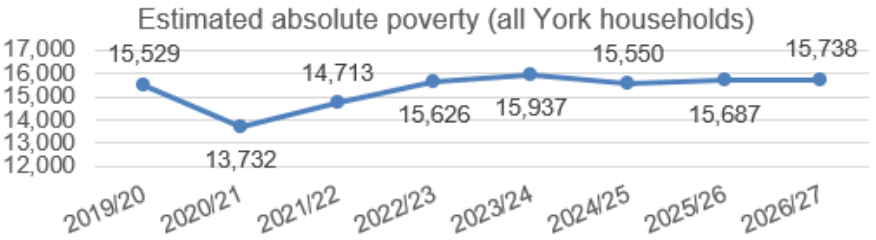
Annex A Households in Absolute Poverty
Annex B Food Vouchers issued (to October 2022)
Annex C Fuel Vouchers issued (to October 2022)

List of Abbreviations Used in this Report

A&E	Accident & Emergency
ADASS	Association of Directors of Adult Social Services
CAY	Citizens Advice York
CMT	Corporate Management Team
CVS	Centre for Voluntary Services
EPC	Energy Performance Certificate (rating)

FISG	Financial Inclusion Steering Group
GDP	Gross Domestic Product
GP	General Practitioner
HRA	Housing Revenue Account
k	Thousand
LGA	Local Government Association
LHA	Local Housing Allowance
m	Million
NHS	National Health Service
PTC	Poverty Truth Commission
UC	Universal Credit
UK	United Kingdom
VCSE	Voluntary, Community and Social Enterprise (sector)
YHCC	York Health and Care Collaborative

Annex A Households in Absolute Poverty

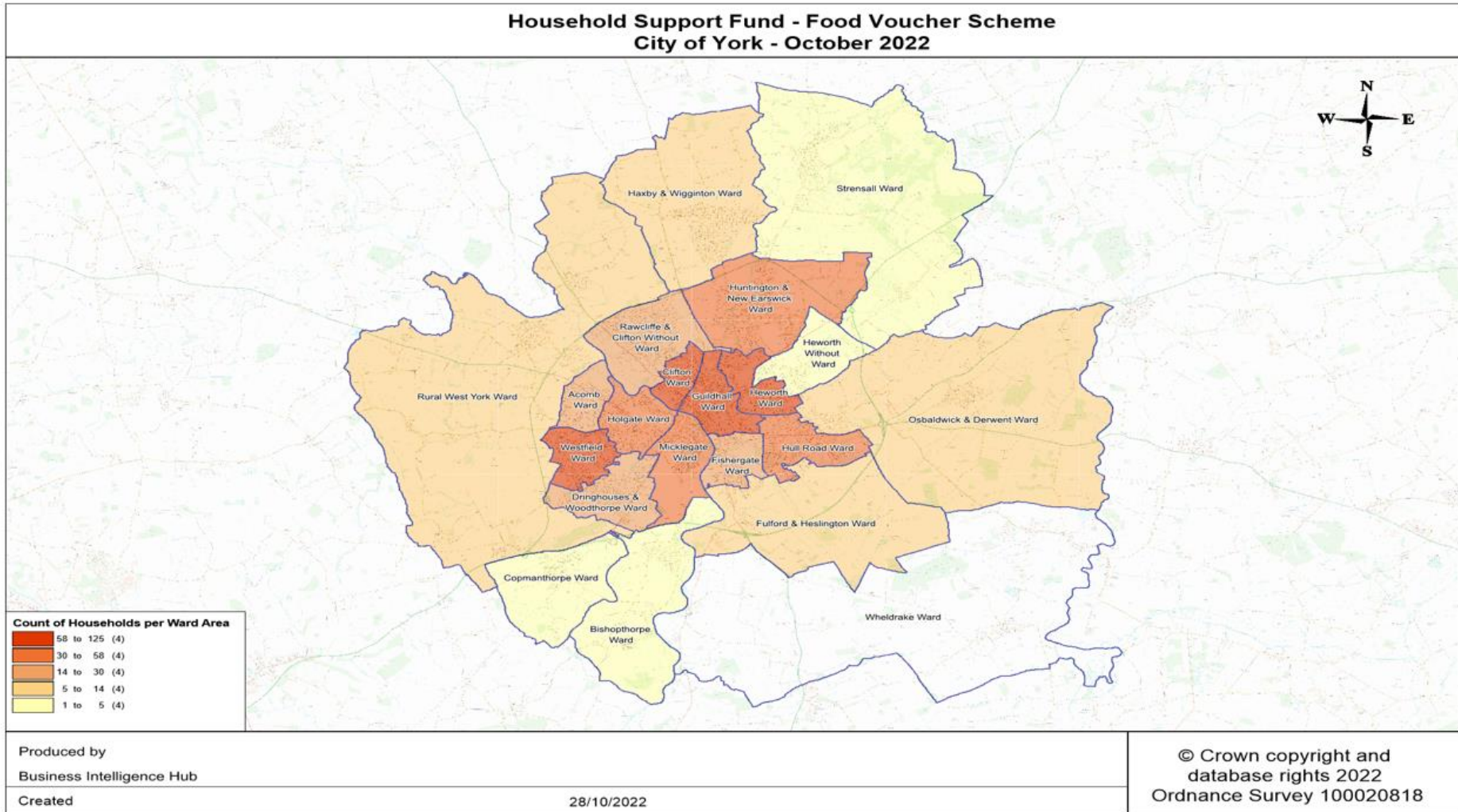
<p>Definition</p> <p>Absolute low income: An individual is in absolute low income (or absolute poverty) if they are living in households with income below 60% of the 2010/11 median, uprated for inflation.</p> <p>By using an income threshold that is fixed in time, this measure looks at how living standards of low-income households are changing over time.</p> <p>After Housing Costs (AHC) measures allow an assessment of living standards of individuals whose housing costs are high relative to the quality of their accommodation.</p> <p>Calculating poverty after housing costs give a more accurate measure of how much families have to live on.</p>	<p>Prediction</p> <p>Absolute poverty: 18 per cent in 2019-20 16 per cent in 2020-21</p> <p>Resolution foundation modelling predicts a rise to 17% per cent in 2021-22 and 18% in 2022-23.</p> <p>Fall in 2020-21 was due to the £20 per week uplift to Universal Credit.</p> <p>60% of the weekly wage, before housing costs, is approximately £370 per week.</p> <p>IFS report shows that the absolute -poverty line after housing costs for example families in 2019-20 is:</p> <p>£309 for couple with one child £258 for childless couple £201 for lone parent with one child £149 for single adult</p>	<p>Impact nationally</p> <p>Resolution Foundation produced modelling of Absolute Poverty (after housing costs) at a national level:</p>  <p>Impact for York</p> <p>Applying these percentages to York data in the graph below:</p>  <p>This shows:</p> <p>2021/22 14,713 households 2022/23 prediction = 15,626 households</p> <p>Approximately an additional 910 York households experiencing absolute poverty after housing costs</p>
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Produced by the Business Intelligence Hub



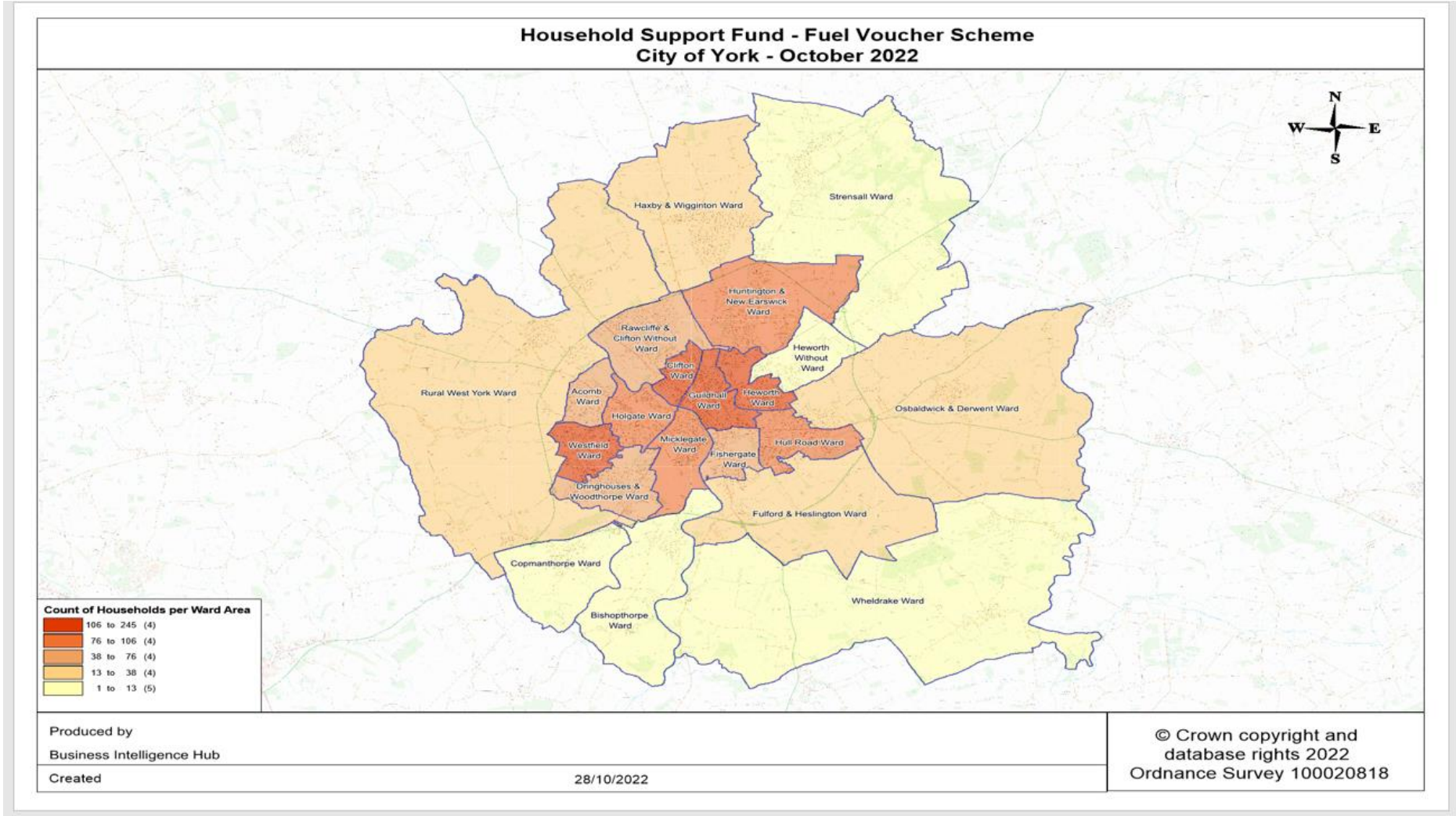
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Annex B Food Vouchers issued (to October 2022)



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Annex C Fuel Vouchers issued (to October 2022)



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Executive**22 November 2022**

Report of the Director of Transport, Environment and Planning
Portfolio of the Executive Member for Transport, Portfolio of the Executive Member for Housing and Safer Neighbourhoods, Portfolio of the Executive Member for Economy and Strategic Planning

Pavement café licence update**Summary**

1. This report presents proposed changes to City of York Council's pavement café licensing guidance and process, following the completion of a review of the current licensing guidance, as approved by Executive on 28 July 2022 (available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6601>).
2. The revised 'City of York Guidance and Conditions for Pavement Cafes' will be used to review licence applications submitted in November/December 2022 by businesses wanting to renew their licences for January 2023 (under the Business and Planning Act 2020).
3. The current pavement café licence guidance in the City was implemented under emergency government legislation in response to COVID, in support of immediate economic support and the "Eat out to help out" scheme. This emergency legislation deregulated the existing process for pavement cafes and removed the requirement for planning permission, which ordinarily was used to address access issues and provide suitable mitigations.
4. The "Levelling Up and Regeneration Bill" proposes permanent changes to pavement café licences removing the requirement for planning permission for pavement cafes in the long term.
5. As our City has returned to more normal post-COVID operation, the impact that emergency pavement cafes has had on specific access issues has become more apparent.

6. Whilst it is likely pavement cafes are here to stay in some form in the future, this is no longer as part of an emergency response. Therefore, a review of the guidance and conditions when cafes are acceptable, recognising and limiting the impact they have on access has been carried out by an access consultant with the input of disabled residents.
7. The report sets out the recommended updates to the local guidance and builds on the experience and feedback received on residents' lived experiences of pavement cafes since the changes introduced by the Business and Planning Act in 2020. It has been informed by work undertaken by independent access consultants to review the current pavement café licensing guidance (available in Annex A). It also considers the Council's city centre strategy "My City Centre Vision", which was adopted by the Executive on 18 November 2021 (<https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=60466>) for which one of the key objectives is to "support outdoor eating and café culture in the city centre".
8. The report provides an analysis of the options presented to the Executive, supported by an Equality Impact Assessment provided in Annex C. Options are presented under three themes:
 - a) Pavement café location, considering whether pavement cafes should be allowed on footways and in on street parking bays;
 - b) Updates to the guidance document and provision of additional information, and
 - c) Requirement for licence holders to undertake counter-terrorism training.
9. Recognising the impact that current temporary arrangements have had on residents and visitors, particularly on people with health conditions or impairments, it is recommended that café licences issued under the fast-track approach are only allowed on footways if 1.5m width remains for people to get past (with the exception of pedestrianised streets with level access between the footway and the carriageway). This would support the recommendations set out by the access consultants and address the majority of access issues caused by café furniture obstructing the footpath. Further recommendations seek to also address improved guidance, information, training and enforcement.

Recommendations

10. The Executive is asked to:

- a) Note the Access Consultants work on Pavement Café Licences contained with annex A.

Reason: this is the context for the proposed changes to the way pavement cafes will be licensed

- b) Recommend to full council the following changes to local guidance used in the determining of pavement café licenses under the Business and Planning Act 2020
- i. 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;
 - ii. 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).
 - iii. 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.
 - iv. 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.

- c) Recommend to full council that the Policy for Pavement Cafes under the Business and Planning Act 2020 is reviewed by them and is added to the list of functions of licensing committee. Officers will continue to determine applications made under that policy

Reason: Licensing Committee can review the Policy

- d) Approve the provision of information on 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 pavement cafes will be licensed.

- e) To set up a regular panel for York groups and communities to provide feedback on their lived experience of pavement cafes 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

Background

11. Pre-2020, planning permission was required for venues which wanted to use part of the highway as a pavement café area. This enabled a full consultation process to take place and all relevant issues to be considered by the planning authority (for example, a dropped kerb could be required as a condition of the planning permission being granted to enable disabled access). Once planning permission was obtained, the Highway Authority used to charge £660/year for café furniture to be licensed in the highway. Before the Business and Planning Act, there were approx. 45 pavement cafes which had received planning permission (change of use) and were licensed under Part 7A of the Highways Act 1980.

12. In 2020, the Business and Planning Act introduced a deregulated approach with temporary fast-track licensing regime for pavement cafés set out on relevant highways (as defined in the Act), as part of the Government’s Covid recovery response to enable businesses to operate within public health guidance of limited indoor space use. Licences issued under this fast-track process did not undertake previously mandated consultation which could address access issues and were initially only due to be valid for no longer than one year, but this has now been extended twice. This fast-track approach does not allow for any real consultation, with the requirement that notices of intention are displayed at the property for 7 days and the council then has 7 days to determine the application or it is deemed approved.
13. The latest extension by the Government retained this temporary licensing regime until the end of September 2023. In July 2022, there were 114 pavement cafes licensed under the Business and Planning Act. As licence holders had to apply for licences again for September-December 2022, the number of licences applications went down slightly to 98 in November 2022.
14. The Levelling-up and Regeneration Bill proposes to make this deregulated licensing regime permanent, with a few changes (more information available here: <https://bills.parliament.uk/bills/3155>). As the Bill proposes a wide range of changes to address planning, regeneration, and environmental matters, it is likely that the temporary provisions will continue to be extended whilst the Bill is discussed and amended through the parliamentary process.
15. The Business and Planning Act and the Government’s guidance on pavement cafes therefore continue to apply (available here: www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal). When the fast-track regime first started, during the Covid pandemic, the Council developed its own local guidance, as advised by Government. The document, titled “CYC pavement café licensing process”, was last updated in September 2021 (available here: <https://www.york.gov.uk/highway-licences/pavement-caf%C3%A9-licences>). This paper proposes further updates and changes as a result of the review undertaken with the support of independent access consultants in October/November 2022.
16. The Business and Planning Act 2020 includes a “no-obstruction condition” (Section 3(6)) and requires local authorities to “have regard to any guidance issued by the Secretary of State” related to the Act.

17. The Government “Guidance: pavement licences (outdoor seating)”, updated in July 2022 describes how local authorities should consider the national no-obstruction condition. The guidance states:
- a) *“When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people.” The guidance also refers to Inclusive Mobility, stating that “in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway”.*
 - b) *“Authorities are encouraged to publish local conditions subject to which they propose to grant pavement licences so that applicants and those making representations are aware of them. (...) When setting local conditions and determining applications, issues authorities will also want to consider include: (...)*
 - i. *accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:*
 - 1. *considerations under the no-obstruction condition, in particular considering the needs of disabled people;*
 - a. *any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;*
 - b. *whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and*
 - c. *other users of the space, for example if there are high levels of pedestrian or cycle movements.”*
18. Based on this information, the local guidance previously adopted by City of York Council enabled pavement café areas to be licensed to occupy the whole of the pavement in some streets where vehicular traffic is restricted (footstreets and restricted access streets such as Fossgate) as carriageway space has been reallocated to pedestrians (and cyclists one-way on Fossgate) during restricted access hours.

19. The deregulation of the license approval whilst beneficial to business support through the pandemic, also has made clear the impact that emergency pavement cafes has had on specific access issues, which were unable to be addressed on a case by case basis as under the pre-covid planning route.
20. Officers and the Access Consultants (see Annex A) identified the following key issues with pavement cafés licensed in York, under the Business and Planning Act, are:
 - a) The need to review existing licences and licensing guidance to ensure that they are suitable for long term arrangements. The current CYC guidance was developed to support a temporary fast-track process established in response to Covid. As this process is likely to remain in place in the long term, the guidance needs to be reviewed to ensure that it adequately considers the needs of all highway users (including those with protected characteristics). This need is identified in the Executive’s decision on City Centre Access – Action Plan Update of 28 July 2022 (available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6601>);
 - b) Significant challenges to the delivery of additional dropped crossings/kerbs to enable people using a wheelchair, mobility aid, or pushchair to gain access to premises and cross the streets (mainly due to engineering challenges linked to the presence of cellars or shallow utilities in the adopted highway). This led to the authority developing a trial scheme to provide businesses with temporary ramps and traffic cones to be placed in the highway to enable wheelchair and mobility aid users to get around pavement café licences where they occupy the full width of the footway (see officer decision available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6637>);
 - c) Lack of clarity on access requirements to licensed premises themselves. Many pavement cafés are set out in ways that would not enable wheelchair or mobility aid users to access the licensed area (and/or the premises). Under the Equality Act, it is for businesses to consider any reasonable adjustment they should be making to meet their duties;
 - d) Further consideration required for the impact of the proposed “Protect Duty” on pavement cafes;
 - e) Furniture set out or stored on the highway outside of the licensed times. This is a significant issue in the footstreets as the licensed

times are generally linked to the start and end of the pedestrianised period. When licence holders set out their tables and chairs too early or leave them out too late, pedestrians have to step into the carriageway, in conflict with delivery vehicles and other permitted traffic;

- f) Area where furniture is set out differs from what is set out in the licence. This is a significant issue as where furniture occupies a larger area or is placed in a different location than that agreed, it can impede access for highway users, including authorised and emergency vehicles;
- g) Furniture in use differs from that specified in the licence. The majority of issues under this category relates to the barriers which are required to demarcate the pavement café area. The terms of the licences require these barriers to be stable and sturdy canvas separator on metal uprights with a tapping rail set out around the pavement café area to help with accessibility for visually impaired users. Where these are not installed correctly, key issues are tapping rails missing or not installed correctly, insufficient number of barriers to cover the perimeter of the café area, unsuitable barriers used (for example A Boards used as barriers).
- h) Difficulties with taking enforcement action due to a range of factors including the requirement to constantly check on cafes, lack of clarity on some requirements set out in the guidance (for example how barriers should be set out), and limited enforcement powers provided by the legislation (the only possible action is to serve notice and revoke the licence). The Council adopted a revised enforcement process in September 2021 (officer decision available [here](https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6284): <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6284>). This stated that up to 3 letters (notices) would be sent to licence holder. Where 3 letters have been sent for the same issue(s) and the licence is still not being complied with, the licence would be revoked. This would apply to the breaches which are considered the most significant due to their impact on highway safety and/or disabled groups, as listed below:
 - i. Furniture set out or stored on the adopted highway outside the premises outside of the licensed times of use;
 - ii. Area where furniture is set out differs/is larger than agreed in the licence; and

iii. Required barriers (with tapping rail) not provided.

21. Enforcement options are limited under the Business and Planning Act. If a condition imposed on a licence is breached, the local authority can: issue a notice requiring the breach to be remedied or revoke the licence, with the licence holder having to go through the application process again to regain their licence.
22. If a licence is revoked but the venue was to continue placing furniture in the highway without a licence, the furniture becomes a highway obstruction as defined under the Highways Act 1980.
23. Actions available to the local authority under the Highways Act include Section 137 – Wilful obstruction offence, Section 148 - Penalty for depositing things or pitching booths etc. on highway, and Section 149 - Removal of things so deposited on highways as to be a nuisance, etc.
24. None of these options are expedient. For example, if the Council were to serve notice for the furniture to be removed under Section 149 of the Highways Act and the venue did not comply, the authority would then need to make a complaint to a magistrates' court for a removal and disposal order, unless the furniture could be assessed as constituting “*a danger to users of the highway*”, in which case the authority could take immediate action to remove it.
25. Whilst it is likely pavement cafes under the deregulated approach are here to stay in some form in the future, this is no longer as part of an emergency response to public health rules. Therefore, a review undertaken in consultation with disabled people with lived experience was requested by the Executive in July 2022 of the temporary guidance and conditions when cafes are acceptable, recognising and limiting the impact they have on access. This paper provides the recommendations following this review.
26. Following the Executive decision on 28 July 2022, short term licences have been issued to businesses under the current licensing guidance as all licences expired at the end of September 2022.
27. These licences are valid until the end of December 2022 and businesses will need apply for renewal in December 2022 if they want to continue running a pavement café between January and September 2023. The revised guidance will be used to assess these applications and the revised conditions will apply to licensed pavement cafes.

Consultation

28. Following the Executive decision on 28 July 2022, the decision was taken to focus the consultation on access issues linked to pavement cafes. To enable a meaningful consultation to take place in a short period of time (avoiding the summer holiday period), independent access consultants were appointed in September 2022 to identify access issues linked to pavement cafes, focusing on the city centre, propose and review potential mitigation measures, and proposes changes to the current licensing guidance. The terms of reference for the access consultants can be found in Annex D.
29. The consultants undertook a site visit and reviewed information provided by officers on existing licences, current guidance and issues identified. The consultants also organised two panel workshops (online meetings held in October/November 2022) with representatives from the disabled community. The first workshop focused on identifying the issues and the second workshop discussed possible mitigations. The report with issues identified and suggested recommendations can be found in Annex A.
30. A letter summarising the options proposed in this report was sent to all pavement café licence holders and business groups on 9 and 10 November 2022. The letter explained the process to make changes to the guidance and invited businesses to provide feedback on the options. Officers will verbally update on any feedback received at the meeting.

Options

31. This section presents options to make changes to the City of York licensing guidance and process for pavement cafes, based on the work undertaken by the independent access consultants (see Annex A) and the experience and feedback received since the fast-track licensing regime started.
32. Parklets and decked areas are not considered in this report as they are not licensed under the Business and Planning Act (and are not included in the Bill). As well as highway licensing, planning permission would be required for such structures if they were to be in use for more than 28 days.
33. Options are listed under three themes: pavement café location, updating the guidance document and providing additional information, and requirement for licence holders to undertake counter-terrorism training.

a) **Theme 1 - Pavement café location** (guidance document to be updated once decision made)

- i. Pavement cafes in the carriageway – No decision required - Cafés are currently allowed in the carriageway in the footstreets area during pedestrianised hours, where a minimum 3m width remains available for authorised and emergency vehicle access.
- ii. Pavement cafes on footways – Decision required between the following options:
 1. **Option 1a – Recommended option** - 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; or
 2. **Option 1b** - In footstreets during pedestrianised hours, cafés allowed to take the whole of the footway:
 - a. In surface level streets (without kerbs);
 - b. In streets with kerbs, where there are existing dropped kerbs or raised crossings within 50m of the café area and there is adequate space on the footway to turn a wheelchair around;
 - c. In streets with kerbs but insufficient dropped kerbs or raised crossings or insufficient space for a wheelchair to turn around on the footway, licence holders will be required to install temporary kerb ramps to provide access to and from the footway

around their café area. Where this cannot be provided (e.g. carriageway too narrow or kerb too high), the café area will not be permitted to take the whole of the footway;

d. In streets with traffic restrictions (for example Fossgate) or low traffic (for example New Street outside pedestrianised hours), if a minimum 1.5m footway width remains available on the other side of the street. Where this causes issues for access to premises, licence holders will be required to install temporary ramps. Where this cannot be provided, the café area will not be permitted to take the whole of the footway.

3. **Option 1c** - Café areas allowed as per Option 1b but with temporary ramps required on each side of the licensed area, unless a dropped kerb is available immediately adjacent (or the street provides level surface access). Where this cannot be provided (e.g. carriageway too narrow or kerb too high), the café area will not be permitted to take the whole of the footway.

iii. Pavement cafes using on street parking bays – Decision required between the following options:

1. **Option 1d** – No long-term use of parking bays for pavement café licences - Pavement cafes currently licensed using suspended on street parking bays (on Micklegate) will not be renewed after the end of December 2022; or

2. **Option 1e – Recommended option** - 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).

b) **Theme 2 – Updating the guidance document and providing additional information – Options 2a to 2c are all recommended**

options. Decision required on the following options (options supported or rejected):

- i. **Option 2a** - Approve the amended guidance document provided in Annex B. Key changes are:
 1. Changes to barriers requirements and specifications;
 2. Increased available width for access to licensed area and premises from 1.2m to 1.5m to enable wheelchair access;
 3. Changes to the enforcement process to reduce notices before enforcement action is taken from 3 to 2 notices;
 4. Reintroduction of a £100 charge per licence;
 5. Guidance to be supported by additional information as follows:
 - a. Clear design and set up guidance for licence holders using drawings and pictures to show how areas need to be set up;
 - b. Advice and support on 'How to set-up your pavement cafe area', explaining why the various requirements are important and the order in which the area should be set up. This would include a visit to the licensed premises to provide advice on the pavement café area set up; and
 - c. Duties under the Equality Act for hospitality venues, for example inviting licence holders to consider access to their pavement café area and premises, type of seating selected for the café area, etc.
- ii. **Option 2b** – Provide information on pavement cafés on the website, for users who want to plan in advance (location, hours of operation, planned accessibility improvements, etc).
- iii. **Option 2c** - Set up a regular panel for York groups and communities to provide feedback on their lived experience of pavement cafes. This feedback would then inform licence reviews, possible additional access improvements (e.g. temporary ramps) and enforcement action where required. Recruitment and management of the panel to be linked to the

Access Officer action included in the City Centre Action Plan (see here for more information: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6601>).

c) Theme 3 – Counter terrorism training – Decision required between the following options:

- i. **Option 3a** – Provision of additional information on the Protect Duty and its implications for hospitality venues, explaining the relevance of the duty to premises with pavement cafes and providing information on training and support available for licence holders and staff (adding to existing information in the guidance document); or
- ii. **Option 3b** – Recommended option - Protect duty changes as proposed under Option 3a but the completion of the ACT Awareness E-learning course by the named licence holder (<https://ct.highfieldelearning.com/>) becomes a condition of issue of a pavement café licence (completion certificate to be provided to licensing team on application).

Analysis

34. This section presents an appraisal of the advantages and disadvantages of each option.
35. Recognising the impact that current temporary arrangements have had on residents, particularly on people living with health conditions or impairments it is recommended that café licences under the fast-track approach are only allowed on footways if 1.5m width remains for people to get past (with the exception of level access pedestrianised streets). This would support the recommendations set out by the access consultants and address outstanding access issues caused by furniture obstructing the footways.

Options (overview)	Advantages	Disadvantages
Theme 1 - Pavement café location (<i>Executive is asked to choose between Options 1a, 1b and 1c</i>)		
Option 1a –	Fulfilment of the	Negative impact on the

Options (overview)	Advantages	Disadvantages
<p>Recommended option - Cafés only allowed on footways if 1.5m width remains for people to get past, with the exception of pedestrianised streets with level access</p>	<p>recommendation set out by the access consultants.</p> <p>Simple application and interpretation of the national no-obstruction condition set out in the Business and Planning Act (not taking account of the guidance which invites local authorities to consider the reallocation of road space).</p> <p>Consistent approach across the local authority area regardless of whether the streets are pedestrianised or not. The only exceptions would be for level access streets in the pedestrianised area.</p> <p>Impact of pavement cafes on access for disabled people (and young children and their carers using prams or pushchairs) mitigated to some extent as there is no need to travel on and off the footways to avoid pavement cafes (apart from in level access streets where this is easier to do). It is important to note that this is not a full mitigation as café areas would continue to create a pinch point and disabled people may be delayed as they wait to be able to get past and other issues remain, causing difficulties</p>	<p>Council’s city centre strategy “My City Centre Vision”, adopted by the Executive on 18 November 2021, with a key objective to “<i>Support outdoor eating and café culture in the city centre</i>”.</p> <p>Initial analysis of the pavement café licences in issue in July 2022 shows that if this rule was implemented, at least 50% of licence holders would be affected. This number is likely to be higher in practice as the initial analysis did not take account of footway conditions or gradients.</p> <p>Out of a total of 114 pavement café licences, the initial assessment identified 27 licence holders who would not be allowed a pavement café area at all; and 30 who may be allowed to retain a reduced pavement café area.</p> <p>These premises would be allowed to seek a license through the pre-covid full planning route, which would address and implement the necessary highway adjustments and access improvements but</p>

Options (overview)	Advantages	Disadvantages
	<p>for people who live with conditions which affect their sight, learning, understanding, or concentrating abilities, or their memory.</p> <p>Further mitigations are recommended to be addressed as part of Options 2a, b and c..</p>	<p>would need to be fully funded by the applicant. There is no guarantee that they would be approved.</p>
<p>Option 1b - In footstreets during pedestrianised hours, cafés allowed to take the whole of the footway under specific conditions including suitable crossing point within 50m</p>	<p>This option allows for pavement cafes to take the whole footway width in pedestrianised areas and restricted traffic streets under specific conditions, including</p> <ul style="list-style-type: none"> • the availability of a suitable dropped kerb or raised crossing within 50m (including the requirement for a temporary ramp if no permanent measures are available); and • the availability of a 1.5m corridor on footway on one side of the street in traffic restricted/low traffic streets <p>This is in line with the Council’s interpretation of the Business and Planning Act and associated government guidance which</p>	<p>Fails to follow the recommendation set out by the access consultants.</p> <p>Negative impact on disabled people (and young children and their carers using prams or pushchairs) in the footstreets and restricted traffic streets as they may need to go back on themselves for up to 50m to find a suitable crossing point to access the footway or the carriageway.</p> <p>The temporary kerb ramps will be specified to meet Inclusive Mobility requirements, but some wheelchair or mobility aid users may find them difficult to use and they will increase the risk of trips and falls, especially for people living with vision impairments, as</p>

Options (overview)	Advantages	Disadvantages
	<p>states <i>“When setting local conditions and determining applications, issues authorities will also want to consider include (...) considerations under the no-obstruction condition, in particular considering the needs of disabled people; any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles (...)”</i>.</p> <p>This option would enable most of the pavement café areas currently licensed to remain in place, whilst ensuring that crossing facilities are available within 50m (based on Inclusive Mobility guidance).</p> <p>This option would support the Council’s city centre strategy <i>“My City Centre Vision”</i>, adopted by the Executive on 18 November 2021, with a key objective to <i>“Support outdoor eating and café culture in the city centre”</i>.</p>	<p>recognised in the access consultant report.</p> <p>The correct installation and regular inspection of the temporary kerb ramps will be the responsibility of the licence holders. If this is not done correctly, the risk of trips and falls will increase, and wheelchair or mobility aid users may not be able to use the ramps.</p> <p>The availability of a 1.5m corridor on one footway in traffic restricted/low traffic streets (for example in Fossgate) relies on users having to cross the street to continue using this facility, adding to the distance of their journey.</p> <p>Some pavement café areas may be reduced in size as they will need to make space for the ramps and the landing areas within their licensed area (unless they can obtain the consent of neighbouring frontagers to place the ramps in front of their properties). A few pavement café areas may not obtain a licence if it is not possible to install the temporary ramps, for example due to the</p>

Options (overview)	Advantages	Disadvantages
		<p>carriageway being too narrow or the kerbs being too high or uneven.</p> <p>Additional cost for businesses as they will need to meet the cost of the ramps and cones required (approx. £70/ramp) and use staff resources to install and check the ramps and cones during the day.</p>
<p>Option 1c - Café areas allowed as per Option 1b but with temporary ramps required on each side of every licensed area (where needed)</p>	<p>As for Option 1b but removing the need for wheelchair and mobility aid users to go back on themselves to find a suitable crossing point as ramps would be provided on each side of the café areas unless they are in a street which offers level access or a suitable dropped kerb or raised crossing is available immediately adjacent to the pavement café area.</p> <p>This option will enable most (but not all – as some locations will not be suitable for the temporary ramps to be installed) of the pavement café areas currently licensed to remain in place, whilst ensuring that crossing facilities are available.</p>	<p>As for Option 1b but with an increased risk of trips and falls, especially for people living with vision impairments, as many more ramps would be required. For this reason, officers would not support this option.</p> <p>As for Option 1b, the correct installation and regular inspection of the temporary kerb ramps will be the responsibility of the licence holders, but this will apply to many more ramps. If this is not done correctly, the risk of trips and falls will increase, and wheelchair or mobility aid users may not be able to use the ramps.</p> <p>Additional cost for businesses (for more businesses than in Option</p>

Options (overview)	Advantages	Disadvantages
		1b) as they will need to meet the cost of the ramps and cones required (approx. £70/ramp) and use staff resources to install and check the ramps and cones during the day.
<p>Option 1d - No long-term use of parking bays for pavement café licences</p>	<p>On street parking bays are returned to their intended use and available for drivers to park (including Blue Badge holders who can park in on-street pay and display bays, free of charge, with no time limit during normal pay and display hours).</p> <p>Pay and display income for the Council.</p> <p>Unightly temporary protection measures (water filled barriers) provided by the Council as an emergency Covid response can be removed (for example on Micklegate).</p>	<p>Negative impact on hospitality venues (mainly on Micklegate currently) and negative impact on the Council’s city centre strategy “My City Centre Vision”, adopted by the Executive on 18 November 2021, with a key objective to <i>“Support outdoor eating and café culture in the city centre”</i>.</p> <p>Some venues currently licensed to use on street parking bays may not be able to retain a pavement café licence (if no suitable alternative location identified).</p>
<p>Option 1e - Recommended option - Café areas can be allowed in on street parking bays under specific conditions</p>	<p>This option would better support the Council’s city centre strategy “My City Centre Vision”, adopted by the Executive on 18 November 2021, with a key objective to <i>“Support outdoor eating and café culture in the city centre”</i>.</p>	<p>Additional cost for businesses which could be significant if they wish to continue using the on-street parking bays (changes to the permanent TRO, changes to the kerb line and footway/protection measures).</p> <p>The need for parking</p>

Options (overview)	Advantages	Disadvantages
		<p>would be reviewed (specifically considering access for Blue Badge holders) and the licence may not be granted if there is significant need/demand.</p> <p>Permanent loss of pay and display income for the Council if the licence is granted and the bay is removed.</p>
<p>Theme 2 – Updating the guidance document and providing additional information (<i>Options 2a to 2c are all recommended options. Executive is asked to support or reject each option</i>)</p>		
<p>Option 2a - Recommended option - Approve the amended guidance document provided in Annex B. Key changes are: changes to barriers, £100 charge per licence and additional information and guidance for licence holders.</p>	<p>Barriers: Improved pavement café set up should benefit all users and more specifically people with vision impairments. Clearer guidance will better support enforcement action where required.</p> <p>Access width: improved accessibility provision as 1.5x1.5m should then be available on the footway for wheelchair users to access the café area/premises (in line with Inclusive Mobility)</p> <p>Enforcement process: reduction from 3 to 2 notices will make the enforcement process quicker whilst giving the licence holder the opportunity to rectify</p>	<p>Barriers: Additional cost for businesses as many will need to purchase additional and/or compliant barriers. Possible reduction in available space for tables and chairs within the licensed area to enable compliant barrier set-up.</p> <p>Access width: small reduction in available café area may lead to reduction in the number of tables and chairs in use.</p> <p>Enforcement process: reduced number of notices reduces the time for business to react. Financial impact if licence is revoked.</p>

Options (overview)	Advantages	Disadvantages
	<p>mistakes.</p> <p>Charge: Additional income for the Council to partially cover the costs associated with pavement café licensing. This charge is still significantly lower as that of the pre-covid arrangements,</p> <p>Additional information: Aiming to raise awareness amongst licence holders, venue managers and staff of the importance of compliance with licence terms and conditions and explain the impacts of non-compliance on users. Raise awareness of venues' own duties under the Equality Act. Aiming to improve compliance by providing information and support on how to set up the pavement café area (as a first step before enforcement action).</p>	<p>Charge: Additional cost for businesses, although significantly lower than planning and Highways Act licensing charges (pre-Covid process).</p> <p>Additional information: Additional resources required for Council visit to licensed premises to support area set up but should result in improved compliance. Additional costs for business likely (for example if they consider how they can better meet their duties under the Equality Act).</p>
<p>Option 2b - Recommended option – Provide information on pavement cafés on the website</p>	<p>A trial to provide the information on pavement café location and timings in a map format is available here: www.york.gov.uk/roadworks (see table and chairs symbol on the map). This will be published on the pavement café pages once the data input has been completed.</p> <p>The proposal aims to</p>	<p>Additional cost and resources required for the Council to provide this information in suitable formats (and keep it up to date).</p> <p>Limited use of the information provided as licence holders decide on a day-to-day basis whether to use their pavement café area.</p>

Options (overview)	Advantages	Disadvantages
	<p>improve and develop this further by working with disabled groups (through the Access Officer) to identify the best formats and platforms for this information to be made available, as well as the type of information required.</p> <p>This will help people who need or want to plan in advance to visualise where there may be pavement cafes on specific streets.</p>	
<p>Option 2c - Recommended option - Set up a regular panel to provide feedback on their lived experience of pavement cafes</p>	<p>The proposal aims to address the issue of the very short timescales for consultation under the Business and Planning Act (7 days) by providing an alternative way for disabled people and groups to provide feedback on pavement cafes. This would inform further reviews of pavement café guidance/policy and enforcement action (where required).</p> <p>The proposal aims to integrate the mechanism for feedback on cafes (through a panel) with the work of the CYC Access Officer.</p>	<p>Request for disabled people and groups to engage can sometimes be excessive, requiring a lot of time and energy from specific individuals/groups. The proposal aims to reduce this pressure by using a panel which would be managed by the CYC Access Officer and would be convened regularly to discuss wider issues, with pavement cafes being one topic on the agenda (unless more time is required to discuss them).</p>
<p>Theme 3 – Counter terrorism training (<i>Executive is asked to choose between Options 3a and 3b</i>)</p>		

Options (overview)	Advantages	Disadvantages
Option 3a - Provision of additional information on the Protect Duty and its implications for hospitality venues	The proposal aims to raise awareness of the terrorism threat and invites licence holder, venue managers and staff to consider their role to address this threat.	No requirement for anyone to complete the training so it is unlikely that the training would be completed.
Option 3b – Recommended option – As Option 3a + Completion of the ACT Awareness E-learning course by the named licence holder becomes a condition of issue of a pavement café licence	The proposal aims to raise awareness of the terrorism threat. It requires named licence holders to have completed the Awareness training and invites venue managers and staff to consider their role to address this threat.	Additional cost for businesses (staff time – training session requires no more than one hour to complete).

Council Plan

36. This proposal relates to the following Council’s outcomes, as set out in the Council Plan 2019-2023 (Making History, Building Communities):

- a) Good health and wellbeing;
- b) Well paid jobs and an inclusive economy; and
- c) An open and effective council.

37. The Council’s “My City Centre Strategic Vision” was adopted on 18 November 2021. The strategy’s key objectives include “*Support outdoor eating and café culture in the city centre*”, which states “*the expansion of pavement cafés have been an essential part of the sector’s response to lockdown. We will develop a permanent approach to outdoor eating & Café culture which can create a vibrant atmosphere whilst managing accessibility and amenity impacts and maintaining a high-quality city centre environment*”.

Implications

38. The implications of the proposals have been identified as follows.

Financial – The implementation of Option 1e may potentially result in a loss of parking income. This impact would need to be considered and addressed if and when applications are received. Option 2a proposes to reinstate the £100 per annum licence charge to be applicable to licence applications from November/December 2022 for licences starting from January 2023. It is estimated this will generate £5k per annum. This is below budgeted income levels but will reduce the income shortfall position. The legislation does not allow for a higher licence charge. The remaining income shortfall of approx. £19k will continue to be managed within existing transport budgets. There is also a potential cost of £5k for specialist support to implement option 2a/b. This one-off cost will be met from existing transport budgets.

- **Human Resources (HR)** – Limited HR implications due to additional tasks requiring resourcing/prioritisation of tasks undertaken by existing staff. No additional recruitment required.
- **One Planet Council / Equalities** – An Equality Impact Assessment is provided in Annex C. The assessment has identified some limited positive impacts and mainly negative impacts for pavement cafes on people with the following protected characteristics: Age (older people and young children), Disability, Pregnancy and maternity, and Carers. It has also identified negative impacts on the following human rights: Article 8: Respect for your private and family life & Article 14: Protection from discrimination.
By reviewing the existing pavement café licensing guidance and adopting the recommended options in this proposal, the Council aims to mitigate the negative impacts of pavement cafes.

Equalities - The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. There are statutory conditions involved with pavement licences which take account of the needs of persons with mobility and visual impairments.

The Council has had due regard to its legal duties under equalities legislation when setting the pavement café licensing guidance.

In assessing the merits of each particular pavement licence application, the Council will have regard to its duties under equalities legislation.

Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service.

Human Rights – When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Council must consider whether the decision affects an individual, group or company’s human rights as set out in the European Convention on Human Rights and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition, consideration must be given to whether the interference is proportionate.

Consideration needs to be given to the right to respect for private and family life and home, contained within Article 8, although this is a qualified right, and interference is permitted where this is in accordance with the law, or is necessary in a democratic society in the interests of public safety or the prevention of crime and disorder, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of their possessions, although again this right is qualified in the public interest.

- **Legal** - The equalities and human right implications set out above highlight areas for potential legal challenge. The recommended options in this report are likely to satisfy the Council’s general obligations under the Equality Act 2010 and the specific duty set out in Section 3(7) of the Business and Planning Act 2020 to have regard to the needs of disabled people in the determination of applications for pavement licences.

The pavement café licensing regime introduced by the Business and Planning Act 2020 leaves discretion to Local Authorities to impose local conditions and guidance accompanying the Act encourages Local Authorities to publish such conditions. The adoption of local guidance assists in the transparency of the application process and in

so doing strengthens procedural propriety. The guidance could be challenged only if manifestly unreasonable or unlawfully adopted or implemented.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended by the Business and Planning Act provide that functions in relation to pavement licensing are non executive functions and therefore adoption by Council and maintenance by the Licensing Committee (if so delegated) in accordance with the Council's Constitution is lawful.

Pending adoption of updated guidance, new applications could properly be refused on the basis of emerging policy. The proposal to communicate directly with existing licence holders and to publicise the new guidance via the Council's website is a sensible approach to reduce disruption to businesses. The Council does not have the option to defer submitted applications beyond the determination period. Any applications not determined within the statutory window would be deemed approved.

- **Crime and Disorder** – Crime and disorder implications are linked to alcohol licensing which was also temporary changed by the Business and Planning Act. The Police and Council licensing teams are consulted on pavement café licence applications to ensure that these issues are taken into account before a decision is made on a pavement cafe licence application.
- **Information Technology (IT)** – Very limited IT implications, mainly to support Option 2b to provide information on pavement cafes on the website.
- **Property** – No property implications identified.
- **Other** – Highway implications are presented in the report.

Risk Management

39. Key risks identified for the proposals included in this report are as follows:

- a) Insufficient resources to deliver the approved options;

- b) Insufficient resources to monitor pavement cafes and take enforcement action where required;
- c) Failure of licence holders to correctly install and check on the temporary ramps;
- d) Failure of licence holders to comply with the terms and conditions of their licence (e.g. barriers, licensed times, etc).

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Report Approved

✓

Date 14/11/22

Specialist Implications Officer(s)

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Financial:

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Wards Affected:

All

✓

For further information please contact the author of the report

Background Papers:

No background papers

Annexes

- Annex A - City of York Council, Pavement Cafes and Licensing Guidance, Mima Accessibility Assessment and Recommendations Report

- Annex B - Business and Planning Act 2020 - Pavement café licence process – Updated CYC pavement café licensing process (proposed changes are tracked in the document)
- Annex C – Equality Impact Assessment
- Annex D – Access consultants terms of reference

List of Abbreviations Used in this Report

Abbreviations or technical terms used in the report are defined below.

- Highway – under the Business and Planning Act, a highway is defined as “relevant highway” means a highway
- (a)to which Part 7A of the Highways Act 1980 applies, and
- (b)which is not over Crown land or maintained by Network Rail.

Part 7A of the Highways Act 1980 applies:

- o (a)to a highway in relation to which a pedestrian planning order is in force;
 - o (aa)to a restricted byway;]
 - o (b)to a bridleway;
 - o (c)to a footpath (including a walkway as defined in section 35(2) above);
 - o (d)to a footway;
 - o (e)to a subway constructed under section 69 above;
 - o (f)to a footbridge constructed under section 70 above;
 - o (g)to a highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
 - o (h)to a local Act walkway
- Areas where traffic is restricted – streets which are subject to traffic restrictions but not fully pedestrianised. For example, vehicular access is restricted on Fossgate during the day, expect for access.
 - Carriageway - the part of a road intended for vehicles rather than pedestrians
 - CYC – City of York Council
 - Footway – a pavement, the part of a highway which has been set apart for pedestrians
 - Government guidance – In this document, this refers to “Pavement licences: guidance, Guidance to accompany pavement licensing

introduced in the Business and Planning Act 2020”, published by the Government here:

<https://www.gov.uk/government/publications/pavement-licences-draft-guidance>

- Licensed area – In this document, this refers to a pavement café area licensed under the Business and Planning Act 2020
- Pedestrianised area – footstreet area. In York, this includes most city centre streets as described here: www.york.gov.uk/footstreets
- Tapping rail - a rail installed on barriers, at approximately 150mm height, to guide blind or partially sighted pedestrians around the enclosed area
- TRO - Traffic Regulation Order

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City of York Council

Pavement Cafes and Licensing Guidance

Mima Accessibility Assessment and Recommendations Report

1. Purpose

As part of the City of York Council's programme to create 'an accessible and inclusive City of York for all', Mima has been commissioned to deliver the City of York's 'Access to the Footstreets Project' across a number of different activities. Within our first workstream, focusing on pavement cafes, Mima was tasked to undertake:

- A site-visit to understand the street typology, infrastructure and locations of pavement cafes. An accessibility assessment to identify current barriers for users with physical, cognitive, sensory, temporary and situational impairments and access requirements.
- A review of the City of York Pavement Licence Guidance against best practice guidance and design standards to identify opportunities for improvement.
- Consultation with lived experience users related to the pavement cafes to help shape Mima's final recommendations to the council.

Further to this, Mima were asked to consider whether the installation of temporary ramps were an appropriate mitigation to a lack of clear width access for disabled people when pavement cafes were in place. This document outlines insights and recommendations that have been collated from these activities.

2. Background

In response to COVID-19, the pavement cafe process was deregulated by the government, with the requirement for planning permission replaced with a more streamlined process.

Pavement café licences are granted by the local authority to allow businesses to place removable furniture in parts of the highway (generally footways and/or carriageways in pedestrianised areas). Businesses that use (or propose to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence to place a pavement cafe in the adopted highway.

Under the deregulated framework, this review focuses on pavement cafés in the city centre. At the time of report creation, and to match with pedestrianised area hours, businesses are allowed to keep street furniture out on the highway between 10:30am - 5:00pm. This does not include quieter areas where adjustments have been made to promote 'access only' such as on 'Fossgate'.

By placing furniture on the highway - such as the public footpath - there are a number of factors for consideration to ensure areas around the café, and the café itself, are accessible.

The current City of York Pavement Licence Guidance is provided by City of York Council to all businesses, outlining the process through which pavement café licences will be issued in compliance with the Business and Planning Act 2020; including design requirements that should be considered to ensure the pavement cafe is accessible.

3. Findings and Recommendations

Outlined below are the findings and recommendations from Mima's accessibility assessment of York city centre and the review of the pavement cafes guidance document. This has been split into two sections according to each task for ease of reading.

Please note that this assessment refers only to the areas in the city centre of York that have pavement cafes in operation. Due to project time and co-production limitations, Mima has recruited and briefly consulted an accessibility working group over a total of two workshops. An anonymised summary of these sessions, as well as a summary of a call with representatives from RNIB who had previously contacted the council surrounding this issue, can be found in the appendix of this document.

York City Centre Pavement Cafes Accessibility Assessment (Site-visit)

Findings

Street Typology, Footpath and Carriageways:

- a. There is a variety of street typology across the city centre and in areas where pavement cafes are in operation. These range from pedestrianised streets with a level surface and no kerbs, to cobbled, uneven historic streets and one-way streets shared with vehicular traffic. This has led to some pavement cafes operating on the footway, and some on the carriageway. Access on carriageways for emergency vehicles has to be retained at all times with a minimum width of 3m, therefore not all pavement cafes can operate on the carriageway due to a lack of available clear width.

- b. Existing footways often do not provide the recommended clear width of 2000mm that would allow two wheelchair users to pass one another (see the Department for Transport's 'Inclusive Mobility' document, Sections 3 and 4) and sometimes the minimum 1500mm clear width required as a turning circle for a wheelchair user, or for a wheelchair user and ambulant person to pass one another, is not present. Whilst understandably part of the historic makeup of the area, this provides an uncertain and stress-inducing experience for mobility aid users across the City of York. Where pavement cafes further narrow and remove clear footway widths in certain areas, this negatively impacts disabled people in particular, leading to grounds for discrimination under the council's

Public Sector Equality Duty. The council must consider this in assessing the impact of pavement cafe installation.

- c. There are narrow, uneven, cambered and badly maintained footways in some places where pavement cafes are in operation. This causes difficulties for wheelchair and mobility scooter users to turn around with ease due to a lack of clear width, and for other users to navigate the streets safely and comfortably. An example of this is on 'Low Petergate'.
- d. The height of footway kerbs across the area where pavement cafes operate are diverse and vary on each road. Some of the dropped kerbs (provided as crossing points, where the kerb should be flush with the carriageway) do not comply with the maximum recommended tolerance height of 6mm.
- e. There is inconsistent provision of dropped kerbs on each road. The recommended interval for a dropped kerb (or other form of level access) is a maximum of every 100m (see the Department for Transport's 'Inclusive Mobility' document, Section 4). In previous public reports, it is noted that the council has committed to the installation of additional dropped kerbs and crossings.
- f. On Fossgate, pavement cafes are permitted to be set-up using the full width of the footway on only one side of the road, with the available corridor switching sides as required. This promotes positive access for users who are able to easily navigate between footways, but proves difficult and dangerous for those with mobility equipment and those with visual impairments, in particular. This set-up removes the ability for the latter group to be able to 'shoreline', or utilise consistent building perimeters and pavement edges for navigation purposes. It also often results in indoor access to venues themselves not being addressed, and users not being able to enter shops, bars and restaurants due to obstructing pavement cafes on the same side of the footway, and a lack of dropped kerbs onto the footway outside premises entrances.

Accessibility Reasonable Adjustment Measures:

- g. The majority of businesses provided barriers to corner off their pavement cafe, supported by tapping rails. However, there were many that did not meet the council's current design guidance for the barriers: in some cases not providing enough barriers and leaving the seating area exposed; in other cases not providing a tapping rail at the bottom of the barrier and at the correct height, or leaving barrier sheeting unanchored.

- h. We identified two businesses that provide 'premises works ramps' in front of their business. One of the ramps provided was clearly visible with good colour contrast to identify it and had been provided by the business itself, rather than the council. The other ramp was not clearly identifiable. It is important to note that ramps will not always provide reasonable access to users who require them due to steeper gradients caused from existing high kerbs, and that ramps can cause their own accessibility issues due to a lack of colour contrast for visually impaired users, and a lack of anchoring, width or strength for wheelchair, powerchair or mobility scooter users.
- i. The majority of pavement cafes provided seats that were not inclusively designed, for example lacking armrests and colour contrast, or of heights that would be inaccessible to some. Whilst amending this is the responsibility of businesses themselves, council guidance and best practice examples would be beneficial.

York City Centre Pavement Cafes Accessibility Assessment (Site-visit)

Recommendations to Improve Guidance

1. Ensure a minimum of 1500mm (1.5m) clear width is provided on Footways

In order to align with government guidance, the Department for Transport's 'Inclusive Mobility' guidance (2022), and to fundamentally provide disabled users with equitable experiences in the city centre, the council's updated guidance should ensure that the requirement to provide 1500mm (1.5m) clear width on footways is upheld when a pavement cafe licence is granted and a premises installed.

In instances where both footway and carriageway provide level surface, it would be deemed acceptable for the pavement cafe to be installed on the footway, providing:

- pavement cafes are in keeping with pedestrianised hours so that 1500mm clear width is continuously maintained and available;
- pavement cafe design provides adequate colour contrast, and barriers have correct tapping rail provision to allow safe and effective navigation for visually impaired users;
- Carriageway navigation does not result in a lesser experience for disabled users (a cobbled carriageway, for example, would create great difficulty for some).

2. Provide clear Design Guidance of Pavement Cafes to suit varied situations and environments

The newly deregulated approach to pavement cafe guidance does not cover every eventuality surrounding pavement cafe design and installation. This is particularly apparent in a historic city like York. One size won't fit all and therefore businesses need

an understanding of how to comply with accessibility requirements specific to their environment and the street they operate in.

This guidance should align with current government guidance and should have design requirements for differing pavement cafe situations, including:

- design guidance for pavement cafes operating in carriageways;
- design guidance for pavement cafes operating in pedestrianised areas;
- design guidance for pavement cafes operating on the footway;
- design guidance for pavement cafes on a corner.

Following such guidance, a practical decision-making process flow diagram and/or a template of best practice for the specific design of their premises, would enable businesses to expand or retrofit more inclusively, should pavement cafes continue to be in York's future landscape. The baseline requirements within each scenario should be particularly clear, to prevent a lack of compliance in the event of uncertainty.

These design requirements, regardless of the individual pavement cafe situation, should be supported by 'in use' guidance, as advised by the accessibility working group. It may be for example, that certain cafes comply with design guidance, but their pavement cafe becomes obstructive when in use due to a lack of consideration for table and chair placement, or similar.

- 3. Provide Advice and Support on 'How to set-up your pavement cafe barriers'** with supporting imagery in the guidance to portray both good and bad practice with empathy-building commentary and/or a captioned video on why this will be impactful on users. This could also provide an opportunity to share financial insights with businesses by utilising the Purple Pound (the spending power of disabled people and their households), and to develop an understanding and appreciation of the negative impact of an incorrectly designed and installed pavement cafe that does not comply with relevant guidance and/or promotes in-use 'spread'.

We also recommend that the City of York Council provides an initial consultation with businesses who have newly received their pavement cafe licence to test whether design guidance has been met and to further rapport between businesses, the council and customers with protected characteristics (Equality Act, 2010). The monitoring and enforcement of pavement cafe design is as important as the correct set up of these premises.

- 4. Assess and Identify Locations for more Pedestrian Dropped Kerbs and Raised Crossings**

We recommend that the council undertakes, as previously committed, an accessibility audit and wider review of all dropped kerbs and raised crossings on each street in line with guidance to ensure all opportunities to provide these are utilised where possible, and

in particular where pavement cafe licences are in operation. This should be completed as a matter of urgency.

As advised by the accessibility working group, the council should not install cobble stones as, whilst providing an historical aesthetic, these are particularly inaccessible and hazardous. Any tactile flooring provided on dropped kerbs or by raised crossings should follow design and contrasting guidance set out in the Department for Transport's 'Inclusive Mobility' document (2022).

Whilst it is noted that the council are currently trialling ramp provision between the footway and carriageway, it is recognised that temporary ramps can be exclusionary in their nature and cause accessibility issues. By ensuring a minimum provision of 1500mm (1.5m) clear width on footways in which pavement cafes are installed (recommendation 1) and committing to a wider review and installation of dropped kerbs and raised crossings (this recommendation), Mima deem temporary ramps to be unnecessary in most pavement cafe situations.

Ramps into business premises themselves should be the individual responsibility of the cafes, bars and restaurants, but council support with licensing, detailed specifications and similar is strongly recommended.

5. Provide Information on Pavement Cafes to Customers

We recommend ensuring all users have access to practical, digestible information that can help them plan and prepare for their journey into and through the city centre, particularly where pavement cafes are in operation.

This should include information on:

- Operation hours and pedestrian measures for each street
- Locations of all pavement cafes, dropped kerbs and clear width information relating to each footstreet
- Information on inclusive seating and dwell areas, subject to a further study to be undertaken by Mima in the coming months.
- Council accountability for future accessibility measures in areas that are currently difficult for those with varying impairments and access requirements to visit and/or use.

A separate website page with a dedicated accessibility guide to the city centre would be strongly recommended, and users should be able to access this both at home before visiting and when on-the-move. The council should commit to regularly monitoring this information, and updating it a minimum of every quarter.

Pavement Licence Guidance Assessment

The City of York Pavement Licences Guidance provides an overview of the Council's approach to issuing pavement cafe guidance in light of the Business and Planning Act 2020 and associated government guidance.

This guidance document outlines the process that businesses need to undertake to apply for a pavement cafe licence. Included in this guidance are a set of recommended design considerations of the street furniture that should be aligned with in order to meet the requirements to successfully obtain a pavement cafe licence, known as 'Application Requirements'. In summary this includes guidance to:

- Types of street furniture permitted for use, supported by technical guidance
- The public consultation process
- National and local conditions relating to clear route access to the premises
- Enforcement, suspension and termination conditions

Findings

As part of our activity, Mima have undertaken an initial review of the City of York Pavement Licences Guidance and identified the following opportunities for improvement:

- a. Design requirements provided should be clarified and strengthened to reflect current best practice design standards, and to suit the diversity of York's varying street typology.
- b. The consultation process mentioned in the guidance and mandated in the Business and Planning Act has a particularly short timeline and lacks clear direction on the purpose and positive benefits of consultation. It is important for the council to assess this, finding ways to better represent York-specific issues and potential solutions, and allow opportunities for the business and disability communities to engage with one another.
- c. There are currently no definitions and explanations of key terminology throughout the document, ranging from disability and accessibility related terms, through to explanation of legislation and duties.
- d. There are no supporting images throughout the document to help applicants better understand some of the requirements, as an example, for the design of a street furniture item etc.

Recommendations to Improve Guidance

1. Provide accessibility design requirements from best practice design standards

It is recommended that this guidance document includes applicable technical design requirements extracted from best practice design standards and guidance, including those outlined below:

- Inclusive Mobility Department for Transport 2021, Section 3 and Section 4
- PAS 6463:2022 Design for the mind. Neurodiversity and the built environment
- BS 8300-1:2018 Design of an accessible and inclusive built environment

Example: Design Requirements for the set-up of pavement café 'Barriers'

Referencing technical design standards to supplement information in the application guide and facilitate the accessible set-up of a pavement café.

In this example, the information provided by City of York Council on barriers reads as follows:

'Barriers must be placed to enclose the pavement café area. These should be stable and sturdy canvas separator on metal uprights with a tapping rail (no protruding parts, no ropes or chains, high colour contrast preferable), to help with accessibility for visually impaired highway users.'

Extract from, City of York Council, Pavement café Licence process Guidance, Page 7

This information should be supplemented with technical guidance from the **relevant** design standard. In this instance, BS:8300 and Inclusive Mobility would be applied and read as follows:

'Outdoor refreshment areas should be contained by barriers to all sides, to ensure that moveable furniture does not spread across clear pedestrian routes of a minimum of 1500mm, causing an obstruction.'

The feet or base of temporary or permanent barriers should not project into the minimum clear width of any access route. Barriers should incorporate a solid detectable rail or edge not higher than 150 mm above ground level to allow detection for people who are blind or partially sighted using a white cane.'

The gap in the barriers which people use to access the refreshment area should be at least 1000 mm wide. Barriers should contrast visually with the background against which they are seen.'

Extract from, BS 8300 1:2018, Section 10.5 and information used from Inclusive Mobility (2022).

Best practice design requirements from relevant standards should be mapped consistently for:

- All furniture items such as 'counters', 'stalls', 'barriers', 'seating', and include information on heights, widths, appropriate colour contrast etc.

- National and local conditions for clear routes of access

It is also recommended that a step-by-step chronological guide is provided on the setting up of pavement cafes, in order to provide clarity related to timings, but also the importance of order for utmost access and safety for all (i.e. installing barriers first, not tables and chairs).

2. Provide detailed guidance on the Equality Act, 2010 and reasonable adjustments

It is recommended that the guidance is updated to include a full overview of the Equality Act, 2010, including a list of each protected characteristic, in order to help applicants understand their duties, 'how' and 'why' to implement reasonable adjustments.

3. Provide a glossary and explanation of key terms

It is recommended that a full glossary of terms are provided for all terminology that could be misinterpreted. For example, defining terms such as 'accessibility', 'disability', 'safety', 'tapping rail', 'legible', 'clear width' etc.

This will help applicants better understand and familiarise themselves with the terminology, building their confidence and empathy when implementing accessible pavement cafes and street furniture.

4. Provide detailed guidance on 'how to consult and engage' with the public

It is recommended that a detailed approach on how to engage with the public and lived experience users is shared within the guidance document. This should be supplemented with a list of organisations with disabled or aligned members willing to engage with the consultation process. Whilst the City of York Council is mandated to follow the seven day consultation period and the seven day determination period, one potential solution for more aspirational and equitable consultation would be for the council to host monthly 'drop in' sessions for businesses to engage with various York groups and communities. This could be surrounding the pavement cafe situation and other issues requiring further awareness and collaboration for a positive outcome. This would also support the raising of concerns surrounding existing cafe licences that need to be reviewed.

It is strongly recommended that, if utilised within consultation, lived experience groups and communities are rightfully offered honorariums for their time and expertise.

5. Better explanation as to 'why' accessibility is important, and the positive impact this brings

In order for businesses to better meet the needs of a diverse range of users, it is recommended that each 'Application Requirement' is supported with a commentary on the benefits of designing with accessibility in mind, and the consequences of not doing so. Images that help people to understand 'why' accessibility matters and how

businesses can contribute to improved accessibility within York would also be recommended.

6. Provide differentiated guidance for differentiated circumstances

It is important for each individual business to understand and appreciate what they need to do to increase the accessibility of their environment and services, whether this relates to ensuring their barrier design aligns with current guidance; their need to ensure dropped kerbs remain available with pavement cafe installation; or the fact that they are unable to erect a pavement cafe due to their footway/carriageway needing to be kept clear. We would recommend that the council creates 'case studies' for each scenario so businesses can easily focus on information relevant to them, and therefore be more likely to comply.

Appendix 1: Accessibility Working Group - Workshop One Summary

Tuesday 25th October, 1-3pm

City of York Council - Accessibility Working Group

Workshop 1: Pavement Cafes

Agenda:

1-1:15pm: Introductions of facilitators and attendees.

1:15-1:30pm: Context provision of current pavement cafes situation and details following site visit (visual and audio presentation).

1:30-2:00pm: Lived experience review, discussion and feedback - current issues regarding pavement cafes, both in and outside of York.

Feedback to focus on the following areas:

- Clear pavement widths
- Accessible dropped kerbs, their availability and placement relating to turning circles and pavement cafes (and mitigations relating to dropped kerbs).
- The correct design of pavement cafe perimeters/barriers
- Pavement cafes within pedestrianised areas
- Pavement cafe locations to ensure ease of avoidance and access in safety

2:00-2:20pm: Solution-focused opportunity - what would the ideal scenarios be for locals and tourists with specific impairments? (Pan-disability focus on mobility, sensory and cognitive access requirements). Ability for attendees to challenge one another and together, come to conclusions that suit most.

2:20-2:50pm: Mima to share their initial, general recommendations with the group, receive feedback and agree a forward direction towards November's meeting.

2:50-3:00pm: wrap up, thanks, and close.

Pavement Cafes and current accessibility issues:

Participants all introduced themselves, their roles and lived experience of disability and other protected characteristics. Those local to York gave context relating to the existing issues surrounding York City Centre and the current pavement cafes situation, including:

- Narrow footways, often not providing the 1500mm clear width, as recommended in the Department for Transport's 'Inclusive Mobility' guidance (2022).
- A lack of access into the city centre for blue badge holders, in particular, due to removal of accessible parking provision and the implementation of pedestrianised hours (currently 10:30am to 5pm, until end of October 2022. Will revert to 8pm from November 2022 due to Christmas shopping demand). For many users, this has meant that daily necessities such as post office and bank access have been inaccessible as they have been shut before blue badge holders have been able to drive there. This issue will be emphasised with later pedestrianised hours.
- Whilst pavement cafes can create a pleasant atmosphere within the city, they exacerbate the difficulty of getting around, especially for wheelchair users, visually impaired people and those with mobility equipment who are having to navigate broken paving stones, high kerbs, narrow footways and regular crowds without the introduction of pavement cafes. This is not a situation specific to York and correct enforcement of appropriate, accessible arrangements have been possible and successful elsewhere in UK towns and cities.
- Several disability groups, representing those with differing impairments, have now joined to create 'Reverse the Ban' - a movement originally set up to challenge the council's decision related to blue badge parking but now commenting on wider York issues related to accessibility. Make it York is another organisation focused on improving issues, particularly as they relate to relationships between disabled people and business owners.
- Pavement cafes in certain areas obstruct the full width of footways, cause danger to locals and visitors alike, and remove potential access to nearby shops and restaurants as dropped kerbs to avoid the cafe and return to the footway, or alternative means of access, are not present.
- Working group members have had to take matters into their own hands, removing pavement cafe barriers that fully obstruct safe access. This leads to altercations with business owners who state that the council have approved a certain measure, or denied an alternative.
- Local members stated that the council does not have a full understanding of their duty under the Equality Act (2010) and their need for 'due regard' to those they are serving.
- Local members stated that York's tourist economy is regularly prioritised over city residents

- Working Group participants asked if pavement cafe set-ups were being regularly and correctly monitored, enforced and reviewed.
- One working group participant suggested that businesses may benefit from some 'in use' guidance, particularly as there have been instances where the design and practical use of pavement cafes have not aligned with one another (relating to, for example, chairs and tables being inside a barrier when not in use, but protruding and causing hazard when in use).
- One working group participant suggested that guidance relating to corner pavement cafes may be useful as some cafes are installed directly as locals and visitors turn corners, not allowing for familiarisation/decompression/ample time to change direction before a hazard is present.
- One working group participant stated that the correct visibility of street furniture is imperative, especially when crowds are present and social distancing is still necessary for many. For visually impaired people (of which there are an estimated 2 million in the UK, and 57 new registers per day), the amount of variables that impair safety is otherwise too great and, due to this, it is estimated that up to 20% of severely sight impaired users have never travelled independently. Economic revival is important, but keeping people safe by making 'sensible, insightful decisions' is an absolute must.

Feedback on Mima's updated guidance recommendations to date:

1. Provide clear Design Guidance of Pavement Cafes to suit varied street typology

Feedback: this is positive but aspirational and requires a level of sophistication - recommendation for the absolute minimum standards to be emphasised to prevent issues with 'scaling down' should businesses be overwhelmed.

Importance of ensuring this guidance is practical, particularly as differing premises may have differing environments and requirements.

Guidance should allow for flexibility with carriageway cafes, should blue badge parking ban be reversed.

2. Provide Advice and Support on 'How to set-up your pavement cafe barriers'

Feedback: recommendation well-received. This could be bolstered by providing a video or similar (with captions, etc) from local users that teaches the importance, and impact, of the correct setting-up of pavement cafes, and the business case with models such as the Purple Pound. This has now been added to Mima's recommendation. However, it was noted in the meeting that there will be a limit to business owner tolerance and the amount of information shared should not overwhelm.

It was noted that it is just as important for pavement cafe design to be monitored and enforced as set-up correctly, and this has been reflected in updated recommendations.

3. Ensure all Businesses provide Ramps (short and longer term solutions)

Mima were asked to consider whether the installation of temporary ramps would be an appropriate mitigation to a lack of clear width access for disabled people when pavement cafes were in place. This issue was discussed during the workshop, with varying levels of positive and negative feedback.

4. Assess and Identify Locations for more Pedestrian Dropped Kerbs

Feedback: there is a clear need for a full review of dropped kerbs within the city centre, and the council should be deterred from installing metal edged kerbs and cobbled stones as, although they maintain an historic aesthetic, they are both inaccessible and dangerous.

5. Provide Information on Pavement Cafes to Users

Feedback: recommendation well-received but deemed particularly aspirational. Participants were concerned that all recommendations need to be practically understood, implemented and utilised to become effective and successful. The distinct need for pre-information for visitors, in particular, was however noted and supported.

Mima's proposed recommendations for the structure and content of the guidance document itself were also well-received by all:

1. Provide accessibility design requirements from best practice design standards
2. Provide detailed guidance on the Equality Act, 2010 and reasonable adjustments
3. Provide a glossary and explanation of key terms
4. Provide detailed guidance on 'how to consult and engage' with the public
5. Better explanation as to 'why' accessibility is important, and the positive impact this brings
6. Provide differentiated guidance for differentiated circumstances

All participants agreed that there is a distinct need for a policy statement surrounding the importance of consultation and engagement, if one is not currently in existence at the council. Participants noted that the discussions held in the workshop supported the need for a dedicated council Access Officer.

Appendix 2: Meeting with RNIB - Summary

Thursday 3rd November, 9-10am

Meeting with RNIB - Summary

Pavement Cafes

RNIB's general stance is that pavement cafes should not exist due to the dangerous impact they can have on blind and partially sighted people, as well as those with other impairments and accessibility requirements. However, the organisation has not suggested to the City of York Council that all pavement cafes should be completely removed, but rather that their design and use should ensure the maintaining of 1500mm clear width on the footways. RNIB representatives stated that it is also important to be practical as some visually impaired people with companions, assistance dogs and canes require more than this.

As York pavement cafe licences expired in September 2022, RNIB asked the City of York Council to not renew pavement cafes that obstructed minimum clear widths on footstreets. RNIB noted that some cafe licences have not been renewed following this period.

RNIB conducted their own site visit to York in which they focused on the Fossgate area, where cafes do obstruct the clear width of the entire footway on one side of the street.

It was noted that the council have a duty to keep highways free of obstruction unless there is a lawful excuse, and that the Business and Planning Act was introduced to provide a framework for lawful excuses during the pandemic and is now to be extended. RNIB were closely involved with this Act, and assisted with the drafting of guidance.

As part of the Act, users must be provided with 'normal access' to premises, so pavement cafes that block this (and provide no alternative) breach the Act. There is also a 'no obstruction' condition, meaning that users must be able to pass along the relevant highway. A breach is also present where this is not possible.

The council also has a duty to eliminate discrimination and foster good relations under the Equality Act and their Public Sector Equality Duty - something that the RNIB does not believe is being achieved with the obstruction issues caused by pavement cafes.

An inconsistent design of pavement cafes, including a lack of barriers, tapping rails and colour contrast and a 'spread' of facility when in use (sometimes throughout the whole width of the footway and into the carriageway itself) has negatively affected blind and partially sighted people's ability to effectively navigate footways, whether they are residents or visitors of York.

Cafes that are 'cluttering' the environment and making navigation difficult when not in use were also discussed, and RNIB representatives questioned why licences have been renewed for the winter months, in particular, when outdoor cafes are rarely utilised at this time of year.

Needing to cross the road several times and effectively 'Zig-zag' throughout Fossgate was noted as incredibly difficult and dangerous for visually impaired people. The RNIB site visit did not find that Fossgate had 'low flow' traffic as the council had advised was the case. RNIB representatives also noted that it was impossible to familiarise themselves with the geography and set-up of the street due to continual crossing, which is naturally a huge part of successful navigation for visually impaired users.

The emotional and psychological impact that a lack of physical access can cause was also noted by RNIB representatives. They stated that it is not unusual for blind and partially sighted users to 'start self-excluding' due to a lack of confidence surrounding successful and safe navigation when out and about. There is a heightened embarrassment of knocking into people, spilling food and drink, and receiving negative attitudinal reactions, particularly if the impairment is not immediately visible. It was also discussed that there can be issues with guide dogs getting distracted or refusing to work if there are obstructions they don't feel they can navigate. When pavement cafe set-ups remove the ability for visually impaired users to shoreline either against the building perimeter or the pavement edge, this also adds difficulty and danger to successful navigation, and RNIB representatives questioned how newly blind and partially sighted people were being trained to use their canes throughout York city centre.

The council's recent trial of ramp provision was also discussed, with RNIB stating they had not been consulted about this or received a reply to their request for further information. RNIB representatives stated that ramp provision does not overcome footway obstruction or their objections, and in fact causes additional visual obstruction, leading to a lack of solution, whether temporary or permanent. It was noted that temporary ramps could be moved or misplaced, and high visual contrast will not be beneficial to blind users.

Discussions were also had regarding the necessary 'review process' for pavement cafe licences and, with the understanding that sudden changes due to the pandemic resulted in a lack of review process, one potential solution to encouraging engagement between affected groups and the ability to challenge licences was suggested by RNIB representatives. They noted that requiring an image of the applied-for cafe layout within business windows, rather than simply text, would enable residents, visitors and councillors to see and be easily able to monitor and enforce what is licensed and what is not. It was noted that text descriptions are difficult to object to if not visual of design and impact is provided. This information (with description and alt text) would also need to be provided online and in an accessible format for blind and partially sighted users.

The meeting came to a close with all parties agreeing that, ultimately, disabled people want to support businesses by being able to access them, and the current pavement cafe situation is preventing this. An accessible solution to the pavement cafe situation would increase footfall and revenue but, in order for that to happen, pavement cafes need to comply with guidance, and be successfully monitored and managed. In effect, a robust policy needs to exist, but so does its regular, strict enforcement.

It was stated by RNIB that there is a current confidence issue surrounding council measurement of the extent to which pavement cafes are supporting businesses financially, particularly as this is no longer a temporary solution.

Appendix 3: Accessibility Working Group - Workshop Two Summary

Monday 7th November, 1-3pm

City of York Council - Accessibility Working Group

Workshop 2: Pavement Cafes

Agenda:

1-1:20pm: Recap of workshop 1 and participant introductions, Mima update on work completed thus far.

1:20-2pm: Review of proposed recommendations to date (both in terms of guidance content and document structure) and allowance for group discussion, acknowledging time was short for this in workshop 1.

2-2:30pm: Wider discussions on solution-focused opportunities with a pan-disability focus relating to the pavement cafe situation - is there anything we've missed or anything else you'd like to see added to the recommendations report?

2:30-2:50pm: Discussions relating to future CYC workstreams and involvement.

2:50-3:00pm: wrap up, thanks, and close.

Workshop Two Overview:

Workshop 2 was recorded, and participant introductions were made.

Context to Workshop 1 was provided for the benefit of one new accessibility working group member, and distinction was made between Workshop 1 as a workshop for discussing problems and issues, and Workshop 2 being a solutions-focused session.

Mima provided an update to the accessibility group members' questioning relating to co-production of the recommendations report. The council's response of a third party authorship preference and agreement of anonymising participant engagement as these participants have

been unable to co-produce guidance and challenge recommendations and conclusions was shared.

Mima shared the agenda for the workshop, and that a discussion had been recently had with RNIB relating to their involvement surrounding the pavement cafes situation.

Feedback on Mima's updated guidance recommendations to date:

1. Provide clear Design Guidance of Pavement Cafes to suit varied situations and environments

Several group members challenged this guidance point as they stated that specific cafe design guidance is already in the government guidance (updated July 2022) and is not currently being complied with, so it is unlikely a duplication of similar copy by the council will suddenly urge businesses to align with this. It was discussed that there should not be a 'reinventing of the wheel' as this takes time and resources and is unlikely to have a differentiating impact to existing government guidance.

However, it was noted that Mima's remit and scope is to recommend changes to council-specific guidance and that government guidance recommends that individual councils create their own specific guidance. Therefore, there has to be a starting point provided relating to pavement cafe design requirements and Mima has retained this recommendation.

It was noted by members that Hull provides enforcement officers that remove licences for cafes that do not comply with guidance - and they had 100% compliance almost overnight. But, as York did not have such strict enforcement initially, there is understandable hostility between businesses who need to earn money, and disability groups, who need and have the right to navigate their local environments.

Members noted that it is clear outdoor dining will be in the future of many towns and cities all over the UK but not to the detriment of access to disabled people, and this has been clearly signalled by the updating of the government guidance.

The 'no obstruction' rule of 1500mm within the government guidance (and within the Department for Transport's 'Inclusive Mobility' guidance) was also discussed, with members being incredibly frustrated that this is regularly ignored by local businesses who set up pavement cafes, and there appears to be little enforcement from the council to change this. Mima has now added this 1500mm clear width recommendation as the first in their report.

Fossgate was mentioned as an area with unacceptable and non-compliant pavement cafe design, as disabled people are put at risk by needing to cross the road several times.

Following this, Mima asked the group if there was anything they'd like to see in the council's own guidance document that goes above and beyond the government guidance. Several members noted that they did not know whether current guidance is currently enforceable, or can be adopted or declined, and were also unsure of Mima's precise remit and were conscious of Mima not overstepping parameters.

Mima commented on the extension and now permanence of the pavement cafes government guidance, arising from the Business and Planning Act 2020. It was discussed that this guidance is enforceable and is currently being breached in places. Mima noted that their remit is to provide a recommendations report relating to the updating of York council's current guidance document relating to pavement cafes, not to provide the council with a historical perspective, or audit of compliance. Mima also noted that, whilst the inclusion of specific cafe design requirements in specific environments within the council guidance will not ensure compliance, there are current gaps in the council's guidance that must be addressed, specifically if businesses are to read and relate to local guidance. One member of the working group also noted that testing of the legalities of the guidance would come under the council's Public Sector Equality Duty and therefore costly judicial review would be required, which few disabled people will have appropriate funding for.

Group members strongly recommended that any opportunities for business 'get out clauses' were removed and the need for baseline requirements were made clear in Mima's recommendations report. Group members had the opportunity to review Mima's suggested wording of the design guidance recommendation, and made recommendations to tighten this copy. For example, removing the term 'encourage', changing the term 'consider' to 'comply', and amending terms such as 'scaling down' to clearer statements explaining the need to prevent a lack of compliance.

One working group member noted that pavement cafes that are installed into the carriageway further remove the opportunity for blue badge holders to park in the carriageway, and that this is currently undergoing legal challenge due to discrimination.

One working group member also discussed the lack of information available on cafe licences to the public, and how this exacerbates a lack of trust in, and honest engagement with, the council.

2. Provide Advice and Support on 'How to set-up your pavement cafe barriers'

Mima read out the above recommendation and related proposed text to the group, giving members an opportunity to agree, challenge and/or make recommendations for amendments. The phrase 'models of disability' was rightly challenged as being both vague and complex, and

Mima made amendments to this, as well as adding a short description for the Purple Pound. The recommendation itself was well-received and noted as 'great and aspirational' by one member. Whilst it was noted that this may be too aspirational for some businesses, particularly with current financial and resourcing pressures, it was agreed that this should not deter from the guidance being written in a way that supports equitable access for disabled people.

One working group member questioned whether businesses would and should be expected to read both the government and York council guidance and whether this will further discourage engagement and compliance due to time and resource. It was generally agreed that, if access to both documents is required, they should align with one another and reinforce, rather than differentiate between, requirements.

The issue of pavement cafe 'spread' was also discussed, alongside a lack of enforcement. This was addressed in Mima's updated recommendation.

3. Ensure all Businesses provide Ramps (short and longer term solutions)

This recommendation caused divide within the group, with some members stating that ramps are simply a temporary measure and inaccessible to many - particularly blind and partially sighted people and powerchair users - in their design and use, and others noting that there are areas in York in which temporary ramps would be particularly helpful to users with certain impairments and access requirements.

One of the main concerns relating to this recommendation was that it allowed for the 'no obstruction rule' and minimum clear width of 1500mm on the footways not to be enforced. Mima amended the terminology surrounding the recommendation to ensure it could not be misinterpreted as such, as a ramp installation recommendation is intended to be an addition to this enforcement, not a replacement for it.

It was discussed that temporary ramps can cause accessibility issues and be exclusionary in their nature and that this should be made apparent in Mima's report. There was understandably a fear from the working group that temporary measures such as ramp installations would soon become a permanent measure with little to no improvement.

To note: Following these discussions and the creation of Mima's primary recommendation in this report to ensure a 1500mm clear width is provided on all footways, this specific recommendation has been removed. It is now noted under recommendation number 4 in the report: 'Assess and Identify Locations for more Pedestrian Dropped Kerbs and Raised Crossings'.

4. Assess and Identify Locations for more Pedestrian Dropped Kerbs

One working group member had a preference to utilise this recommendation and remove the recommendation that comments on the use of temporary ramps. Other members noted that ramp installation would be useful in certain areas of York, particularly as a temporary measure, and therefore did not recommend the abandonment of this recommendation altogether. It was urged that ramps should only be utilised where practicable, and the initial audit of dropped kerbs should be prioritised as a recommendation.

Clarification was provided by the working group relating to the metal edged kerbs and this has been removed from Mima's report.

A working group member noted that recent tactile flooring installed in York is grey and of the incorrect design, rather than contrasting yellow or red - depending on purpose - as stated in Inclusive Mobility guidance (2022). The need for correctly contrasting tactile flooring has been added to Mima's recommendation.

5. Provide Information on Pavement Cafes to Users

This recommendation was generally well-received, although one working group member challenged it as putting the onus of responsibility on disabled people to look up certain information prior to visit. Whilst digital exclusion and emotional labour are hugely important factors that Mima do not want to exaggerate or encourage in any way, it was noted that information related to accessibility that could be viewed in advance would be useful to many, particularly disabled people who are visiting York for the first time or who are unfamiliar with the area. Members supported the need for the council to provide honest information on their accessibility journey, and to be accountable for updates via such information.

It was noted towards the end of the workshop that, due to a lack of co-production within this project and existing issues with continued consultation surrounding the pavement cafes situation, working group members may not support Mima's recommendations when they are presented to council.

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Business and Planning Act 2020 - - Pavement café licence guidance

COVID_19 Economic Recovery – Updated CYC pavement café licensing process

Date: 22/11/2022

Guidance note

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Version control

Version	Description of changes	
V1	COVID_19 Economic Recovery – Interim CYC pavement café licensing process, dated 9/07/20	Initial guidance published by CYC before the Bill was enacted to enable businesses to apply for licences
V2	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 23/07/20	Updated guidance following the enactment of the Business and Planning Act 2020
	<p>Key changes between V1 and V2:</p> <ul style="list-style-type: none"> - Removal of the interim process - Consultation and determination periods changed from 5 working days to 7 calendar days (as per legislation) - Duration of licence changed to minimum 3 months and maximum 12 months for all licences issued under the Business and Planning Act 2020 - Addition of the national smoke free seating condition - Application of the local conditions to deemed licence applications 	
V3	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 18/11/20	Updated guidance
	<p>Key changes between V2 and V3:</p> <ul style="list-style-type: none"> - Screens will be permitted on a case by case basis - Parasols will be permitted to cover the licensed area, but must be applied for - Electric patio heaters are now permitted. Fuel burning patio heaters will not be permitted. - Electric cables must be covered across the highway and in the licensed area - More detailed information on insurance requirements included - Additional information on the definition of outdoor areas 	
V4	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 26/11/20	Updated guidance
	<p>Key changes between V3 and V4:</p> <ul style="list-style-type: none"> - Addition of Parklet/Decked Area Guidance in Appendix C 	
V5	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 08/04/21	Updated guidance

Version	Description of changes	
	Key changes between V4 and V5: <ul style="list-style-type: none"> - Amendment of Parklet/Decked Area Guidance in Appendix C, change from SAG approval to Security and Safety Review 	
V6	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 07/09/21	Updated guidance
	Key changes between V5 and V6: <ul style="list-style-type: none"> - Updated dates in line with Business and Planning act 2020 extension - Removal of licence fee - Information on enforcement action updated - Updated information on Equality Act duty and support the work of the Council and Police services on security and counter-terrorism 	
V7	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 26/10/21	Updated guidance
	Key changes between V6 and V7: <ul style="list-style-type: none"> - Barrier guidelines updated to enclose area. 	
V8	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 22/11/22	Updated guidance
	Key changes between V7 and V8: <ul style="list-style-type: none"> - To be updated following 22 November 2022 Executive decision session. 	

1. Purpose

This guidance document presents City of York Council's approach to issuing pavement café licences under the Business and Planning Act 2020 and in light of associated government guidance.

It describes the process through which pavement café licences will be issued in compliance with the Business and Planning Act 2020. These temporary licences will be valid for a maximum period of one year (and not beyond the end of 30 September 2023).

2. Pavement licences: temporary process and government guidance

Pavement café licences are granted by the local authority to allow businesses to place removable furniture in parts of the relevant highway (generally footways and/or carriageways in pedestrianised areas).

A temporary fast-track process, removing the need for planning permission, was introduced by the Business and Planning Act in 2020. The aim was to offer a streamlined process to help with recovery from the Covid pandemic. This temporary process was initially set up for a year but has since been extended twice. Licences can therefore currently be issued until the end September 2023.

The government's "Pavement licences: guidance" identifies the following key elements of the temporary fast-track licensing process:

- The removal of the requirement for planning permission;
- The reduction of the consultation period for licence applications, from 28 to 7 days;
- The reduction in the time in which the local authority must determine the licence from 28 to 7 days, (after the 7-day consultation period has ended), with the licences deemed to have been granted and valid for a year if the authority has not determined within this time period;
- The capping of the maximum fee that can be charged for a licence at £100; and
- Temporary amendments to the Licensing Act 2003, to allow applicants who have a licence to serve alcohol on-premises to sell alcohol for consumption off the premises, without the need to apply for a licence variation.

It is important to note that the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licences and the need to comply with registration requirements for food businesses. The changes introduced by the Business and Planning Act do not apply to land that is not covered by the regime for placing furniture on the highway in Part 7A of the Highways Act 1980 or to permanent structures (such as parklets).

3. Business and Planning Act 2020 pavement café licensing process

This section describes the pavement café licence application process under the Business and Planning Act 2020.

a. Applying for a licence

Eligibility: A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence to place removable furniture in a relevant highway.

Identifying a pavement café area: The licensed area should be adopted highway adjacent to the premises.

If the proposed pavement café area is situated adjacent to any other property than the applicant's premises, the written consent of the interested frontages is required. The applicant will also need to provide evidence that their public liability insurance will cover the use of these areas.

b. Advanced information

What is adopted highway: Applicants can check if the area under consideration is adopted highway (including footways) at this link: [Road Adoption](#).

What to consider before submitting an application: Licences are unlikely to be granted in some areas, due to narrow footways, high traffic or pedestrian flows and other safety and accessibility issues. This is primarily based on the criteria set out in Inclusive Mobility (Section 4.2 – available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf), resulting in licences unlikely to be granted in the following areas:

- On footways next to live carriageways (without traffic restrictions), where the footway width is less than 2.5m or 3m for high pedestrian flow areas. This is because a corridor for passing pedestrians with a minimum width of 1.5m is required, increasing to 2m in high pedestrian flow areas (e.g. busy streets and junctions, areas near pedestrian crossings, etc); and
- In pedestrianised areas or areas where traffic is restricted
 - Where the furniture would reduce the highway width to below 3m (3m is the minimum width required for emergency vehicle access), unless an alternative access arrangement can be put in place and agreed with the emergency services. Where this can be put in place, a corridor for passing pedestrians with a minimum width of 1.5m will still be required, increased to 2m in high footfall areas;
 - Where the furniture would result in access being restricted for wheelchair and mobility aid users due to a lack of dropped kerbs/raised crossing points, if it is not possible to use temporary ramps or build permanent dropped kerbs/raised crossings;
 - Licences are likely to be restricted to footstreet/traffic restriction hours;
 - Other organisations might need to be consulted/consent where they have rights or manage specific areas, for example, Make It York in the footstreets area.

c. Application form

Applications must be sent to City of York Council by email using the Council's standard application form and providing electronic versions of the documents listed below to support the application.

- Email address: cafelicence@york.gov.uk
- Webpage: www.york.gov.uk/PavementCafeLicences

This requires the applicant to provide the following information:

- Specify the premises and the area of adopted highway to which the application relates ;
- Provide a plan clearly showing the proposed area to be covered by the licence in relation to the highway and the licensed premises (if not to scale, measurements will need to be clearly shown), potentially supported by photos showing the proposed furniture and information on how it will be set out within the proposed area;
- If the application covers an area which is adjacent to other premises (e.g. in front of neighbouring premises), evidence of the owner's consent and insurance cover are required;
- Specify the purpose (or purposes) for which the furniture will be used, which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- State the proposed duration of the licence (3 months minimum and up to 12 months);
- Specify the days of the week and the hours when it is proposed to have furniture on the highway;
- Describe the type of furniture to which the application relates, for example: tables, chairs, parasols, screens, heaters, and/or stalls;
- Describe how/where the furniture will be stored, off the highway (including footways), when the pavement café is not in use. This includes storage when the premises might be in use (e.g. where will the furniture be stored in the morning when the premises may be open but the furniture is not allowed on the highway before pedestrianised hours);
- Provide public liability insurance certificate or similar evidence of cover for a minimum amount of £5 million, including the proposed outdoor area(s);
- Specify the date on which the application is made;
- Provide contact details for the applicant;
- Provide evidence before the end of the consultation period that the applicant has met the requirement to give notice of the application (for example photographs of the notice placed in the premise's windows on various dates during the 7 day consultation period);
- Provide information on any existing/previous pavement licence or of previous licence application (if applicable).

Applicants are expected to inform the council of any changes to the details provided in the licence application, including licensee detail changes or change of business name, via the use of the amendment option on the application form available on the Council's website.

d. What does a pavement café licence allow?

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

The furniture which may be used is:

- Counters or stalls for selling or serving food or drink;
- Tables, counters or shelves on which food or drink can be placed;
- Chairs, benches or other forms of seating;
- Umbrellas, screens, and bins used in connection with the outdoor consumption of food or drink;
- Electric infrared outdoor heaters (no gas heaters or fire pits);
- Barriers will be required to enclose the café area. These should be stable and sturdy canvas separator on metal uprights with a tapping rail (no protruding parts, no ropes or chains). This is to provide positive guidance for blind and visually impaired users.

Music speakers are not permitted.

Canopies, awnings, blinds etc. which are to be attached to the building will usually require advertisement consent or planning permission. If an applicant wants to include such equipment in a pavement café application, advice should be sought on planning permission requirements before the application is submitted.

The furniture must be removable (i.e. not a permanent fixed structure, able to be moved easily, and stored away when the premises are shut or if the highway is needed for other purposes).

It is important for the applicant to note that any licence issued under this process will not be valid after the end of September 2023. This should be considered when investing in outdoor furniture and equipment as it may not be possible to continue using these after the licence expires.

Off-sales of alcohol authorisation

Premises licensed to sell/supply alcohol for consumption on the premises (pubs / bars / restaurants / cafes) can also sell/supply alcohol for consumption off the premises without restrictions under the temporary licensing regime.

For example if there is a condition on your licence (such as 'off sales of alcohol can only be supplied in a sealed container'), this condition will not apply. Off sales can only be sold/supplied until 11pm. This provision will end on 30 September 2023.

This provision does not apply to premises that are authorised to sell/supply alcohol by means of a 'club premises certificate', for example private members clubs.

Advice should be sought from the Licensing Team for alcohol licensing issues – licensing@york.gov.uk

e. Consultation process

The applicant is required to affix a notice (using the Council's standard notice template provided on our website) to the premises. The notice must be easily visible and legible to the public and affixed on the day the application is submitted to the local authority. Applicants are encouraged to keep evidence of this (by taking a picture of the notice).

The applicant must ensure that the notice remains in place for 7 days, beginning the day after the application is submitted to the local authority.

City of York Council will consult with:

- North Yorkshire Police Licensing Section;
- Make it York, York Museum Trust (where relevant); and
- Other persons or groups it considers appropriate.

The notice includes information for members of the public to email the Council with a request for further information. If they want to consult the relevant documents for a specific application, these will generally be sent by email (excluding any personal information). Members of the public are invited to email their comments to the Council within the 7-day consultation period.

f. Determination of application

Once an application is received, the authority will aim to check the documents provided within 1 working day and acknowledge the receipt of a valid application or request further information from the applicant. Please note that the application may be refused if the required information has not been provided.

The local authority will aim to determine the application within 14 days (starting on the day after the application has been acknowledged as complete, including 7 days for the consultation period and 7 days for determination after the end of the consultation period).

If the local authority fails to consider the application within this 14-day period, the pavement café licence applied for will be deemed to have been granted for a year (and will expire no later than the end of 30 September 2023). Please note that the national and local conditions (advertised by the Council on the day prior to the application submission date) set out in below will automatically apply to applications which are deemed granted.

If the Council determines the application before the end of the determination period, the Council can:

- Grant the licence in respect of any or all of the purposes specified in the application, for some or all of the parts of the highway specified in the application, and impose additional conditions; or
- Refuse the application (please note that the application can also be refused by the authority if the information required to determine the application has not been provided).

If the applicant is unhappy with the decision taken by the authority, the applicant will be invited to log a complaint through the Have Your Say process. This will enable concerns to be escalated and considered by a member of the Council's management team. There is no statutory or other formal appeal process against a decision made

by the Council under the Business and Planning Act 2020. A judicial review process is available via the High Court.

g. National and local conditions

National conditions

National 'no obstruction' condition referred to in 5(4) and 3(6) of the Business and Planning Act 2020.

This condition refers to the right of traffic (other than vehicular) to enter and pass along the highway and to have normal access to premises adjoining the highway. It also includes the need for permitted traffic to be able to pass and utilities to have access to their apparatus in, on, or over the highway.

National condition relating to clear routes of access

The national condition requires clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 4.2 of Inclusive Mobility (available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf).

This requires:

- A **clear width of 2m** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances.
- Where this is not possible because of physical constraints, **1.5m could be regarded as the minimum acceptable** under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another.
- **The absolute minimum, where there is an obstacle, should be 1m clear space. The maximum length of restricted width should be 6m** (see also Section 8.3).
 - Section 8.3 states: Where an access route is predominantly less than 1.8m wide, **passing places** should be provided to allow two wheelchair users to pass each other. A passing place should be a minimum of 2m long by a minimum of 1.8m wide and located within direct sight of another, or at a maximum distance of 50 metres from another, whichever is the closer.
- If there are local restrictions or obstacles causing this sort of reduction in width, they should be grouped in a logical and regular pattern to assist visually impaired people.
- It is also recommended that there should be minimum widths of 3m at bus stops and 3.5m to 4.5m by shops, though it is recognized that available space will not always be sufficient to achieve these dimensions.

National condition relating to smoke free seating

Where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway, the national condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that, where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. This can be done by:

- Providing clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012;
- No ash trays or similar receptacles provided or permitted to be left on furniture where smoke-free seating is identified; and
- Providing a minimum 2 metres distance between non-smoking and smoking areas, wherever possible.

Local conditions

The Council reserves the right to add additional conditions to individual licence applications where it is appropriate to do so.

Emergency access - For pedestrianised streets, a minimum width of 3m must remain free and unobstructed to facilitate emergency vehicle access. This figure may be increased where there is a heavy pedestrian flow.

The area shall be vacated immediately if requested by the local authority, the Police, any other emergency service, or a statutory undertaker, without any liability for compensation, refund of application fee, or damage arising. The reasons for the area being vacated might be public safety, emergency, to allow events or works to be carried out in, under or above the highway or in the vicinity of the area, public procession, unrest, disturbance, or any other reason deemed necessary by the local authority.

Area to be used - Only the licensed and designated area shall be used for trading.

Times of use – The times and days of the week when the pavement café use is permitted will be stated in the licence. This might be linked to footstreet hours for example. Any applications deemed granted will only be allowed to operate between 10.30am and 5pm.

Access to the premises - A clear pathway, at least 1.5m wide, shall be maintained at all times to allow entrance and exit from the licensed premises. Licence holders have a separate duty to make reasonable adjustments to enable access to their shops and services for people with reduced mobility under the Equality Act 2010.

Public health and safety – The licence holder will be responsible for ensuring that uses conform to any applicable public health guidance (for example on social distancing) and that any reasonable crowd management measures needed as a result of a licence being granted are in place.

Licence holders should aim to support the work of the Council and Police services on security and counter-terrorism by ensuring that staff complete the ACT Awareness E-learning course (<https://ct.highfieldlearning.com/>) and checking their CCTV systems, where in place, to ensure they are compliant and work correctly.

Public liability insurance - The licence holder shall maintain a policy of public liability insurance indemnifying the Council against any injury or damage to any person or property and against any actions, proceedings, claims, demands or liability arising from the use of the licensed area (including any chairs and tables and any other objects including but not limited to heaters, where these are used).

For this purpose, the licence holder must take out a policy of insurance in the sum of at least £5,000,000 in respect of any one incident.

Evidence of this insurance policy shall be included in the licence application. The licence holder must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. A valid third-party public liability insurance certificate shall be held by the licence holder at all times to the satisfaction of the Council.

Furniture - Only approved furniture (as detailed in the licence) shall be placed within the designated area. No other furniture (such as advertising boards) shall be placed within this area.

Barriers must be placed to enclose the pavement café area.

What barriers are required?

Barriers are required to comply with BS 8300-1:2018 Design of an accessible and inclusive built environment, which states:
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<i>“Outdoor refreshment areas should be contained by barriers to all sides, to ensure that moveable furniture does not spread across clear pedestrian routes causing an obstruction.</i>
--

<i>The feet or base of temporary or permanent barriers should not project into the minimum clear width of any access route. Barriers should incorporate a solid detectable rail or edge not higher than 150 mm above ground level to allow detection for people who are blind or partially sighted using a white cane.</i>
--

<i>The gap in the barriers which people use to access the refreshment area should be at least 1m wide (CYC note – the gaps should be no wider than 1.5m). Barriers should contrast visually with the background against which they are seen.”</i>

Screens may be considered on a case-by-case basis. Where permitted and above 1m high, screens must be transparent.

All furniture must be removed at the end of the approved hours of use. Suitable storage for all furniture shall be identified by the applicant within the licensed premises and used for storage when the furniture is not in use thereafter. No equipment is to be stored on the highway at any time outside the licensed hours.

All equipment is to be suitable for use outside (non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind), kept clean and well maintained. No damaged equipment shall be used.

Tables, chairs and barriers shall not be positioned so as to obstruct or obscure road signs, visibility at junctions, traffic signals.

Parasols – Parasols are permitted within the licensed area, but they must be included in your application. These must not extend beyond the licensed area. Gazebos or parasols with sides are not permitted. Where they are allowed, canopies or parasols shall be no lower than 2.1 metres and they shall be adequately secured.

Outdoor heaters -If outdoor heaters are to be used in the licensed area, they need to be included in your application and must be electric infrared heaters (meeting BS Standards BS EN 60529:1992 for electric heaters). Gas heaters or fire pits are not permitted.

Patio heaters that attach to the sides of the building usually require planning permission and can therefore not be permitted under this licensing process. Where electric infrared heaters are permitted, the Council expects licensees to reduce their environmental impact by switching to green energy tariffs and/or offsetting the emissions linked to the use of the outdoor heaters.

Electrical cables – Cables must be protected by an anti-trip cover, both within the licensed area and across the public highway.

Cleanliness - The licence holder will ensure that the designated area is maintained in a clean and tidy condition. The licence holder shall also take appropriate precautions to prevent the surrounding areas from becoming littered, as a result of trading activities.

Use of open vessels – Only reusable plastic or cardboard containers (or similar materials, not glass) may be used for outdoor customers.

Conduct of licence holder and customers - The behaviour of customers is the responsibility of the licence holder. The customers must not be a nuisance or annoy users of the highway or tenants/residents of adjoining premises.

The licence holder and customers must not unreasonably stop, endanger or hinder pedestrians, cyclists or vehicles using the highway.

Repeated complaints of this nature may result in the licence being revoked.

The licence holder is expected to co-operate with the reasonable needs of neighbouring premises. If there are disputes, licences might be revoked.

Toilet facilities – Toilet facilities must be available for customers to use on the premises.

Publicity - The licence shall be available to view within the premises to which it relates.

Validity - The licence shall be rendered invalid, should the licence holder cease to own the premises or cease employment at the premises to which the licence relates. A new application must be made by the new tenants/owners.

Where a licence is granted in an area which is subject to a Temporary Traffic Regulation Order (TRO) to restrict vehicular access, the validity of the licence might be conditional on the TRO being in place. If the Temporary TRO expires, the licence will be revoked.

Claims - The Council shall be indemnified against all claims, actions or other costs, howsoever arising.

The licence holder is responsible for the health and safety of their staff working in the licensed area. Measures to mitigate health and safety concerns cannot be transferred to the local authority for action.

h. Licence application fee

Licences for the January to December 2023 period cost £100.

i. Receiving your licence

If the decision is taken to grant the licence, two copies of the licence will be forwarded to the applicant. The applicant will be required to sign both copies, saying

that they agree to abide by the conditions and terms set out in the licence. The applicant will then return one copy to the Council, keeping the other copy.

Provided that other approvals and licences are in place (if required), the applicant will then be able to commence use.

If the local authority has not responded within the statutory period (14 days), the licence application will be deemed granted and the authority will issue a temporary licence including the relevant conditions (these will include the national conditions and the local conditions publicised by the Council on the day prior to the application form submission date – as listed in this document).

j. Amending an existing licence

If an applicant wishes to extend or vary the terms of a pavement cafe licence granted under the Business and Planning Act 2020, they will need to submit a new application as set out above, and an additional application fee will be charged.

k. Enforcement and termination

If a condition imposed on a licence is breached, the local authority will issue a notice requiring the breach to be remedied and seek to recover any costs (where applicable).

The authority may revoke a licence in the following circumstances:

- For breach of condition, (whether or not a remediation notice has been issued); or
- Where:
 - There are risks to public health or safety;
 - The highway is being obstructed (other than by anything permitted by the licence);
 - There is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and/or litter is not being cleaned up;
 - The applicant provided false or misleading information in their application – for example they are selling hot food and applied for tables and chairs on which only drinks could be consumed; or
 - The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

Key issues for which enforcement action will be taken are:

- Furniture set out or stored on the adopted highway, outside of the licensed times - This is a significant issue in the footstreets as the times of use are generally linked to the start and end of the pedestrianised period. When licence holders set out their tables and chairs too early, pedestrians have to step into the carriageway, in conflict with delivery vehicles and other traffic which are still permitted;
- Area where furniture is set out differs from what has been agreed in the licence – This is a significant issue as it can impede wheelchair access as well as access for authorised vehicles and emergency services; and
- Furniture in use differs from that specified in the licence – The majority of issues under this category relates to premises not installing the required barriers to

demarcate the pavement café area or barriers not being installed as agreed in the licence.

Up to two letters (notices) will be sent to licence holder asking for breaches to be addressed. If two letters have been sent for the same issue(s) and the licence is still not being complied with, the licence will be revoked.

The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer pedestrianised.

The local authority also reserves the right to revoke or suspend the licence if the area is required for other highway purposes (for example for street or road works).

The licence holder can also surrender a pavement licence at any time by giving notice to the local authority. The application fee will not be reimbursed.

4. Glossary of terms

Access - approach, entry, internal movement or exit, including in cases of emergency (BS8300 definition)

Accessible - capable of being independently accessed and used (BS8300 definition)

Accessible route - any route that is used to access and use a place or space, including streets, parks and landscaped (BS8300 definition)

areas, to approach a building, or to move between buildings

Adopted highway – a public road (or path), including footways, managed and maintained by the highway authority

Areas where traffic is restricted – streets which are subject to traffic restrictions but not fully pedestrianised. For example, vehicular access is restricted on Fossgate during the day, except for access.

Carriageway - the part of a road intended for vehicles rather than pedestrians

Clear width - Clear distance measured between walls or other obstructions or across a path

CYC – City of York Council

Disability - physical or mental impairment that has a substantial and long-term negative effect on a person's ability to do normal daily activities (Equality Act 2010 definition)

Footway – a pavement, the part of a highway which has been set apart for pedestrians

Government guidance – In this document, this refers to “Pavement licences: guidance, Guidance to accompany pavement licensing introduced in the Business and Planning Act 2020”, published by the Government here:

<https://www.gov.uk/government/publications/pavement-licences-draft-guidance>

Licensed area – In this document, this refers to a pavement café area licensed under the Business and Planning Act 2020

Pedestrianised area – footstreet area. In York, this includes most city centre streets as described here: www.york.gov.uk/footstreets

Tapping rail - a rail installed on barriers, at approximately 150mm height, to guide blind or partially sighted pedestrians around the enclosed area

TRO - Traffic Regulation Order

o

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Transport		
Name of the proposal :	Pavement café licence update		
Lead officer:	Dave Atkinson/ Helene Vergereau		
Date assessment completed:	XXXXXX		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
XXXXXX			
XXXXXX			
XXXXXX			

Step 1 – Aims and intended outcomes

<p>1.1</p>	<p>What is the purpose of the proposal?</p> <p>Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The proposal aims to make changes to City of York Council’s pavement café licensing guidance and process. The revised guidance will be used to assess applications for pavement cafes in York for licences issued under the Business and Planning Act 2020 and starting in January 2023.</p> <p>The current guidance and process (see here: www.york.gov.uk/PavementCafeLicences) were introduced in 2020, when the Business and Planning Act created a temporary fast-track licensing regime for pavement cafés set out on the adopted highway, as part of the Government’s Covid recovery response.</p> <p>This temporary regime removed the need for pavement cafés to obtain planning permission. Licences issued under this fast-track process were initially only due to be valid for no longer than one year, but this has now been extended twice. At present, this temporary licensing regime is due to end in September 2023. It is however likely to be extended again as the Levelling-up and Regeneration Bill currently going through the parliamentary process, proposes to make this licensing regime permanent, with a few changes (more information available here: https://bills.parliament.uk/bills/3155).</p> <p>To ensure that the decision making on pavement cafes reflects the current situation (post Covid pandemic and restrictions) and the needs of all city centre users, the Council’s Executive approved a review of the existing licensing guidance in July 2022, requesting that a report be brought to Executive in November 2022, on the outcome of the consultation, with the updated guidance to be considered at that meeting to take effect in January 2023 if approved (see here: https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=6601).</p> <p>The proposed changes (recommended options) are as follows:</p> <ul style="list-style-type: none"> • The revised licensing guidance will only allow pavement cafés to be licensed on footways (under the Business and Planning Act) where a 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;;

- Set out the circumstances in which pavement cafes can be licensed using on street parking bays;
- Update barriers requirements and specifications set out in the guidance document so that they are in line with BS 8300-1:2018;
- Increase available width for access to licensed area and premises from 1.2m to 1.5m to enable wheelchair access (as per Inclusive Mobility guidance);
- Change the enforcement process to reduce notices before enforcement action is taken from 3 to 2 notices;
- Reintroduce of a £100 charge per licence;
- Provide additional information to licence holders on the design and set up of their pavement cafe area and information on hospitality venues' duties under the Equality Act;
- Provide information about pavement cafes on the Council website for users who want to plan in advance (location, hours of operation, etc);
- Set up a regular panel for York groups and communities to provide feedback on their lived experience of pavement cafes in York; and
- 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.

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Business and Planning Act 2020 and associated regulations (https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted)</p> <p>Pavement licences: guidance - Guidance to accompany pavement licensing introduced in the Business and Planning Act 2020 (https://www.gov.uk/government/publications/pavement-licences-draft-guidance?utm_source=389e4313-7f82-42d6-bf67-53d5ec467b01&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)</p> <p>Levelling-up and Regeneration Bill (https://bills.parliament.uk/bills/3155)</p> <p>Equality Act 2010 and associated guidance including on the Public Sector Equality Duty (www.gov.uk/guidance/equality-act-2010-guidance)</p> <p>Inclusive mobility: making transport accessible for passengers and pedestrians (www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians)</p> <p>BS 8300-1:2018 Design of an accessible and inclusive built environment</p> <p>PAS 6463:2022 Design for the mind. Neurodiversity and the built environment</p> <p>Government information on the Protect Duty (www.gov.uk/government/consultations/protect-duty)</p>
1.3	Who are the stakeholders and what are their interests?
	<p>All highway users (residents and visitors), including people with protected characteristics</p> <p>Hospitality businesses which hold a pavement café licence or may apply in the future and their staff and customers</p> <p>Businesses and residents in areas where pavement café licences are issued</p>

<p>1.4</p>	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The current pavement cafe licensing guidance and process were developed and implemented under emergency legislation, in response to Covid. As the city has returned to more normal post Covid operation, the impact of the temporary pavement cafes on access issues has become more apparent. Whilst it is likely pavement cafes are here to stay in some form in the future, this is no longer as part of an emergency response. Therefore, a review of the guidance supporting licensing decisions is necessary to determine when cafes are acceptable, recognising and limiting the impact they have on access.</p> <p>The proposals link to the following key outcomes of the Council Plan 2019-23:</p> <ul style="list-style-type: none"> • good health and wellbeing • well paid jobs and an inclusive economy • <p>The proposals also relate to the Council’s 10 year vision of the city centre, presented in “My City Centre Vision” (available here: www.york.gov.uk/downloads/file/7352/my-city-centre-york-vision). The vision sets out a number of ambitions for the future of the City Centre, including creating a family friendly midweek early evening economy, spreading events across the City Centre, and encouraging the outdoor café culture that has emerged during the pandemic in the footstreet areas.</p>

Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
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Source of data/supporting evidence	Reason for using
Feedback received through the existing licensing process	The licensing team has received considerable amounts of feedback from a wide range of people since the temporary licensing regime was first put in place in 2020. This includes feedback from people with protected characteristics or groups representing such communities. This feedback has been used to inform the proposals.
Evidence gathered by the access consultants for this review (see Annex A)	The consultants undertook a site visit and organised two panel discussions with disabled people, which informed their recommendations. This is presented in Annex A.
Research papers, published evidence and news items on the impact of cafes and street furniture on accessibility	<p>Research and evidence available online, including publications such as:</p> <ul style="list-style-type: none"> • “Who put that there! The barriers to blind and partially sighted people getting out and about”, RNIB • “Evaluating the impact of the introduction of pavement café licensing on the mobility of disabled people and older people in Northern Ireland”, IMTAC • UK Disability Survey research report, June 2021

Source of data/supporting evidence	Reason for using
Census and ONS data	Various datasets and reports are available on transport, access and disability, including the recent “Disabled people’s access to products and services, Great Britain: February to March 2022”.
My City Centre consultation	A wide-ranging consultation and engagement exercise was carried out to develop the vision. Information available here: www.york.gov.uk/city-centre-york-6/city-centre-york-youve-told-us-far and reports published with the 18/11/2021 Executive decision to adopt the “My City Centre Strategic Vision”, for example, Annex 4, page 29 (https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=60466)

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.
Gaps in data or knowledge	Action to deal with this
Consideration of Equality Duty within the hospitality sector (e.g. for access to premises and services)	Further engagement with businesses through the licensing process (additional information to be provided through this proposal) and with the CYC Access officer

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.
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Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Impacts identified for older people are similar to those described under the Disability category below. This is because older people are more likely to live with one or more health condition or illness reducing their ability to carry out day-to-day activities.</p> <p>For children, the impacts identified are similar to those identified under the Disability category below, when considering access for small children and their carers using prams and/or pushchairs (where dropped kerbs or raised crossing are required or preferred).</p>	Some negative impacts identified Limited positive impacts	Medium
Disability	Where pavement cafes are licensed on part of the footway, pedestrian and wheelchair access is restricted to the remaining available corridor on the footway (generally 1.5m wide, in compliance with Inclusive Mobility). This can result in delays for users having to wait to get past an area of	Some negative impacts identified Limited	Medium

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>restricted width as a wheelchair user and a non-wheelchair using person side-by-side need 1.5m width.</p> <p>Where pavement cafes have been licensed to cover the whole width of the footway under the existing guidance (in footstreets and restricted vehicular access streets), users have to travel on the carriageway or around the licensed area if they want to remain on the footway. This means that they have to come up and down kerbs in streets which do not offer surface level access.</p> <p>For users who require dropped kerbs or raised crossings to be able to travel between the footway and the carriageway, this may mean having to retrace the route taken to find a suitable access point. In some cases, it may be difficult for wheelchair users or mobility aid users to gain access to some parts of the footway or some premises where there is no suitable dropped kerb or raised crossing point nearby. This has an impact on people with mobility impairments.</p> <p>The proposed changes to the guidance under Option 1a aim to improve this situation by requiring 1.5m width to remain available on footways (with the exception of pedestrianised streets where access between the footways and carriageway is level e.g. Coney Street). This means that the impact on people using wheelchair and mobility aids will be reduced as they will be able to remain on the footway to get past a</p>	positive impacts	

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>pavement café area and access premises on the same side of the street. Wheelchair and mobility aid users may still be delayed on their journey where as they may have to wait to get past a licensed area where the available width of the footway is reduced to 1.5m</p> <p>The introduction of pavement cafes has an impact on people who live with a visual impairment as they have to navigate around the pavement café areas. Where areas are not set up correctly, this can result in loss of confidence and injury as visually impaired users may wander into a pavement café area without being aware that it is there. This is why barriers are required and need to be set up correctly.</p> <p>The need to travel on carriageway in pedestrianised or restricted traffic streets can also intimidate some users as some limited vehicular access is retained in those streets. Although the number of vehicles is very low and drivers are aware of the restrictions and the pedestrianised character of the streets, this can still be a stressful experience for some non-motorised highway users. This is especially relevant for restricted traffic streets where vehicular access rights remain “for access”, such as Fossgate. Cycling is also permitted one way on Fossgate.</p>		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<p>Option 1a aims to mitigate this impact to some extent by retaining a 1.5m corridor on footways (with the exception of level access pedestrianised streets).</p> <p>The existing guidance requires the café areas to be delineated by barriers, but this was not precise enough and has been difficult to implement and enforce in practice. The recommended option (Option 2a) aims to clarify the requirements for barriers and bring them in line with BS 8300-1:2018 “Design of an accessible and inclusive built environment”. This should make it clearer for licence holders (with additional information and support also proposed under Option 2a) and enable the Council to take enforcement action when required (this is strengthened in Option 2a). This will also be informed by feedback received from the Panel proposed under Option 2c.</p> <p>Some users may find it difficult to navigate the streets with pavement cafes due to:</p> <ul style="list-style-type: none"> • The variable nature of the changes they bring (licensed areas can differ widely between venues and the set up can change daily as licence holders can decide not to use their café area on some days for example); • The need to travel around the café areas or on the carriageway (in pedestrianised streets with level access); 		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	<ul style="list-style-type: none"> The introduction of high contrasts barriers, umbrellas and furniture, etc. <p>This is especially relevant for people who live with conditions which affect their learning, understanding, or concentrating abilities, or their memory. The proposal aims to improve consistency between pavement cafes to some extent, through the use of BS 8300 compliant barriers.</p> <p>Option 2b also proposes to provide more information about pavement cafés (location, times of operation, etc) on the Council website for people who need or prefer to plan their journey in advance.</p> <p>Some disabled people have noted that pavement cafes have helped them access services as they provide outdoor space, which is considered safer for people with specific health conditions, such as conditions affecting the immune system.</p> <p>For some venues, which were/are not accessible (for example due to a stepped entrance), the provision of a pavement café area has resulted in their hospitality offer becoming available to wheelchair and mobility aid users in the pavement café area.</p> <p>An issue regularly raised by disabled users is the accessibility of the pavement café area itself and of the associated hospitality venue. Although this is an issue for</p>		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	businesses to consider and address, the proposals aim to provide additional information to businesses on their duties under the Equality Act (Option 2a).		
Gender	No differential impact identified.		
Gender Reassignment	No differential impact identified.		
Marriage and civil partnership	No differential impact identified.		
Pregnancy and maternity	Impacts identified for pregnancy and maternity are similar to those described under the Disability category above. This is because health conditions reducing the ability to carry out day-to-day activities are more likely to arise during pregnancy and parents of young children are more likely to be using prams and pushchairs.	Some negative impacts identified Limited positive impacts	Medium
Race	No differential impact identified.		
Religion and belief	No differential impact identified.		
Sexual orientation	No differential impact identified.		

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Other Socio-economic groups including:	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	Impacts identified for carers are similar to those described under the Disability category above.	Some negative impacts identified Limited positive impacts	Medium
Low income groups	No differential impact identified.		
Veterans, Armed Forces Community	No differential impact identified.		
Other	No differential impact identified.		
Impact on human rights:			
Article 8: Respect for your private and family life & Article 14:	Private life includes a right to participate in essential economic, social, cultural and leisure activities. The feedback received from disabled groups shows that although some people have been able to use the outdoor	Some negative impacts identified	Medium

Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Protection from discrimination	<p>space provided by pavement cafes as it has provided a safer and more accessible way to access hospitality venues in some cases, others have found that pavement cafes have made it more difficult for them to participate in essential activities in the city centre due to the need to navigate around the licensed areas.</p> <p>Article 14 requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination.</p> <p>As stated above, the recommended options set out in the main report aim to mitigate these impacts by retaining a 1.5m corridor on footways (with the exception of pedestrianised streets with level access), clarify the guidance and provide additional information to licence holders and highway users and improve on the current consultation process by creating an established feedback process.</p>	Limited positive impacts	

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups

- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>The proposal aims to implement the following mitigation measures</p> <ul style="list-style-type: none">• Option 1a clarifies when pavement cafes can be installed on footways and introduces the requirement for a 1.5m corridor to remain free of obstructions on footways, with the exception of footways on pedestrianised streets with level access;• Option 2a proposes changes to the licensing guidance document to introduce updated requirements for barriers (based on BS 8300), improve access to the premises, tighten the enforcement process, and provide additional information on the design and set up of the pavement cafes and hospitality venues' duties under the Equality Act;• Option 2b proposes to provide more information on pavement cafés on the Council's website, for users who want to plan their journey in advance;• Option 2c proposes to set up a regular panel for York groups and communities to provide feedback on their lived experience of pavement cafes, to inform licence reviews and enforcement action where required.	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>	
<ul style="list-style-type: none"> - No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review. - Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations. - Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty. - Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed. <p>Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.</p>		
Option selected	Conclusions/justification	
Continue with the proposal	<p>This assessment has identified some limited positive impacts and some negative impacts for pavement cafes, when considering the recommended options, on people with the following protected characteristics: Age (older people and young children), Disability, Pregnancy and maternity, and Carers. It has also identified some negative impacts on the following human rights: Article 8: Respect for your private and family life & Article 14: Protection from discrimination.</p>	

The process to authorise pavement cafes was changed temporarily by Government during the Covid pandemic to enable people to socialise safely outside and to support the economic recovery.

The Council's city centre strategy "My City Centre Vision" was adopted by the Executive on 18 November 2021 (<https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=60466>).

The strategy's key objectives include *"Support outdoor eating and café culture in the city centre"*, which states *"The expansion of pavement cafés have been an essential part of the sector's response to lockdown. We will develop a permanent approach to outdoor eating & Café culture which can create a vibrant atmosphere whilst managing accessibility and amenity impacts and maintaining a high-quality city centre environment"*.

By reviewing the existing pavement café licensing guidance and adopting the recommended options in this proposal, the Council aims to mitigate some of the negative impacts of pavement cafes whilst enabling the development of the café culture described in the Council's "My City Centre Vision" where appropriate.

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
Access for people with the following protected characteristics: Age (older people and young children), Disability, Pregnancy and maternity, and Carers	As per recommended options in the main report	Dave Atkinson or James Gilchrist?	Dec 2023 for updated guidance and its implementation for new applications (for licences starting in January 2023)

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	<p>Feedback and information received through the licensing process will continue to be used to inform decisions.</p> <p>Additionally, Option 2c aims to set up a regular panel for York groups and communities to provide feedback on their lived experience of pavement cafes. This feedback would then inform licence reviews and enforcement action where required. Recruitment and management of the panel to be linked to the Access Officer action included in the City Centre Action Plan.</p>

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Executive

22 November 2022

Pavement café licence update

Annex D – Access consultants’ terms of reference

The brief provided to access consultants to invite them to tender for this work is reproduced below. Five access consultants were invited to tender for the work through the Council’s procurement process.

BRIEF PROVIDED TO CONSULTANTS

City of York Council have identified your organisation to, hopefully, provide a quote for services required by the Council. Please see below the outline of the brief and supporting information and links.

I would be grateful if you could please confirm if this is something your organisation would be interested in and provide a proposed approach and costings for this work. This would need to be itemised to show your day rate fees as well as the overall cost.

Access to the footstreets

City of York Council needs the services of an access consultant to support the coproduction of guidance on pavement cafes, and a review of seating and parking facilities for York’s city centre (footstreets area).

Background reading is available from the Executive Report available here:

[\(Public Pack\)Agenda Document for Executive, 18/11/2021 17:30 \(york.gov.uk\)](#)

We would draw your attention to the Strategic Review of Access which starts at page 235 (note pdf page numbers are different). There is an action plan at page 258. Straight after this there is the Strategic Review of Council Car Parking starting at page 265. With an action to identify two priority car parks.

The current guidance on pavement café licensing is available here:

<https://www.york.gov.uk/PavementCafeLicences>

This piece of work has three key outcomes and needs to be completed by the end of October 2022.

Consultation about pavement cafes to update licensing guidance

This is not included in either action plan listed above, but needs doing as soon as possible as the Council is currently issuing short term licences to cover the Oct-Dec2022 period only and will need a decision on the updated guidance for pavement café licensing in November. This will then be used to issue new licences under the updated guidance in December 2022 for a start in January 2023.

The Council's Executive adopted the [My City Centre Vision](#) as a long term (ten year) vision, with outdoor eating and growing the early evening economy as one of its themes. This would build on temporary arrangements under Covid legislation, as the Government issued temporary legislation for pavement cafes, which temporarily removed the requirement for planning approval. The Government is intending to make this permanent under the Levelling Up and Regeneration Bill.

Under the temporary licensing regime (under the Business and Planning Act), the number of pavement cafes doubled in York. Nearly all the current pavement cafes licences were issued under emergency legislation in response to Covid and Economic recovery and in the context of "eat out to help out". The current emergency legislation that licenses street cafes falls away at the end of September 2023.

As the city has returned to more normal operations, the impact of the temporary pavements cafes on specific access issues has become more apparent, but we recognise that the problems and impacts are different for different people. This reflects the fact that York is a historic city, with narrow streets and footways and uneven surfaces in some locations, and that many of these streets only benefit from a limited number of crossing points and dropped kerbs.

Street cafes are here to stay in some form, but the Council has recognised the need to review the guidance on when/where licensing cafes is acceptable now that pavement cafes are not an emergency response any longer, recognising the need to balance access requirements with the economic impact of withdrawing the licences.

Proposals were made to mitigate some of the issues within the Executive report available here:

<https://democracy.york.gov.uk/documents/g13288/Public%20reports%20pac>

[k%20Thursday%2028-Jul-2022%2017.30%20Executive.pdf?T=10](#) (see from page 25, and more specifically the table from page 34).

This part of the commission aims to explore those mitigations, identify other mitigations measures where applicable, and consult on when pavement cafes are and aren't appropriate, focusing on city centre areas where the streets are [pedestrianised during the day](#) or have very low levels of traffic (such as Fossgate). Some of the key challenges include a lack of dropped kerbs and crossings (which can take significant time and resources to implement due to engineering challenges), narrow streets and footways, and the need to retain access for emergency vehicles and other authorised vehicles during the pedestrianised period.

Please propose and cost a methodology to review the existing guidance document and propose changes and mitigations measures where required, including engagement with disability groups and the Council's pavement café licensing team and highway teams.

2/ Review of benches and rest areas in the city centre

The lack of benches and seating/resting facilities in the city centre and the design of existing benches were raised as a barrier to access for those living with a disability when we removed blue badge access to the pedestrianised streets (see background reading above).

This review applies to the footstreets and to the route to the pedestrianised area from the main car parks and Blue Badge parking areas (see here for background info: www.york.gov.uk/BlueBadgeParking).

This part of the commission aims to conduct a review of existing seating /resting facilities, to identify:

- Locations where resting facilities are missing or where existing benches are of inappropriate design
- Suitable designs for seating/resting facilities to be installed

Please propose and cost a methodology to identify suitable locations and designs, including engagement with disability groups and the Council's highway teams.

Identifying the two priority car parks

As per the Action Plan and background documents provided above (specifically page 285 of the document available here:

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack>

[%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10](#)), the Council committed to “work with disabled groups to identify two car parks within the hierarchy for priority investment for improvement of disabled parking facilities and onward access routes in to the city centre”.

This part of the commission aims to identify two Council run car parks for priority investment for improvement of disabled parking facilities and onward access routes into the city centre.

Please propose and cost a methodology to identify these car parks, including engagement with disability groups as well as discussions with the Council’s parking team.



Executive**22 November 2022**

Report of the Director of Environment, Transport and Planning
Report of the Chief Finance Officer
Portfolio of the Executive Member for Transport

Active Travel Programme – Programme Revision and Contract Award**Summary**

1. The Active Travel Programme is an ambitious programme of projects to improve York's walking and cycling infrastructure with an estimated total cost of up to £36m. The programme aims to make cycling and walking in the city more attractive and to encourage modal shift from vehicle travel to more active modes as per the Council's Local Transport Plan.
2. The intended outcomes of the programme will contribute to the city's carbon reduction targets, improve health and wellbeing through facilitating more active lifestyles and support the local economy through facilitating safe and affordable journeys to work.
3. The programme will make a key contribution to delivering the Local Cycling and Walking Infrastructure Plan (LCWIP - which is currently being developed for approval early 2023) and also supports the Council's key objective of 'Getting Around Sustainably', and responds to the government's walking and cycling strategy, "Gear Change".
4. The programme will be delivered in phases, drawing in more funding as it becomes available from Government grants, regional funding and section 106 funding from new developments, CIL.
5. Capital funding for the first phase of the programme totals £2.1m. This is comprised of two awards of Department of Transport funding (£527k and £350k) and council capital investment of £1.2m, and £200k of contributions from LTP funding sources. This is alongside the £1.4m Transforming Cities project currently underway on Tadcaster Road.

6. The approach to dealing with this deficit has been to progress each scheme as far as is possible to strengthen their chances at future funding rounds. However, given the funding currently available, determination of which schemes should progress is required and an element of phasing of projects is required.
7. Projects proposed as the first phase focus on a combination of high priority projects that improve obvious 'missing links' and pinch points in the existing strategic walking and cycling network and the progression of some larger projects through project design stages to take advantage of further funding opportunities.
8. This report details the work to be implemented in Phase 1 of the programme, alongside the design-ready schemes which will be priorities for future funding bids. Further schemes may be added to later stages of the programme following the consultation and approval of the LCWIP.
9. This report will prioritise funding for 'Phase 1' of the programme, whilst the remaining schemes will be delivered when further funding becomes available, under 'Phase 2'.
10. This report sets out the rationale in prioritising the schemes identified in Phase 1 and seeks Executive approval for the proposed programme.
11. Additionally, this report seeks a decision to award a contract for services relating to a number of schemes on the programme (option 3).

Recommendations

12. The Executive is asked to:

- 1) Approve the revision to the Active Travel Programme proposed in Option 1 of this report, with the prioritisation of Phase 1 projects as per Annex 2.

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

- 2) Approve the award of the contract for Principal Designer services relating to a number of schemes on the Active Travel Programme and delegate to the Director of Environment, Transport and Planning and the Chief Finance Officer (in consultation with the Director of

Governance or their delegated officers) the authority to take such steps as are necessary to award and enter into the resulting contracts (Option 3).

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

Background

13. Background Paper 1, Transport Capital Programme Monitor 1, provides an update on the overall Transport Capital Programme as of October 2022. This includes a summary of the financial status of the Active Travel Programme.
14. Annex 1 summarises the current Active Travel Programme setting out the value and current status of every scheme in the programme.
15. Background Papers 2 and 3 provide information on the currently agreed project outlines for each scheme, and their agreed priority within the programme.
16. Principal Designer services for the following schemes in the programme were previously procured and awarded in 2021/22
 - a. A19 Shipton Road
 - b. Rougier Street / Tanner Moat Cycle Gap
 - c. Hospital Fields Road Cycle Improvement
 - d. Skeldergate – Cycle Improvements at Build-outs
 - e. Tang Hall Lane / Foss Islands Path Access
 - f. Nunthorpe Grove / Southlands Road Improvements
 - g. Nunnery Lane / Victor Street – Puffin to Toucan
 - h. Manor Lane / Shipton Road Improvements
 - i. Orbital Cycle Route Crossing at Lawrence St / James St
 - j. City Centre Bridges
 - k. University Road (Heslington Hall) Pedestrian Improvements
 - l. A1237 Ouse Bridge Cycle Route
 - m. St Georges Field Crossing
 - n. People Streets at Ostman Road
17. A procurement has since been undertaken to obtain Principal Designer services for the remaining schemes. The intention of the procurement was to progress as many of these schemes as possible either to deliver the scheme or in order for it to be ready for future funding opportunities

to call off this contract to deliver at pace. The procurement therefore covers the following projects on the existing Active Travel Programme:

- a. Acomb Road Active Travel Scheme
 - b. City Centre North-South Cycle Route
 - c. Fishergate Gyratory Ped and Cycle Scheme
 - d. Fulford Road / Frederick House Improvements
 - e. University East West Campus Link
 - f. Wheldrake / Heslington Active Travel Path
18. Of the above schemes, only those approved for phase 1 delivery will be awarded the Principal Designer work. The remainder of those scheme will only be progressed once funding has been identified. However, the procurement allows them to be progressed at pace once funding is awarded
19. The services broadly consist of:
- a. Concept Design, Feasibility, Detailed Design
 - b. Cost estimates at each stage
 - c. Road Safety Assessments
 - d. Undertaking responsibilities in line with the CDM regulations
 - e. Survey works
 - f. Principal Designer activities at construction stage
20. The services do not include scheme construction.

Consultation

21. A public consultation has not been undertaken in relation to this report.
22. Each individual scheme within the programme is subject to a consultation as part of the Feasibility stage of the scheme, and prior to a decision to proceed with implementation.

Options

23. Option 1 – Approve the revision to the Active Travel Programme, with the prioritisation of Phase 1 projects detailed within Annex 2 and Annex 3.
24. Option 2 - Do not approve the revision to the Active Travel Programme with the prioritisation of Phase 1 projects detailed within Annex 2 and

Annex 3.

25. Option 3 – Approve the award of the contract for Principal Designer services.

Analysis

26. Option 1
27. The proposed programme is attached in Annex 2.
28. This includes taking the following schemes forward to construction:
 - University Road pedestrian improvements (completed)
 - Navigation Road Low Traffic Area (completed)
 - Hospital Fields Road Cycle Scheme
 - Skeldergate Cycle Improvements
 - Manor Lane / Shipton Road Improvements
 - City Centre North-South Cycle Route
 - City Centre Bridges signage improvements
 - City Centre Accessibility: St George's Field Crossing
 - City Centre Cycle Parking Improvements
29. The following will be taken forward for detailed design:
 - People Streets Ostman Road
 - People Streets Clifton Green Primary
 - People Streets Badger Hill Primary
 - University East West Campus Link
30. The current A19 Shipton road full corridor scheme currently at design options stage is to await further funding. The current scope will be separated into the full corridor element of the project (dependent on further funding) and a separate scope to look at specific pinch points and early delivery. The latter will be considered at a future decision session of the Executive Member for Transport and considered for phase 1 utilising the remaining funding.
31. The Wheldrake / Heslington Active Travel Path – delivery of the full scheme is currently not funded. As part of previous decisions officers have assessed the land value. Officers are now instructed to enter discussions with landowners and bring to a member decision session.

Any agreed acquisition will need to be considered within 2023/24 transport budgets.

32. The following schemes are proposed to be paused pending further funding as part of 'Phase 2' of the programme:

- A1237 Bridge Cycle Route
- Orbital Cycle Route – Lawrence / James / Regent St
- Acomb Road Active Travel Scheme
- Fishergate Gyrotory Ped and Cycle Scheme
- Fulford Road / Frederick House AT Scheme
- Rougier St / Tanners Moat Gap
- Chocolate Works Riverside Path
- Tang Hall / Foss Islands Path Access

33. The following schemes are proposed to be pursued via alternate means as described in Annex 3:

- Nunnery Lane / Victor St – Puffin to Toucan - Will be considered with solutions for Victoria Bar and changes to traffic in Bishop Hill
- Nunthorpe Road / Southlands Road AT Scheme - To be reviewed under the Access Barrier Review scheme.

34. The following criteria have underpinned the proposed phasing proposals for the programme:

Cost Estimate – This was an important factor considered when determining whether to retain a scheme within Phase 1 or to prioritise for future funding bids as Phase 2. Clearly there is currently limited funding available and the objective is to use it as effectively as possible. Where a scheme is likely to cost a significant portion of the overall budget, this would make a scheme less likely to be retained on the programme as Phase 1.

35. Where firm cost figures are not available directly from completed feasibility work, costs have been obtained by high level estimates based on government guidance, previous similar schemes undertaken, and by comparison to similar schemes in other local authorities.

36. Scheme Priority – The majority of schemes on the programme were assigned a priority at the February 2022 and July 2022 Executive

Member Decision Sessions (Background Papers 3 and 4). This priority has been taken into account when determining whether to retain a scheme within Phase 1 or pause a given scheme in the programme pending further funding as part of Phase 2.

37. Challenges to delivery (non-budgetary) – Each scheme has been evaluated to determine the level of challenge present in delivering an asset on the ground, irrespective of the schemes cost estimate.
38. Where a scheme has significant challenges to delivery which will take a longer time to resolve this has been taken into account when determining whether to pause the scheme pending further funding as part of Phase 2.
39. Progress already made – Schemes that have already made a significant amount of progress were more likely to be retained within Phase 1 over schemes where no work has yet progressed. This is again due to the underlying objective of creating a programme with a strong likelihood of delivery.
40. Other potential methods of delivery – If a scheme can be achieved via a route other than delivery in the Active Travel Programme, this was considered when revising the programme.
41. If specific external funding is available – Where external grant funding is available, this was considered when determining whether to retain a scheme within Phase 1 or pause a scheme pending further funding as part of Phase 2.
42. However, even where external grant funding exists, the priority to build an asset on the ground still takes precedence and this has been taken into account.
43. Annex 3 shows a table summarising this assessment process and providing specific rationale for each individual project within the programme. This annex also provides some additional information relating to each scheme.
44. The proposed revised programme does still retain some schemes as part of Phase 1 where the cost estimates exceed the programme budget. These schemes are funded by DfT grant funding are not subject to the same criteria as those solely funded by CYC.

45. Where a project is subject to these specific criteria, this is shown in the proposed revised programme and in Annex 3 which shows the specified funding source.
46. With regards to future funding opportunities, it is understood that further grant capital funding may become available from Active Travel England within the next few months.
47. This funding will be subject to a bidding process, and it is the intention to bid for funding that all of the scheme in Phase 2 will be considered as part of an ambitious strategic bid to Active Travel England.
48. Option 2 Analysis
49. This option represents a decision to not approve the proposed programme revision and to retain all projects as part of Phase 1.
50. Retaining all projects as part of Phase 1 will not result in delivery of all projects on the programme because the underlying budget deficit will remain.
51. Option 3 Analysis
52. The Call off contract has been created in such a way that CYC are not obliged to proceed with all the defined ATP services. It is possible to award the full contract, and only proceed with some parts of the defined work.
53. It is proposed that the full contract is awarded, however only those ATP services relating to schemes that remain in Phase 1 of the Active Travel Programme are pursued. For clarity, this includes:
 - City Centre North South Cycle Route
 - University East West Campus Link
54. The contract will not be used to undertake design work relating to the following schemes until further funding is identified:
 - Acomb Road Active Travel Scheme
 - Fishergate Gyrotory Ped and Cycle Scheme
 - Fulford Road / Frederick House Improvements
 - Wheldrake / Heslington Active Travel Path

Council Plan

Getting Around Sustainably – “More people choose to travel by public transport, walking or cycling”

55. The Active Travel Programme supports modal shift in line with Council objectives, encouraging people to consider travelling by foot and by cycle.

Implications

Financial

56. The Council has set aside budgets totalling £2.1M for the Active Travel Programme of which £0.877M is grant funding from the Department for Transport and £1.2M is Council capital resources. The increased specification and costs of the scheme that were initially identified in the Active Travel Programme means that it will not be possible to design and construct all the scheme at this time. In order to deliver a capital asset it will be necessary to utilise the identified budgets to fund scheme that can be delivered in a reasonable timeframe. Should further feasibility be undertaken on schemes which are considered unlikely to be deliverable in the near future, it is not possible to justify the use of capital funding and therefore it will be necessary to identify revenue budgets to fund such work.

Procurement

57. There are two risks to this procurement exercise:
 - a. Price increases due to inflation – The 90 day period has come to an end and the suppliers may decide to increase their prices due to the current conditions of the market. CYC will need to be prepared for higher costs to come back prior to awarding. A decision will need to be made as to whether those increases are affordable, fair and realistic.
 - b. Decline of Award – Due to the market conditions and the length of the award process, there is no guarantee that the preferred supplier will accept the award. Capacity levels at the point of award may have changed since the procurement started. CYC will need to

confirm with the preferred supplier if they are still able to carry out the required services. If not, CYC will need to go to the second place who were a much higher price, or re-tender based on a reduced scope should that be the option selected.

58. There are no risks to the procurement route itself. The procurement was advertised under the Homes England framework as an above threshold project and therefore, any increases will not impact the route chosen. The same procedure will be followed.

Equalities

59. The Council needs to take into account the Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's function).
60. An Equalities Impact Assessment ("EIA") has been carried out and is annexed to this report at Annex 4. In summary, the result of the assessment is that the proposal has:
- a) a low impact in relation to Age and Disability groups; and
 - b) Neutral / no differential impacts identified for all other groups in the EIA.
61. The recommendation of the EIA is there be no major change to the proposal.

Legal

All CYC procurement and related contracts are subject to the Public Contracts Regulations 2015 ("PCRs") and the Council's Contract Procedure Rules ("CPRs").

The Principal Designer procurement competition has been conducted via a PCR compliant Homes England Framework and in accordance with the PCRs and CPRs.

62. Any future competitions will require PCR and CPR compliant tender processes. The Legal and Procurement team will advise and guide accordingly.

Risk Management

63. The Active Travel Programme, as part of the Transport Capital Programme, manages risk in line with the Corporate Risk Management Strategy.
64. Each individual scheme within the programme is subject to the Council's project management methodology, which involves appropriate risk management processes.

Project risks exist for each project, however there are no Corporate Risks currently identified.

Contact Details

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Chief Officer Responsible for the report:

James Gilchrist
Director of Environment, Transport and
Planning

Debbie Mitchell
Chief Finance Officer

Report **Date** 14/11/2022
Approved

Specialist Implications Officer(s) List information for all

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Frances Harrison
Legal Services
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Wards Affected:

All **ALL**

For further information please contact the author of the report

Background Papers:

Background Paper 1 – EMDS October 22 - Transport Capital Monitor Report 1:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=13550&Ver=4>

Background Paper 2 – EMDS February 22 – Active Travel Programme Project Scope:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=12734&Ver=4>

Background Paper 3 – EMDS July 22 – Active Travel Programme:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=13548&Ver=4>

Annexes

Annex 1 – Current Active Travel Programme

Annex 2 – Proposed Revised Active Travel Programme

Annex 3 – Active Travel Programme Scheme Evaluation

Annex 4 – Equality Impact Assessment

List of Abbreviations Used in this Report

DfT – Department for Transport

ATE – Active Travel England

ATP – Active Travel Programme

CYC – City of York Council

EMDS – Executive Member Decision Session

CIL – Community Infrastructure Levy

LTP – Local Transport Plan

Scheme Ref	2022/23 Transport Capital Programme Excerpt	Total Funding	Prev Years Costs	Current 22/23 Budget	Revised 22/23 Budget	Total Spend to 31/08/22	Scheme Cost Est
		£1,000s	£1,000s	£1,000s	£1,000s	£1,000s	£1,000s
	Active Travel Programme						
	Cycle Schemes					40	
	Rougier Street/ Tanners Moat Cycle Gap						15
	Fishergate Gyrotory Ped & Cycle Scheme					1	6,000
	Hospital Fields Road Cycle Improvements					40	800
	Skeldergate - Cycle Improvements at Build-outs					12	150
	Fulford Road - Frederick House Improvements						800
	Tang Hall Lane/ Foss Islands Path Access					13	160
	Nunthorpe Grove/ Southlands Road Improvements	600	46	554	554		10
	Nunnery Lane/ Victor Street - Puffin to Toucan						230
	Manor Lane/ Shipton Road Improvements					14	150
	Chocolate Works Riverside Path Improvements						100
	University East-West Campus Link						4,000
	City Centre North-South Cycle Route						100
	Orbital Cycle Route - Lawrence Street/ James Street/ Regent Street Crossing Improvements						20
CY02/19	Navigation Road One-Way	40	36	5	5	1	5
CY05/21	City Centre Bridges	15		15	15		15
PE05/22	University Road (Heslington Hall) Pedestrian Improvements	30	0	70	95	60	100
	Active Travel Fund						
-	Active Travel Fund Tranche 2					49	
AT01/21	A1237 Ouse Bridge Cycle Route					6	10,000
AT02/21	A19 Shipton Road Cycle Route					106	6,000
AT03/21	City Centre Accessibility: St George's Field Crossing	1,227	128	998	998		100
AT04/21	Wheldrake to Heslington Pedestrian & Cycle Improvements					4	1,000
AT05/21	Acomb Road Cycle Lanes						4,000
AT06/21	People Streets (Ostman Road)					41	700
	Active Travel Fund - Additional Funding						
New	Cycle Parking Improvements	150		150	150		150
New	People Streets (Clifton Green Primary & Badger Hill Primary)	200		200	200		1,400
Total Active Travel Programme		2,262	211	1,992	2,017	387	36,005

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Proposed Revised Active Travel Programme Phase 1	Proposed Revised	Notes
	22/23 Budget £1,000s	

Active Travel Programme - CYC Funded	
Hospital Fields Road Cycle Improvements	800
Skeldergate - Cycle Improvements at Build-outs	150
Manor Lane/ Shipton Road Improvements	150
City Centre North-South Cycle Route	100
Navigation Road One-Way	5
City Centre Bridges	15
University Road (Heslington Hall) Pedestrian Improvements	100
Subtotal	1,320

Constructed

Constructed

Active Travel Programme - DfT / ATE Funded	
A19 Shipton Road Cycle Route - Phase 1 Interventions	100
People Streets (Ostman Road)	150
City Centre Accessibility: St George's Field Crossing	148
City Centre Cycle Parking Improvements	150
People Streets @ Clifton Green Primary	100
People Streets @ Badger Hill Primary	100
University East-West Campus Link	0
Subtotal	748

Continue only to the end of Feasibility or Detailed Design. Using only DfT / ATE funding. Not for construction.

Continue all the way to construction. Using ATE / DfT funding in the first instance.

Continue all the way to construction. Using ATE / DfT funding in the first instance.

Continue only to the end of Feasibility or Detailed Design. Using only DfT / ATE funding. Not for construction.

Continue only to the end of Feasibility or Detailed Design. Using only DfT / ATE funding. Not for construction.

Using £58k of ATE Revenue funding. Only up to the end of Feasibility / Detailed Design, not construction.

Total 2,068

Proposed Revised Active Travel Programme Phase 2	Proposed Revised	Notes
	22/23 Budget £1,000s	

Active Travel Programme - Phase 2	
A1237 Bridge Scheme	0
A19 Shipton Road Active Travel Corridor Scheme	0
Orbital Cycle Route at Lawrence St / James St	0
Wheldrake / Heslington Path	0
Acomb Road Scheme	0
Fishergate Gyrotory Ped and Cycle Scheme	0
Fulford Road / Frederick House	0
Rougier St / Tanners Moat Gap	0
Chocolate Works Riverside Path	0
Tang hall Lane / Foss Islands Path	0

Total 0

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Active Travel Programme Scheme Evaluation

The table below provides a summary of the criteria used to evaluate each scheme.

A more detailed evaluation is made below this table.

	Cost Estimate	Priority	Delivery Challenges	Progress already made	Other potential methods to achieve aims	Has External Funding?	Conclusion	Proposed Budget and Source	Spend to Date
Navigation Road Cycle Route	£5k	Undefined	Achievable	Constructed	NA	No	Retain as Phase 1	£5k (CYC)	£37k
A19 Cycle Scheme	£6,000k	Very High	Very Challenging	Early feasibility and consultation	None known	Yes (DfT)	Detailed design and deliver in phase 2. Review of pinchpoints and new scope for delivery in phase 1.	£133k (DfT)	£106k
A1237 Bridge Scheme	£10,000k	Very High	Very Challenging	See Below	Potential extension to the Outer Ring Road Dualling project	Yes (DfT)	Phase 2 - Pause scheme pending further funding	£0k	£6k
City Centre North South Cycle Route	£100k	High	Challenging	Ready to appoint PD	None known	No	Retain as Phase 1	£100k (CYC)	£0k
City Centre Bridges	£15k	Very High	Achievable	In Implementation	NA	No	Retain as Phase 1	£15k (CYC)	£0k
University Road Minor	£100k	Undefined	Achievable	Constructed	NA	No	Retain as Phase 1	£100k (CYC)	£60k

Pedestrian Works									
Hospital Fields Road Cycle Improvements	£800k	Very High	Challenging	Feasibility complete	None known	No	Retain as Phase 1	£800k (CYC)	£40k
Manor Lane / Shipton Road	£150k	High	Achievable	Feasibility underway	None known	No	Retain as Phase 1	£150k (CYC)	£14k
Orbital Cycle Route at Lawrence St / James St	£20k	High	Very Challenging	PD assigned	None known	No	Phase 2 - Pause scheme pending further funding	£0k	£0k
Wheldrake / Heslington Path	£1000k	Very High	Very Challenging	See Below	Yes, Local Development	Yes (DfT)	Phase 2 - pending further funding; but commence land acquisition discussions by negotiation.	£0k	£4k
Acomb Road Scheme	£4000k	Very High	Very Challenging	Ready to appoint PD	None known	Yes (DfT)	Phase 2 - Pause scheme pending further funding	£0k	£0k
Fishergate Gyratory Ped and Cycle Scheme	£6M	Very High	Very Challenging	Ready to appoint PD, Feasibility partially complete	None known	No	Phase 2 - Pause scheme pending further funding	£0k	£1k
Fulford Road / Frederick House	£800k	High	Challenging	Ready to appoint PD	None known	No	Phase 2 - Pause scheme pending further funding	£0k	£0k
Nunnery Lane / Victor St Puffin to Toucan	£230k	Medium	Very Challenging	None	Yes, Capital programme ref TM05/19	No	Merge into cap project TM05/19	£0k	£0k

University East West Campus Link	£4,000k	High	Challenging	Ready to appoint PD	None known	Yes (DfT)	Retain only as far as Detailed Design stage	£58k (DfT Revenue)	£0k
St Georges Field Crossing	£100k	Very High	Achievable	Feasibility complete	None known	Yes (DfT)	Retain as Phase 1	£133k (DfT)	£0k
People Streets at Ostman Road	£700k	Very High	Achievable	Feasibility complete	None known	No	Retain only as far as Detailed Design stage	£133 (DfT)	£41k
Rougier St / Tanners Moat Gap	£15k	High	Very Challenging	PD assigned	Yes, Local Development	No	Phase 2 - Pause scheme pending further funding	£0k	£0k
Skeldergate Cycle Improvements	£150k	High	Achievable	Feasibility complete	None known	No	Retain as Phase 1	£150k (CYC)	£12k
Nunthorpe Rd / Southland Rd	£10k	Medium	Achievable	None	Yes, Capital programme ref CY01/21	No	Merge into cap project CY01/21	£0k	£0k
Chocolate Works Riverside Path	£100k	Medium	Very Challenging	None	None known	No	Phase 2 - Pause scheme pending further funding	£0k	£0k
Tang Hall Lane / Foss Islands Path	£160k	High	Achievable	Feasibility complete	None known	No	Phase 2 - Pause scheme pending further funding	£0k	£13k
City Centre Cycle Parking Improvements	£150k	Undefined	Very Challenging	Feasibility underway	None known	Yes (DfT)	Retain as Phase 1	£150k (DfT)	£0k
People Streets at Clifton Green Primary	£700k	Undefined	Challenging	PD assigned	None known	Yes (DfT)	Retain only as far as Detailed Design stage	£100k (DfT)	£0k
People Streets at Badger Hill Primary	£700k	Undefined	Challenging	PD assigned	None known	Yes (DfT)	Retain only as far as Detailed Design stage	£100k (DfT)	£0k

Costs not assigned to a specific project									£299k
Total	£36M						Total	£2,068k	£633k

Navigation Road Cycle Route

Project Description – This scheme aims to introduce a ‘one-way plug’ on Navigation Road, consisting of an access restriction for motor vehicles, to free up space for the implementation of improved cycle facilities along this street.

Scheme cost estimate - £5k – This scheme is already constructed and cost estimates relate to undertaking remaining monitoring and post-construction reporting activities.

Scheme Priority – This scheme has no formal priority assigned.

Challenges to delivery – There are no significant challenges to completing this scheme.

Progress already made – This scheme is constructed, only post-construction activities remain.

Recommendation – This scheme is recommended to remain on the programme due to the fact it is already constructed and remaining activities are low in cost.

A19 Shipton Road Cycle Route

Project Description - A new 3.2 km radial route with cycle lanes from the Rawcliffe Bar Park and Ride site along Shipton Road to Bootham Bar.

New and enhanced lightly segregated/widened cycle lane(s) on the first Park & Cycle corridor (on Shipton Road/Bootham route) – re-allocation of carriageway space to encourage use of the Park & Cycle scheme and to cater for local increases in cycle usage on strategic commuting corridors.

The project is needed to improve safety and amenity of pedestrian and cyclist journeys on A19 Shipton Road, including the junctions at Clifton Green and Rawcliffe Lane.

Scheme cost estimate - £6M – This cost estimate derives from early feasibility work undertaken by the Principal Designer. This figure would likely change if Feasibility work were progressed, however it provides an acceptable figure to use for this purpose.

This amount is greater than the budget for the entire existing programme.

Scheme Priority – This scheme has been given ‘Very High’ priority.

Challenges to delivery – This scheme is very challenging to deliver. It is likely to include removal of a number of resident parking bays and removal of cobbles. There are some challenges to be resolved re deliveries to businesses and potential impacts on traffic.

Progress already made – A Principal Designer has been commissioned and the scheme is approaching completion of Feasibility. Concept designs have been shared with local ward councillors.

External Funding – This scheme was part of CYC’s ‘Emergency Active Travel Fund’ bid to the DfT. CYC have received some funding support for this scheme, however it is insufficient to take the scheme through to delivery.

Recommendation – This scheme is complex and involves a substantial budget beyond what is currently available. The current proposal is for the current full corridor scheme to await further funding as part of phase 2 before progressing beyond the current options stage of design. An assessment of the pinch points will be used to develop a scope for delivery in phase 1 to utilise the remaining funding. This scope will be considered at a future decision session of the Executive Member for Transport

Manor Lane / Shipton Road Improvements

Project Description - This project aims to address issues for pedestrians and cyclists crossing both Manor Lane and Shipton Road (at Manor Lane). These crossings have large footfalls from school children, meaning it is extremely busy in the morning and early afternoon. This project aims to resolve safety and amenity issues at these crossings.

Currently these crossings do not safely accommodate the heavy footfall from school children at peak times (early morning and early afternoon).

The Manor Lane junction is wide and has very generous kerb radii – in the past large vehicles used the road to access former engineering works, but this has long since been replaced by residential usage. As a result, vehicles can turn into Manor Lane at speed from Shipton Road. This poses safety threats to active travellers using the road. The pavement is narrow on the south side, meaning it does not safely accommodate vulnerable pedestrians or large volumes of pedestrians.

Currently the speed limit at the central refuge crossing on Shipton Road is 40mph which, coupled with its relatively narrow width, introduces risks for any active travellers who may cross here.

By reviewing these crossings, safety and amenity issues could be addressed, encouraging safe active travel and maximising the take up of any improved facilities.

Scheme cost estimate - £150k – This is a relatively minor scheme focussed on small scale junction improvements. Feasibility has not completed but this cost estimate is moderately reliable, based on previous experience of similar schemes.

Scheme Priority – This scheme is assigned 'High' priority.

Challenges to delivery – No significant issues are currently identified. Finding a buildable engineering solution is likely the most significant hurdle, however it is thought that this is likely to be challenging, but achievable.

Progress already made – A principal designer has been assigned and is currently underway with feasibility work.

Recommendation – This scheme is likely to result in a built asset at completion and is likely to be affordable, therefore it is proposed to retain this scheme.

A1237 Bridge Cycle Route

Project Description – Construction of a new Active Travel bridge over the River Ouse and the East Coast Main Line. This scheme arises from the concern that the current bridge discourages pedestrians and cyclists from using this bridge. Initial feasibility identified that a scheme on the existing bridge was not possible due to the width of the existing structure.

Scheme cost estimate - £10M – No meaningful estimates currently exist for building a new bridge, however a very rough estimate would be in the order of £10M.

Scheme Priority – This scheme has been given 'Very High' priority.

Challenges to delivery – Building a new bridge over the Ouse and the East Coast Main Line is clearly a major project which would be challenging and expensive.

Progress already made – A report was presented in July '22, including the outcome of Feasibility work based on the previously approved project scope. This feasibility work showed that the scheme to adapt the current structure was not viable.

Other potential methods to achieve the project aims – There are currently plans to include this location within the extended 'Outer Ring Road' (ORR) dualling project as a new structure will be required. Design work for that scheme would involve consideration of active travel provision, and it is therefore thought that this is might be a viable mechanism to achieving this projects original aims subject to funding availability.

External Funding - This scheme was part of CYC's 'Active Travel Fund' bid to the DfT. CYC have received some funding support for this scheme, however it is insufficient to take the scheme through to delivery.

Recommendation – The major funding required for this schemes is not currently available, therefore development of the scheme should be kept in programme as part of Phase 2 and opportunities to progress via major infrastructure funding explored. .

City Centre North South Cycle Route

Project Description - This project aims to address issues on the North-South Cycle Route for active travellers. This route is on the edge of the city centre but within the inner ring road, and links High Petergate to Walmgate.

The project will consider the routes safety and amenity issues that present due to a lack/poor quality of directional and safety signage at points.

Currently there are amenity issues along the route due to a lack of obvious directional signage. There is also a lack of safety signage along the route.

The North-South Cycle route forms an important part of the York city centre cycle infrastructure as it offers a segregated route through the city for active travellers. By improving the safety and amenity of the route, it shall encourage active travel.

Scheme cost estimate – £100k – Feasibility work has not been undertaken and this is therefore a high level figure based on officer experience, after reviewing the approved project outline.

Scheme Priority – This scheme has been given ‘High’ priority.

Challenges to delivery – This scheme is ‘challenging’, due to the fact it is based in the city centre, within the city walls, and will touch on many different stakeholders and physical constraints. The project is focussed mostly on signage and low level interventions and it is therefore likely the feasibility work will result in a deliverable proposal.

Progress already made – The ‘Navigation Road Cycle Route’ scheme noted above originally formed part of this scheme and has been delivered on the ground. This scheme consists of the remaining elements that have not yet been progressed. Proceeding with feasibility work can commence as soon as the contract is awarded (refer to Contract Award section of this report)

Recommendation – This scheme is likely to be affordable and there is a reasonable expectation that it will result in a built asset on completion. It is therefore proposed that the scheme be retained at Phase 1.

City Centre Bridges

Project Description - This project aims to address issues for cyclists on the three city centre bridges (Skeldergate, Ouse and Lendal). The project will focus on safety and amenity concerns for cyclists, specifically focusing on reducing conflicts between cyclists and vehicles; for example, close/unsafe overtakes.

This project is necessary to address safety concerns for cyclists on Skeldergate, Ouse and Lendal bridges – for example, vehicles dangerously overtaking cyclists. The roads on the bridges are busy with cyclists, pedestrians, buses and motorists, so improving the safety of this route is important for encouraging active travel in the city.

Scheme cost estimate – £15k – Feasibility work is complete, this cost estimate is based on sufficient evidence.

Scheme Priority – This scheme has a ‘Very High’ priority.

Challenges to delivery – This scheme includes low level interventions such as road markings. It is therefore low complexity and not challenging to implement.

Progress already made – This scheme has completed feasibility and has a decision to proceed to implementation, which is currently underway.

It should be noted that the request for special permission to use signage advising motorists to give cyclists space has been declined by the Department for Transport. As such, the implementation of this scheme will no longer include that element.

Recommendation – This scheme is affordable and is likely to be constructed in the near future. It is therefore proposed that this scheme be retained as part of Phase 1

University Road Minor Pedestrian Works

Project Description - This project aims to address issues with the accessibility of the pavement surface on the East side of University Road (adjacent to Heslington Hall) by Heslington Hall bus stop.

The project focuses on damage to the pedestrian path caused by tree roots from three trees. The trees as well as the roots partially block the path which poses a safety threat. They also render the path unusable to many wheelchair / mobility scooter users and residents pushing children in prams and pushchairs.

Scheme cost estimate - £100k – This amount is based on the completed scheme and is therefore an accurate figure.

Scheme Priority – This project has not had a priority assigned.

Challenges to delivery – None.

Progress already made – This scheme has been constructed.

Recommendation – This project has been constructed .

Hospital Fields Road Cycle Improvements

Project Description - This project aims to deliver segregated cycle facilities on Hospital Fields Road between the off-road path at its western end (coming from New Walk riverside path near Millennium Bridge) to Fulford Road and the connection to Walmgate Stray and the University. This project would improve the East-West cycle route across York and encourage active travel around the City.

Hospital Fields Road forms an important part of the East-West cycle route and currently has no facilities except those which are associated with the Advanced Stop Line at the Fulford Road end and the link at the western end leading down to New Walk. Therefore, the introduction of segregated cycle facilities will help fill a key gap on this important strategic route which links the University of York to the Millennium Bridge.

Scheme cost estimate - £800k – This estimate is based on completed Feasibility work, prior to detailed design work. It is therefore fairly reliable.

Scheme Priority – This scheme is assigned ‘Very High’ priority.

Challenges to delivery – Implementation is likely to affect on street parking provision in the area. Feasibility work is complete and a viable engineering solution has been identified.

Progress already made – Feasibility work is complete and public consultation is due to start shortly.

Recommendation – It is recommended that this scheme is retained as part of phase 1. This is due to the scheme priority, the fact that it is affordable and fulfils a key strategic role for the cycle network and has a reasonable chance of resulting in an asset on completion.

Orbital Cycle Route – Lawrence St / James St

Project Description - This project aims to resolve conflicts between cyclists and pedestrians at the point where the Orbital Cycle Route crosses from Regent Street over Lawrence Street onto James Street and vice versa. It specifically focuses on safety and amenity issues as the Orbital Cycle path abruptly crosses the Lawrence Street pavement and sightlines are blocked by adjacent properties.

There are safety issues between pedestrians and cyclists on the Orbital Cycle Route where Regent Street meets/crosses Lawrence Street and continues onto James Street. Regent Street has a modal filter at its northern end and the cycle route abruptly meets the rear of the Lawrence Street pavement and although there is some warning signage for cyclists or pedestrians it is low-key and probably missed by many users. Also due to the buildings either side on Regent Street, the visibility is bad for both cyclists and pedestrians. These safety issues also give rise to amenity issues.

Scheme cost estimate - £20k – This estimate is not based on any feasibility work. It is based on the fact that the scheme is of extremely limited scope.

Scheme Priority – This scheme is assigned ‘High’ Priority.

Challenges to delivery – It is thought that the chances of delivering an asset on completion are very low. Finding a buildable engineering solution is unlikely within the agreed scope of works. This is based on high level discussions with the Principal Designer, but before completion of the feasibility stage. To achieve the project objectives it is thought that the project scope would need to be extended such that significant changes to the traffic signalling junction are explored. Exploring this would then increase the cost estimate for the scheme by approximately £100k.

Progress already made – A Principal Designer has been assigned and feasibility works have recently started.

Recommendation – Due to the challenges, it is recommended that this scheme is paused pending further funding as part of ‘Phase 2’ works.

Wheldrake / Heslington Path

Project Description - The active travel options for residents of Wheldrake, South of York, are limited as the two access roads linking it to the city centre (A19) Selby Road and Elvington Lane are high speed and narrow. This project seeks to provide a pedestrian and cycle link between the village of Wheldrake and Main Street at Heslington as well as a recreational cycle route to access the countryside. It also seeks to provide an off-road pedestrian and cycle path where possible.

The project was identified by officers and members, informed by the LCWIP scoping study which identified a high cycle flow around the University and poor provision for cyclists and pedestrians wishing to travel between Wheldrake and Heslington including children in Wheldrake travelling to Fulford School.

Scheme cost estimate – £1M – Land purchase costs are estimated at £90k based on a completed land survey report. The length of one potential route is approximately 1.6km, although other routes have been considered. Because this is a rural route, the complexity is thought to be lower than an urban route of similar length. Therefore the baseline estimate of £2M per kilometre is not appropriate. A significantly lower estimate of £800k per kilometre has been used to reach this figure. It is reiterated that this figure is not the result of completed feasibility work.

Scheme Priority – This scheme is assigned 'Very High' Priority.

Challenges to delivery – The key challenge to delivering this scheme is the land assembly. If the route is off road, then the shortest route identified would be through Wheldrake Wood and via Langwith Stray and would require acquiring land.

Achieving this would require resolution of land ownership issues for 4 separate land parcels, all owned by different landowners.

Progress already made – Feasibility work was completed on the full length of this scheme and presented to the EMDS in July '22. This report concluded that the scheme could not reasonably be funded out of existing budgets..

Other potential methods to achieve project aims - One alternative solution for improving active travel links between Wheldrake and Heslington could potentially be achieved as part of the 'Garden Village' development.

External Funding - This scheme was part of CYC's Active Travel Fund bid to the DfT. CYC have received some funding support for this scheme, however it is insufficient to take the scheme through to delivery.

Recommendation –

delivery of the full scheme is currently unaffordable, it is recommended that this scheme awaits further funding and is therefore retained in Phase 2. Officers are instructed to commence land acquisition by negotiation. Any agreed acquisition will need to be considered within 2023/24 transport budgets, decision for which will be brought back for a decision at a EMDS.

Acomb Road

Project Description - This project seeks to provide a strategic radial active travel provision between Beckfield Lane and The Fox junction (junction of A59 / B1224).

The scheme was included in York's package of schemes submitted to the DfT in June 2020 for Active Travel Fund support.

There is currently very little provision for cyclists on Acomb Road despite high flows of cyclists and a relatively wide (for York) road.

The project was identified by officers and members, informed by the LCWIP scoping study which identified a high cycle flow on this corridor.

Work West of Hebden Rise is included within the Feasibility stage of this scheme, however construction of this element may be progressed separately, dependant upon consultation outcomes and project interactions with a separate 'Acomb Regeneration' scheme.

Scheme cost estimate - £4M – Cost estimates based on feasibility work do not currently exist. This scheme has a length of 2km. At roughly £2M per kilometre, this gives a rough cost estimate of £4M total.

Scheme priority – This scheme is assigned 'Very High' priority.

Challenges to delivery – This scheme is likely to involve removal of some on street parking spaces and challenging pinch points along route

Progress already made – A Principal Designer has been identified as part of the current procurement process, however insufficient funding to progress the scheme is available.

External Funding - This scheme was part of CYC's Active Travel Fund bid to the DfT. CYC have received some funding support for this scheme, however it is insufficient to take the scheme through to delivery.

Recommendation –It is recommended that the scheme awaits further funding as part of 'Phase 2' works.

Fishergate Gyratory Ped and Cycle Scheme

Project Description - Provision of improvements to cyclist and pedestrian safety between the existing facilities at the Fulford Road / Maida Grove junction and the Paragon Street / Fishergate Bar junction.

The project is needed because Fishergate and Fishergate Gyratory currently have fairly poor cycle infrastructure which acts as a barrier to many potential users on this radial route and creates a gap between existing facilities southwards on Fulford Road and northwards from Fishergate Bar into the city centre.

Several of the side roads off Fishergate and the gyratory have relatively poor pedestrian crossing facilities which discourage pedestrians from walking alongside this radial route and especially parents from walking their children to the two primary schools on this stretch.

Scheme cost estimate - £6M – This estimate is based on completed Feasibility work and is therefore moderately reliable.

Scheme Priority – This scheme is assigned 'Very High' priority.

Challenges to delivery – Feasibility work has been completed for this scheme by an external organisation which secure DfT funding to carry out the work. The feasibility work identified challenges to delivering including practical engineering and traffic impacts.

The significant physical restraints along the route provide great challenges to implementing a safe solution whilst still achieving an LTN 1/20 compliant scheme, all within the currently approved project scope (See Background Paper 2). Taking the current Feasibility designs through to detailed design will require a lot more work and would not be deliverable in phase 1.

Should these engineering challenges be overcome, there would still remain significant challenges to delivery in terms of the impact of the scheme including traffic and parking impacts.

Progress already made – Feasibility work is completed and referred to above. To pursue this scheme further a Principal Designer would need to be appointed to carry out further design work and one is included within the contract that is ready to award (see Contract Award section of the main report)

Recommendation – This scheme is likely to cost three times the total current programme budget. It is recommended that this scheme awaits further funding as part of ‘Phase 2’ works.

Fulford Road / Frederick House

Project Description - Provision of measures to complement the improvements for cyclists and pedestrians which have been delivered by the developers of the Frederick House site. The scheme would improve facilities for cyclists

The developers of the former Frederick House site were required to make improvements to the section of Fulford Road in the immediate vicinity of their site for pedestrians and cyclists.

This scheme complements those changes and would provide safer opportunities for cyclists to cross this key arterial route and access off-road / riverside route via Alma Terrace.

Cost Estimate – £800k – Feasibility has not yet been undertaken, therefore this cost estimate is based on high level ‘per kilometre’ estimates, after reviewing the approved project outline (see Background Paper 2)

Priority – This scheme is assigned ‘High’ priority

Challenges to Delivery – Feasibility work has not yet been completed, therefore it is difficult to determine what challenges there may be to delivery.

Progress – A Principal Designer has been identified as part of the contract award referred to in this report.

Recommendation – Due to the likely cost of the scheme relative to the overall budget, alongside the fact that this scheme does not have the highest priority, it is recommended that this scheme awaits further funding and is therefore retained in ‘Phase 2’.

Nunnery Lane / Victor St – Puffin to Toucan

Project Description – This scheme consists of changes to the Highway in front of Victoria Bar on Nunnery Lane, to improve active travel provision. Specifically by converting the existing Puffin crossing into a Toucan crossing to provide a safer crossing point over the inner ring road for cyclists between Bishophill and the South Bank area.

Cost Estimate – £230k – Feasibility work has not yet progressed, this figure represents a high level estimate based on previous experience.

Priority – This scheme has been given a ‘Medium’ priority, the lowest priority on the programme.

Challenges to Delivery – Achieving the approved project outline (see Background Paper 2) it would be necessary to resolve the outstanding issue at Victoria Bar with the inoperable access control measures (rising bollards) as presented to the EMDS in November 2019. It was decided to explore options for this issue alongside the aspiration for a Low Traffic Neighbourhood for Bishophill. Until this is resolved it is not possible to progress this scheme.

Progress – A Principal Designer is in place and is ready to start Feasibility work pending resolution of the above issue.

Recommendation – Due to the dependence upon the aforementioned access scheme, it is proposed that this scheme is added into the scope of work of that project. Reference TM05/19 on the capital programme.

University East / West Campus Link

Project Description - This project aims to improve the link between the East and West campuses of the University of York for active travellers.

The project will consider the enhancement of existing paths, roads or cycle ways to better the East-West connection.

The project is needed because The infrastructure for active travellers that links the East campus to the West campus is not of a high standard.

Cost Estimate – £4M – Concept work was carried out by Sustrains in 2018, further feasibility work has not yet commenced on this scheme and this estimate is therefore based on a cost per kilometre basis. This included an assessment of the approved project scope (see Background Paper 2) which includes LTN 1/20 compliant off-road segregated facilities along the 2km route.

Priority – This scheme has been assigned ‘High’ priority.

Challenges to Delivery – Feasibility work has not yet commenced for this scheme, therefore detailed challenges have not yet been identified. Previous work has highlighted challenges regarding impact on the Conservation area, highway reallocation issues etc.

Progress – A Principal Designer has been identified and is ready to start work pending award of the contract referred to in this report.

External Funding – A recent award of ‘Capability Funding’ from the DfT has provided a revenue stream by which this scheme could proceed to the end of Feasibility and Detailed Design.

Recommendation – It is recommended that this scheme is retained on the programme as part of phase 1, but is taken only as far as creating a project that is ready for delivery, and that only the revenue funding assigned from the DfT be used on this scheme, as per Annex 2.

St Georges Field Crossing

Project Description - Provision of a new signalised Toucan Crossing on Tower Street (dual carriageway crossing of the Inner Ring Road) adjacent to the St Georges Field Car Park entrance. This new crossing will significantly improve pedestrian facilities along this stretch of the inner road linking the city centre with the Barbican and the Fishergate, Fulford Road and South Bank areas as well as the riverside paths. It complements the vision for the Castle Gateway project.

Cost Estimate – £100k – This estimate is based on completed Feasibility work and is likely to be moderately accurate.

Priority – This scheme has been assigned ‘Very High’ priority.

Challenges to Delivery – This project is well progressed with consultation completed. A viable engineering solution has been identified. There are no significant challenges identified.

Progress – Feasibility work is complete and consultation is complete. The next step would be to obtain an Executive member decision to proceed to construction.

External Funding – This scheme has received funding from the DfT as part of a previous Active Travel Fund bid.

Recommendation – Due to the affordable cost and advanced nature of the work, it is proposed to retain this scheme as phase 1 of the programme and proceed to construction using, as per Annex 2.

People Streets at Ostman Road

Project Description - Provision of measures to improve the environment on Ostman Road near Carr Junior and Infant Schools at school drop-off and pick-up times, to encourage parents and pupils to walk, cycle or scoot to school.

The project is needed to improve safety and accessibility for children and parents affiliated with Carr Junior and Infant schools. Vehicles associated with the school drop-off and pick-up clog up Ostman Road and discourage children and parents from walking, cycling and scooting to school.

The project is also needed to improve the safety and amenity of cyclist journeys along Ostman Road, and to fulfil our commitment to the DfT as part of our Active Travel Fund bid.

Cost Estimate – £700k – This is based on completed Feasibility work and Executive Member decision on preferred design option.

Priority – This scheme has been assigned ‘Very High’ priority.

Challenges to Delivery – A viable engineering solution has been identified. This scheme will be presented to the Executive Member Decision Session on November 15th 2022 for approval to continue to detailed design and therefore create a scheme ready for delivery when funding is identified

Progress – Feasibility is complete, Consultation is complete, a decision is being sought at the November 2022 Executive member Decision Session.

External Funding – This scheme has received DfT funding.

Recommendation – The scheme is achievable, however insufficient funding is available to construct the scheme on the ground. It is recommended that the scheme remain on the programme, but work is only continued until the end of Detailed Design, pending further funding, and using only DfT funding (see Annex 2). Delivery would be subject to the identification of funding.

Rougier St / Tanner Moat Gap

Project Description - Provision of improvements to cyclist, pedestrian and wheelchair/mobility scooter user safety and amenity at the modal filter (cycle gap) between Rougier Street and Tanners Moat.

To minimise conflict between cyclists, pedestrians and wheelchair/mobility scooter users.

To prevent motor vehicle access through the modal filter.

To improve left turn into Tanners Moat from Rougier Street for cyclists.

Cost Estimate – £15k – Feasibility work has not been completed, this estimate is based on previous experience of similar schemes.

Priority – This scheme is assigned 'High' priority.

Challenges to Delivery – Although feasibility work has not been carried out on this specific project scope (see Background Paper 2), this issue has been previously considered as part of the TSAR (Traffic Signal Asset Renewal) junction refurbishments at Lendal Arch Gyratory. This work determined that an engineering solution was difficult to achieve, and that the current layout is likely to be the most viable, in terms of achieving the stated project aims. Planning consent has been granted for major development adjacent to this area with construction operations and landscaping conditions that will impact on the area.

Progress – Early feasibility work is underway.

Other methods – A nearby development is considering changes at this location.

Recommendation – It is unlikely that this scheme will result in a built asset after completion of feasibility due the challenges in finding a viable engineering solution in line with the approved project scope. It is therefore recommended that this scheme is paused pending further funding as part of ‘Phase 2’ works.

Skeldergate – Cycle improvements at buildouts

Project Description - Provision of improvements to cyclist safety and amenity at the build-outs at Skeldergate. The cycle route along Skeldergate forms an important link between the riverside route from Millennium Bridge along Terry avenue and onwards down North Street to the rivers route to Scarborough Bridge, the Railway Station and the wider area to the North of the City. There are two traffic calming pinch points on Skeldergate which impact on cyclists as well.

To minimise conflict between road users at Skeldergate. Improve safety, amenity and accessibility for cyclists on the route along Skeldergate, and to reduce and/or remove conflict at build-outs.

Cost Estimate – £150k – This estimate is based on completed Feasibility work and is therefore moderately reliable.

Priority – This scheme has been assigned ‘High’ priority.

Challenges to Delivery – Feasibility work is completed and no significant challenges to delivery have been identified.

Progress – Feasibility work is complete, consultation is complete, the next step is an Executive Member Decision Session.

Recommendation – It is recommended that this scheme is retained on the programme and progressed with CYC funding as per Annex 2. This is because the scheme is well progressed, is affordable, and is likely to result in a built asset.

Nunthorpe Road / Southlands Road

Project Description – Revise the layout of a bollard arrangement on Nunthorpe Road / Southlands Drive to improve the facility for users of adapted cycles.

Cost Estimate – £10k – Feasibility work has not been completed, however based on the modest project aims it is likely that the costs of this scheme are equally modest.

Priority – This scheme has been assigned ‘Medium’ priority, The lowest priority on the programme.

Challenges to Delivery – Feasibility work has not yet progressed, however it is likely that the modest project scope would result in a scheme with few challenges to delivery.

Progress – No progress has been made on this scheme under instruction.

Other methods – It is possible that this scheme could be pursued under an alternative existing scheme on the Transport Capital Programme, the 'Access Barrier Review', reference CY01/21.

Recommendation – Due to the assigned priority of this scheme, it is proposed that it be delivered by alternative means, namely through the Access Barrier Review project on the capital programme, reference CY01/21.

Chocolate Works Riverside Path

Project Description – To make improvements to the footpath alongside the 'Chocolate Works' development to improve a challenging section in the strategic cycle route from Millennium Bridge across the racecourse to Dringhouses and beyond.

Cost Estimate – £100k – Feasibility work has not been completed on this scheme and this figure is a high level estimate based on experience.

Priority – This scheme has been assigned 'Medium' priority.

Challenges to Delivery – Feasibility has not been completed on this scheme, however an initial evaluation indicates that there are likely to be significant challenges to achieving the project aims due to practical engineering issues. It would be necessary to find a solution to the significant gradient, and this is not likely to be possible within the physical bounds of the scheme.

Progress – Feasibility work has not been started. A Principal Designer is in place.

Recommendation – It is recommended that this scheme be paused pending further funding as part of ‘Phase 2’.

Tang Hall Lane / Foss Islands Path Access

Project Description - This project aims to resolve issues for active travellers at the junction where the Foss Islands cycle path joins Tang Hall Lane which currently forms part of Route 66 of the National Cycle Network. The project will consider safety and amenity issues for active travellers.

Civil construction solutions and traffic management solutions will be explored to resolve this issue.

This project is necessary to address safety and amenity issues for active travellers using the Tang Hall Lane / Foss Islands Cycle path. The junction is potentially dangerous for cyclists turning both off and onto the road, as it abruptly joins the road just beyond the brow of a hump-back bridge with no warning for cyclists or vehicles respectively.

Cost Estimate – £160k – This estimate is based on completed feasibility work and is therefore likely to be moderately accurate.

Priority – This scheme has been assigned ‘High’ priority.

Challenges to Delivery – Feasibility work is complete and there are no significant challenges to delivery identified.

Progress – Feasibility work is complete, consultation is complete, the next step is an Executive Member Decision Session.

Recommendation – Although this scheme is well progressed and does not contain any significant non-monetary challenges to delivery, there is insufficient funding to retain this within the programme. It is recommended that this scheme is paused pending further funding as part of ‘Phase 2’ works. Due to the level of progress on this scheme, it is recommended that should additional funding be found, this scheme is the first one to be resumed.

City Centre Cycle Parking Improvements

Project Description - This project will address issues regarding the provision, layout, accessibility and suitability of cycle parking infrastructure in and near the footstreets area of the city centre and extending out as far as the city walls.

Existing cycle parking infrastructure will be audited and updated to meet the recommended guidance of Local Transport Note LTN1/20 with opportunities for new adapted/load bike provision to be introduced alongside these existing locations.

The project will also investigate the potential for brand new cycle parking locations and the introduction of secure cycle storage lockers in the footstreets area, offering provision for standard/adapted/load bike provision in areas where this has previously not been possible. This will include provision for e-bikes and similar vehicles.

An analysis of a ‘Cycle Hub’ facility will also be undertaken, however delivery of such a facility will not be part of this scheme.

This project is necessary to address feedback from cyclists including owners of ebikes via the My City Centre process and in other discussion that a lack of suitable secure cycle parking is prohibiting them from considering Cycling as a suitable travel option for their journey into the city centre.

Cost Estimate – £150k

Priority – This scheme has not been assigned a priority as funding was secured after the member decision that determined priorities.

Challenges to Delivery – Significantly increasing the number and quality of cycle parking spaces within the footstreets of the city centre will only be achievable through significant compromise and by reassignment of existing highway space. There are very few ‘easy wins’ available and tough issues will need to be resolved to achieve the project scope for this scheme (see Background Paper 2). This could mean reassigning taxi ranks, pavement café space, public performance spaces, etc.

Progress – A principal designer has been assigned and feasibility has started.

External Funding – This scheme has received £150k of DfT grant funding.

Recommendation – It is recommended that this scheme is retained on the programme, and that only the assigned DfT funding of £150k is used to progress this scheme at this stage

People Streets at Clifton Green Primary

Project Description - To identify, propose and introduce design measures to improve the built environment around Clifton Green Primary focusing on:

- Identified concerns regarding the safety of crossing points on the Kingsway North approach to the school entrance
- Reducing the prevalence of cars parking on verges and blocking visibility during these times
- The clarity of crossing points across the school approach area with particular focus on the entrance to the York Medical Group site
- Enhancing the potential for parents and pupils to prioritise the use of active travel modes where possible (walk, cycle or scoot to school.)

Consideration for the place making opportunities to create a connection between the school entrance and the green space which runs along the centre of Kingsway North.

Cost Estimate – £700k – Feasibility work is not yet complete for this scheme. This estimate is based on completed feasibility work for a similar scheme, namely the People Streets at Ostman Road scheme, see above.

Priority – This scheme has not been assigned a priority as funding was secured after the member decision that determined priorities..

Progress – A Principal Designer has been appointed and feasibility work has commenced.

External Funding – This scheme has received £100k of DfT funding.

Recommendation – It is recommended that this scheme is retained on the programme as part of Phase 1 and pursued using only the assigned DfT funding

People Streets at Badger Hill Primary

Project Description - To identify, propose and introduce design measures to improve the built environment around Badger Hill Primary focusing on:

- Identified concerns regarding traffic volumes and speeds in the Crossways area during school pick up and drop off times.
- Reducing the prevalence of cars parking on verges and blocking visibility in the area during these times
- Identified concerns regarding the ease of crossing the road in the area due to reduced visibility due to parked cars and lack of defined/clearly identified crossing locations.
- Enhancing the potential for parents and pupils to prioritise the use of active travel modes where possible (walk, cycle or scoot to school.)

Consideration for the place making opportunities to create a connection between the school entrance and the green spaces located to the west end of Crossways and the public park located on Deramore Drive West.

Cost Estimate – £700k – Feasibility work is not yet complete for this scheme. This estimate is based on completed feasibility work for a similar scheme, namely the People Streets at Ostman Road scheme, see above.

Priority – This scheme has not been assigned a priority as funding was secured after the member decision that determined priorities..

Progress – A Principal Designer has been appointed and feasibility work has commenced.

External Funding – This scheme has received £100k of DfT funding.

Recommendation – It is recommended that this scheme is retained on the programme and pursued using only the assigned DfT funding.

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Transport – Active Travel Programme		
Name of the proposal :	Principal Designer Appointment (Acomb Road, City Centre North-South Cycle Route, Fishergate Gyratory Pedestrian & Cycle Scheme, Fulford Road – Frederick House Improvements, University East-West Campus Link and Wheldrake Heslington Path)		
Lead officer:	Nigel Ibbotson and Richard Milligan (CCN-SCR Only)		
Date assessment completed:	16/09/2022 (This will be superseded by the individual projects EIAs in due course)		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Nigel Ibbotson	Senior Project Manager	TTPM/City of York Council	Project Management
Richard Milligan	Project Manager	TTPM/City of York Council	Project Management
Christian Wood	Smart Transport Programme Manager	TTPM/City of York Council	Programme Management

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal?
	To improve accessibility for active travel modes (pedestrians and cyclists) along the geographical areas listed above.
1.2	Are there any external considerations?
	LTN (Local Transport Notice) 1/20 – Cycle Infrastructure Design Guidance (some projects are DfT Funded). CYC Procurement Procedure.

1.3	Who are the stakeholders and what are their interests?
	<p>DESIGN/CONSULTATION YET TO COMMENCE.</p> <p>CYC Internal – Maintaining the effectiveness of the authorities existing highways infrastructure, preparing the network for changing future demand, raising public awareness of upcoming changes and utilisation of the network during construction periods.</p> <p>Communications, Design, Conservation and Sustainable Development, Development Management, Finance, Highways, Major Transport Projects, Parks and Open Spaces, Public Protection – Air Quality, Road Safety, Streetworks, Sustainable Transport Service, Transport Network Management, Transport Network Monitoring, Transport Planning and Waste Services.</p> <p>External – User experience of junction and crossing sites, impact of works on network operation and heritage impact of junction/crossing installations.</p> <p>Businesses – to be fully identified – A1 Haulage, Abbey Plumbing & Heating, Acomb Grange Caravan Site, Acomb Hand Car Wash, Acomb Pizza & Kebab House, Adam Flanagan Flooring, Alan Kirby Artist, Aldi, APB Plumbing & Building Services, Archipod, Barbican Theatre, Arow Electrical Services, Ashton of York Bespoke Kitchen & Furniture, Auden House, Bartons Makes Perfect Scents, Benenden Health, Blush Hair & Beauty, Boyes Department Store, M Brittain, Busk, Cafes – Browns of Heslington, Caffe Valerie, Clean Eats, Laughing The Link and Llama Coffee & Bistro, Castle Electrics, Celtic Scaffolding, Christine Aker Curtains & Blinds, Co-op Food – Acomb, Co-op Funeralcare Acomb, Costcutter, Cottage Salon, Cowi UK, Crockery Hill Lawnmowers, , Cycle Heaven, Dilhorne House, Dimble Build, Doggie Daycare York, Dryfix, Ebor Fitness, Eden Spa, Elvington Airfield, Elvington Events, Elvington Medical Practice (Wheldrake), Energise Leisure Centre, ETAS, Everyman Racing Experiences, Evri Parcel Shop, Fairways Garden Centre, farms – Dodsworth Farm, Drome Farm, Langwith Lodge Farm and Pool Bridge Farm, FB Van Sales, Finangel, Fishergate Veterinary Surgery, Fit For Fighters, Forestry Commission England, Fulford Auto Sales, GB Plumbing and Heating York, Get Cycling CIC, Global Power Resource, Graham’s Ices, Guest Houses, The Guide Association – North Yorkshire</p>

South, Hair By Zara, Halifax Building Society, Halifax Estates, Hallo Mallow and Mirchiz, Hawthorn House Interiors, Hazel Hair & Beauty, Heslington Meeting Room, Heslington Post Office, Holgate Windmill, Hotels – Best Stays York (Alma York), Best Western Kilima, Carlton Lodge, Five Moorgate, Friars Rest Guest House, Grange Holiday Home, Howe Hill Hostel, The Limes, Melton Guest House, Moorgarth Guest House, Novotel, Shelley House, Windmill Apartment, The Vices and York Short Stays (25 Fulford Place), Iceland, Inspired ITALY, Interactive Fitness, M A Jones, J Tronics, K9 Care, Kangaroo Driver Training, Keen Hands (Wool Shop), Kevin Warters School of Motoring, Kings Lites, Langwith Lakes, LC Sweets & Treats, Linbrooke Rail, Lilac Studio, Liquid Indulgence, Little Peanuts Day Nursery, Londis, Lucy Monkman E-Commerce Services, Luxie Clinic, Majobi Dog Groomers York, C E McCaie, Morrisons, Nisa, NJ Cakes & Bakes, North East Security Systems, One Stop Shop, Ouse & Derwent Internal Drainage Board, P2U Electricals, Papa Johns Pizza, Pattinson & Brewer Solicitors, PC Transport, Pearson Professional Services, Peter Baker Plaster Works, The Priors Pharmacy, Public Houses – Charles XII, Chutni York, The Courtyard The Crooked Tap, The Deramore Arms, The Fox, The Fulford Arms, Inn on the Green, The King William, The Lighthouseman, The Roost, The Sun Inn, The Wenlock Arms and The Wellington Inn, Q Lake, Ray's Place, Reeds Electrical Supplies, Ruby's Coffee House, Red Lakes, Saffron Spice, Sainsbury's Local, Sew Right, Simon's Auto Services, Simply Wood, Sinclair Properties, Somerset House Care & Nursing Home, Steve Garnett Picture Framing, Sundeck Tanning Studio, Swallow Hall Caravan Park and Golf Club, TCS Plumbing & Heating, Tower Veterinary Group (Fulford), Trained UK, TSYS, Unity Health (Kimberlow Hill Surgery), Vanguard Heating, X Martial Arts Schools, Web-Shack, Westerley Lake Fishing & Caravan Park, William Birch & Sons, York Cold War Bunker, York Medical Group at Acomb, York MOT Centre, York Nails & Spa, York Natural Health, York Photo Studio, York Railway Bowls & Social Club, York Road Post Office, York School of Jewellery, Yorkshire Air Museum & Allied Air Forces Memorial and Yorkshire Food Finder – effect on day-to-day business and user activities during construction and on completion of the scheme.

Community Assets – to be fully identified – Abbeyfield House Sheltered Housing, Acomb Dental & Implant Clinic, Acomb Explore Library, Day Lewis Pharmacy (Acomb), Fishergate, Fulford & Heslington Local History Society, Gale Farm Surgery (Haxby Group), Holgate Allotments, Westfield Marsh, Wheldrake Village Hall and York Cemetery – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Emergency Service – North Yorkshire Fire Service, North Yorkshire Police, York Hospital and Yorkshire Ambulance Service – ability to perform their public duties during construction and on completion of the scheme.

Equalities Groups – Age UK York, Be Independent, Mysight York, Pocklington Trust, York Blind & Partially Sighted Society, Wilberforce Trust, York Disability Rights Forum and York People First – effect on day-to-day life activities for their members during construction and on completion of the scheme.

General Public – effect on day-to-day life activities during construction and on completion of the scheme.

Industry Bodies – Road Haulage Association, Visit York and York Archaeological Trust – ability to perform their public duties during construction and on completion of the scheme.

Melton College – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Military – 4 Yorks, A Squadron and York Garrison (Army Barracks) – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Motorists/parking permit holders/road users – effect on day-to-day life activities during construction and on completion of the scheme.

Office/Work Buildings/Operators – to be identified – effect on day-to-day life activities during construction and on completion of the scheme.

Religious Buildings – to be fully identified – Acomb Methodist Church, Acomb Parish Church Hall, Acomb Quaker Meeting House, The Church of Jesus Christ of Latter-day Saints (Mormons), Christian Church Science Society, Holgate Methodist Church, Heslington Church, Our Lady’s catholic Church, Saint Aidan’s Church,

Saint Stephen's Church and York Vineyard Church – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Schools – to be identified – Adventurers Day Nursery, Archbishop Holgate secondary School, Elvington Primary School, Fulford Secondary School, Heather's Nursery, Lord Deramore's Primary School, Muddy Boots Nursery Acomb (York), Saint George's Roman Catholic Primary School, Westfield Primary Community School, Wheldrake Pre School, Wheldrake Primary School, Wheldrake With Thorganby Church of England Primary and York High School – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Sports Clubs/Organisations – to be fully identified – Acomb Cricket Club, Wheldrake Junior Football Club and The York Bridge Club – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Transport Operators – Arriva Buses, Connexions Buses, East Yorkshire Buses, East Yorkshire Motor Services, First Bus, Glenn Coaches, Reliance Buses, Stephenson's of Easingwold, The Ghost Bus Tours, Transdev, Utopia Coaches and York Pullman Bus – effect on day-to-day operational and user activities during construction and on completion of the scheme.

Transport Groups - Sustrans, WalkYork, York Bike Belles, York Civic Trust, York Cycling Campaign and York Environment Forum Transport Group – effect on day-to-day operational and user activities during construction and on completion of the scheme.

University of York – effect on day-to-day operational and user activities during construction and on completion of the scheme.

1.4	What results/outcomes do we want to achieve and for whom?
	<p>The projects are linked to CYC Council Plan (2019-2023) core outcomes:</p> <ul style="list-style-type: none"> a) A greener and cleaner City of York council. b) Getting around sustainably. <p>The Council Plan (2019-2023) states City of York Council will undertake the following:</p> <ul style="list-style-type: none"> i) Options for sustainable transport, including public transport and rail, are improved to help reduce the need for car travel in the city. ii) Review city-wide public transport options, identifying opportunities for improvements in walking and cycling, rail, buses and rapid transit, which lay the groundwork for the new Local Transport Plan. <p>An aim of the The City of York Council Transport Plan 3 (2011-2031) is “having a comprehensive cycling and pedestrian network.”</p> <p>The projects listed above achieve some of the above aims/criteria.</p>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?	
Source of data/supporting evidence	Reason for using	
Propose Preliminary Stakeholder Consultation with the groups indicated at	Direct response to preliminary design option from a range of groups who may have existing knowledge of specific issues at the location for their	

<p>section 1.3. Stakeholders to be contacted via email and provided with details of the proposed project. May be necessary to issue notification via CYC website, leaflet drops to residents and press release.</p>	<p>organisation/members. May have to use latter options to reach less militant groups/individuals.</p>
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Step 3 – Gaps in data and knowledge

<p>3.1</p>	<p>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</p>	
<p>Gaps in data or knowledge</p>		<p>Action to deal with this</p>
<p>Individuals/groups that have sexual orientation, pregnancy and other “hidden” characteristics may not come forward or be known.</p>		<p>Could issue “anonymous” survey forms to residents to be completed and returned (postal and via CYC website).</p>

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?		
Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	Both old and young people should benefit from the safer environment to cross the road as a pedestrian and in cycling route. Longer term the reduction in air pollution should benefit all. Negative impact may result if the person is a motorist.	Positive	Low
Disability	All disabled people should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. Technology at crossings will need to apply for blind, partially blind and deaf people. May need training or	Positive	Low

	public direction for users who suffer cognitive issues. Negative impact may result if the person is a motorist.		
Gender	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Gender Reassignment	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Marriage and civil partnership	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Pregnancy and maternity	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from	Neutral – No	Neutral – No Differential

	the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Differential Impact Identified	Impact Identified
Race	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Religion and belief	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Sexual orientation	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified

Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Low income groups	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Veterans, Armed Forces Community	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified

Other	There are no specific impact to people of this characteristic, however, all who use the new facilities should benefit from the safer environment to cross the road as a pedestrian and in cycling the route. Longer term the reduction in air pollution should benefit all. No new lighting installations are proposed that may benefit lone women at night. Negative impact may result if the person is a motorist.	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified
Impact on human rights:			
List any human rights impacted.	None	Neutral – No Differential Impact Identified	Neutral – No Differential Impact Identified

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<p>Enhance/Increase the availability of information regarding crossing technology through CYC channels so that users are fully aware of how they operate and the benefits provided. Make this information available to stakeholders to share with their members/customers.</p> <p>Organise site meetings with impacted stakeholder groups to gather further feedback on user experience of the site and identify suggestions for possible adaptations which would make traffic signals easier for those with protected characteristics to use.</p> <p>Further investigation into the potential for adoption of smart signal demand options which allow for non-touch operation through smart button or phone app technology.</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

<ul style="list-style-type: none"> - Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations. - Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty - Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed. 	
Option selected	Conclusions/justification
<p>No major change to the proposal</p>	<p>The project will demonstrate that suitable consideration has been taken into account with regards the proposals by having consultation with as many groups and/or individuals with any of the characteristics during the process of design. The project is part of a wider programme of active travel provision which will be continually monitored and which could be further enhanced during the user experience at crossings. This will also be informed by continued interaction with stakeholders representing equalities groups and the establishment of new feedback gathering methods including site visits with these groups. Each project proposed for construction is subject to road safety assessment and where recommended, a Road Safety Audit will be carried out which will lead to further considerations as part of the design and installation process.</p> <p>The next stages at which reviews of this equality impact assessment can be undertaken is at the end of the feasibility process, during and at the end of the detailed design process, during construction and on completion/user review.</p>

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Additional stakeholder identification	Appropriate groups/individuals representing protected characteristics to be identified and added to the established CYC stakeholder consultation address book	Nigel Ibbotson working in conjunction with the CYC Communications Team	As soon as possible

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward?
	<p>Consultation at the end of feasibility stage with all stakeholder groups should occur to inform CYC of experience of previous installations and how further adaptations may be considered both retrospectively and on future schemes.</p> <p>A similar consultation should be carried out at strategic milestones in the detailed design and definitely at the end of the process prior to commitment to construction.</p> <p>Members of the general public who are users of the installations are free to provide feedback through any of the authority's communication channels and, where required and possible, officers will undertake further steps investigations and actions to improve the user experience of this site.</p>

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Executive**22 November 2022**

Report of the Director of Public Health
Portfolio Holder of the Executive Member for Adult Social Care and Public Health

Recommissioning of Alcohol & Drug Treatment and Recovery Services in York**Summary**

1. The purpose of this report is to seek authorisation to approach the market for the tendering of an adult and young people's alcohol and illicit drug misuse service, delivering evidence-based harm reduction, treatment and recovery services to the population of York. In addition, approval is sought for the delegation of decision-making to award the contract to the Director of Public Health. In line with City of York Council's Contract Procedure Rules (agreed May 2022) the Council is obliged to procure these services through a competitive process.
2. These services play a key role in promoting recovery and reducing the harm caused by drug and alcohol misuse which are a significant cause of health inequalities in York. The proposal is to award a new long-term block contract, with review points. This will assist with provider stability in this specialist area of public health services, and align with the long term population health need for the group that may require the service.
3. The reviews and contract period will be determined following a process of market engagement. Specifically, reviews will provide an opportunity to ensure that performance related quality measures and delivery of key outcomes are being met; these will be separate to usual quarterly monitoring meetings. This is considered to be the option which will lead to the Council obtaining best value for money and will provide a stable and supportive environment for service users.
4. The current contract, which expires at the end of May 2024, has a value of over £1.8m every year. The value of the new contract is expected to

be broadly in line with the current value, reflecting what can be anticipated in the public health grant over the next years, which is unlikely to rise in line with inflation.

5. In addition to the contract, around £450,000 will come to York through the national Supplemental Substance Misuse Treatment and Recovery Grant (the subject of a previous Executive report, see background papers). This will mean the drugs and alcohol treatment and recovery offer in York will be enhanced. However, as this is a government grant currently entering year two of a three year grant cycle, it is considered out of scope of this contract.
6. During the last procurement and awarding of the contract, the provider was expected to reduce the value by £400,000 over the period of the contract due to the reduction in core public health grant between 2017 and 2021.
7. In recognition of the effect these reductions had on delivery of the service, Health, Housing and Adult Social Care Policy and Scrutiny Committee recommended in June 2018 that the Executive add a non recurrent £100,000 back into the service to ensure the contract and service delivery was viable.
8. The new provider will be required to deliver a range of activities, but the focus of the procurement is on delivering outcomes for residents, which is reflected in the current service's key performance indicators and expanded on further in this report.

Recommendations

9. Members are asked to:
 - a. Authorise officers within City of York Council to tender a new contract for the provision of alcohol and drug service.
 - b. Authorise the Director of Public Health in consultation with the Director of Governance to accept the bid for this contract which scores highest on the evaluation criteria, and to award and sign a contract.
10. *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.*
11. This proposal falls within key decisions due to the annual value of the contracts and as such will be presented to Executive for decision.

Background

12. City of York Council became responsible for commissioning substance misuse treatment services when responsibilities for public health functions were transferred to the Council in April 2013 and have commissioned the current service since 2017.
13. Substance misuse treatment services are funded by the Department of Health local authority ring-fenced Public Health Grant Allocation. The Department of Health sets out a number of conditions for use of the public health grant and in 2015/16 attached a new condition which states that “a local authority must, in using the grant, have regard to the need to improve the take up of, and outcomes from its drug and alcohol misuse treatment services”. Local authorities are required to submit performance monitoring reports on drug and alcohol misuse treatment outcomes as part of the Public Health Outcomes Framework.
14. York has a lower prevalence of drug misuse than many other parts of the country, but substance misuse remains a cause of considerable harm to the health and wellbeing of York residents and an important cause of health inequalities. With deaths (8.3 per 100,000) from drug misuse higher than the national and regional rates.
15. York has a higher prevalence of admission episodes for alcohol-specific conditions (683 per 100,000) compared to regional and national figures.
16. It is estimated that there are 810 opiate users living in York. The estimated rate of opiate users per thousand of adult population is lower in York (4.4) compared national (7.3) rates. There are an estimated 21.4% of adults in York who drink alcohol at increasing risk or higher risk levels. Along with a local estimate of 2,458 requiring support and treatment, this equates to 84% not accessing services.
17. There were 46 young people aged under 18 in treatment in York (2020/21). As these figures relate to the period of time that many young people were accessing school online, it is estimated that this will increase as the usual routes of referral is through education.
18. The impacts of substance misuse are felt across the population and the evidence base shows that investment in drug and alcohol services results in a strong and substantial return on investment.
19. York invests in a range of open access and specialist services that enable people to access treatment and work towards recovery. Our priorities for the drug and alcohol treatment system are to improve

recovery outcomes and ensure the treatment pathway meets the changing needs of the population of drug and alcohol users. The following table shows just a small summary of some of the outcomes seen through the drug and alcohol service in York

Number of adult clients supported to recovery who did not come back into treatment within in 6 months (Apr 2017 – June 2022)	400 (Opiates)	Around 4-5% of opiate clients complete and do not represent every quarter
	903 (Non-Opiates)	Around 25-30% of non-opiate clients complete and do not represent every quarter
	1,679 (Alcohol)	Around 25-30% of alcohol clients complete and do not represent every quarter
Referrals from prison (2022/23)	123	
Number of CYP clients supported to recovery who did not come back in to treatment within in 6 months (since 2017)	547 (17 and under)	Around 20-30% clients 17 and under complete and do not represent every quarter
	390 (18-25)	Around 30-40% clients 18-25 complete and do not represent every quarter
Attendees at YP group work sessions	3,169	
Naloxone packs distributed to professionals (2022/23) (<i>a life-saving medication to prevent overdose-related harm</i>)	96	
Number of Needle Exchange transactions within Pharmacies (<i>prevention of HIV, Hep B/C</i>)	27,300 (pharmacies) 791 (Blossom St)	

Substance misuse services for young people

20. Under the current commissioning arrangements, young people's substance misuse services are part of adult treatment services. The scope of need and the response that is required from our approaches to risky behaviours brings a different perspective to working in this field. The current a wider approach to early intervention and building resilience to make safe choices around behaviour is considered a more favourable approach to reducing the long-term likelihood of problematic behaviours.
21. The new contract will be for a provider to ensure that there is a strong prevention model to the young people's service along with providing a treatment service.

Proposed Procurement Strategy

22. The proposal is to use a fair, open and transparent engagement process with this market of suitable providers, providers and key stakeholders to support the development of a new service specification.
23. It was the aim of the last re-commissioning that by the end of the contract term a bespoke model would form the basis of the next competitive tender in due course. This model has been developed and will be used to form a basis for the service specification.
24. A revised service specification will be developed after consultation with the current service provider, other partners, stakeholders and engagement with service users.
25. Evaluation criteria will also be developed to ensure a balance of quality service provision and value-for-money is reflected in the successful bid. Both legal and procurement teams in CYC have advised throughout the development of this proposal to ensure the process is undertaken within the appropriate legal frameworks.
26. Subject to approval of this paper, award of the contract will be delegated to the Director of Public Health, in conjunction with the Executive Member for Adults and Public Health.

Consultation

27. Work has been undertaken with a range of partners, listening to our criminal justice partners and clinical experts we continue to build on partnership working that was established over the time of the previous contract.
28. The newly established York Drugs and Alcohol Partnership Board has been informed of the re-procurement of the service and will be informed at key stages.
29. Service recipients and their families will be given opportunities to formally engage with the commissioning lead.
30. Previous service recipients will be consulted, there is a plan to undertake a series of forum events before the contract is awarded.
31. Clinical practitioners have been engaged through existing channels and meetings.
32. Future consultation work is planned, including with staff and elected members working in community and neighbourhoods, and a specific role has been identified to consult directly with service recipients in an appropriate framework to give the patients group a voice in the procurement process.

Options

33. Members are advised there is only 1 available option at this stage
34. Option 1: Approach the market to re-procure substance misuse services through competitive tender.
35. *Reason: To enable substance misuse treatment services to continue to be provided to York residents to meet the statutory requirement outlined in the Public Health Grant terms.*

Analysis

36. *Advantages*
Approaching the market will ensure access better comparison of cost and quality across providers, ensure a fair process and enabling best quality value.

37. *Disadvantages*

If we fail to approach the market at this stage, there is a risk that a new contract is not in place in time for when the current contract ends.

Council Plan

38. This proposal and re-commissioning of the York drugs and alcohol treatment and recovery service relates to the Council's Plan in many aspects and supports that 'Every resident enjoys the best possible health and wellbeing throughout their life'. Ensuring the commitment to continue to support substance misuse services to improve public health and support some of the most vulnerable in our society is met.

Implications

39. The implications are outlined below.

- **Financial:**

The annual contract value that we will be tendering for is approximately £1.8m and this is the value assumed in Public Health's balanced Five year financial plan. Any future contractual increases will be tied to the annual percentage increase in the Public Health Grant. Public Health are managing this and their other commitments within the core grant envelope and some smaller funding sources without recourse to base Council budget.

The current contract has been varied to include an element funded from the Office of the Police, Fire and Crime Commissioner (OPFCC). £181k of funding has been secured until 30th June 2024. The tender will be adjusted should this funding not be secured beyond this date so the financial burden does not fall to the Council.

The contract is likely to be a minimum of five years to secure interest and value for money from the market. There will be appropriate clauses/breakpoints which allow assessment of whether the contract is still delivering value for money during the contract period.

- **Human Resources (HR)**– There are no HR implications
- **Equalities** – *Equalities Impact assessment to be completed*

- **Legal:** As stated a legal representative from the commercial team has been involved in the working group considering this re-procurement and is advising the group along with commercial procurement officers. Any route to the market will be compliant with legislation and our own contract procedural rules. There are some properties related legal issues regarding the premises to be used by the service provider in the future if the contractor changes from the incumbent, but work is underway to try to ensure there is continuity in this aspect. There may well be employee transfer issues between service providers if they change (under TUPE) but the contract will make provision for protection where the legislation permits.
- **Crime and Disorder** - There are no crime and disorder implications.
- **Information Technology (IT)** - No IT implications
- **Property** – No property implications
- **Other** – There are no property implications.

Risk Management

40. The Office of the Police, Fire and Crime Commissioner (OPFCC) has committed to financially supporting an appropriate delivery of substance misuse treatment to clients presenting through the criminal justice system. This funding is in addition to the investment from the Public Health Grant and is reviewed annually. Current discussions are taking place to confirm contributions for the next contract.
41. The new provider will be expected to use every opportunity at their disposal to bring additional investment and capacity into substance misuse services using alternative sources of funding. A track record of securing investment will be one of the criteria in the tendering process.

Recommendations

42. Members are asked to:
 - a. Authorise officers within City of York Council to tender a new contract for the provision of alcohol and drug service.

b. Authorise the Director of Public Health in consultation with the Director of Governance to accept the most economically advantageous bid, in accordance with evaluation criteria and to award and sign a contract.

43. *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.*

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Report Approved **Date** 17/10/2022

Wards Affected:

All

For further information please contact the author of the report

Background Papers

Executive August 2016

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=9304&Ver=4>

HAS Scrutiny June 2018

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=671&MId=10541>

Decision Session – Executive Member for Adult Social Care and Public Health July 2022

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=740&MId=13559>

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Executive**22 November 2022**

Report of the Chief Operating Officer

Portfolio of the Executive Member for Finance and Performance

Occupational Health and Day One Absence Management Provision**Summary**

1. This report seeks permission to re-procure an Occupational Health and Day One Absence Management Service for the Council, key in ensuring employees are able to fulfil their duties safely with their health and wellbeing supported. It summarises the current occupational health and day one absence management provision and notes the preferred procurement approach of using an approved framework.
2. Executive agreed in June 2021, to extend the Medigold (One Day Absence Management provision) contract for one year. Work has taken place to look at alternative options for assisting managers to manage employee absence. It was hoped in June 2021 that a full year without pandemic restrictions would be available to assess Medigold as a system and review impact on 'normal' absence levels, but this has not been possible. As the Executive will be aware, pandemic restrictions were not fully lifted until the end of March 2022 and there are now 'after effects' of the pandemic which are impacting on staff absence, for example, delayed hospital admissions and treatments. Notwithstanding absence levels, the ability for managers to manage employee absence is paramount, this needs to be via a swift, easy and reliable system that is not cumbersome and resource intensive.
3. Work has been undertaken in the last year to review the capabilities of the inhouse HR system to undertake a similar recording process to that of Medigold. The outcome is there is nothing comparable that can be created. This paper therefore, seeks approval to re-procure a day one absence system alongside and jointly with the occupational health contract to take advantage of a joined-up service.

Recommendations

4. The Executive are asked to
 - a) Agree to procure an occupational health and day one provision effective from May 2023.
 - b) To delegate to the Chief Operating Officer power to select the appropriate procurement route and award the contract to the successful bidder.
 - c) To consider future procurement of a contract of this nature as 'routine' on the basis that this is a re-procurement of existing arrangements.

Reasons: To ensure managers continue to be provided with the tools to facilitate proactive absence management; ensure 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.

Background

5. Occupational Health is the branch of medicine dealing with the prevention and treatment of job-related injury and illness and plays a vital role in the overall programme of support to the wellbeing of staff across the Council. It also helps the Council meet its statutory obligations in relation to health surveillance, workplace safety and the Equality Act 2010.
6. Day one absence is an external service that captures the start of an employee's absence and the real reasons for it, provides the employee with initial immediate support from occupational health professionals; provides a suite of online tools to assist managers in pro-actively supporting the wellbeing of their employees as well as providing the organisation with real time data to inform appropriate interventions.
7. The Council currently sources its OH provision and day one absence through two separate commercial providers. Health Management Limited ('HML') has been providing occupational health services to the Council since 2014 (re-procured in 2019) through the Crown Commercial Services Framework¹. Whilst the current contract is due to end in November 2022 an extension is being secured to take it up to May 23. Day one provision is contracted

¹ Crown Commercial Service Occupational Health Services, Employee Assistance Programmes and Eye Care Services Framework RM3795,

through Medigold who have supplied the service since September 2019 (Executive approved in June 2021 to extend the contract for one year so that a full assessment of the benefits of the Medigold system can be considered).

8. This exercise has been undertaken including the review of the Council's current HR system (iTrent) and the capabilities of the absence module.
9. In order to align the end dates of both contracts an interim contract is currently being arranged to take the Day One provision up to the same date. Permission is now sought to go through a procurement process for a single provider to deliver an occupational health and day one provision for a further 4-5 years as per our previous commitment in June 2021 to bring occupational health and sickness processes under the same supplier.

Occupational Health

10. The current occupational health contract, at an average annual cost of £113,000 per year (£566,000 over 5 years) provides for a range of occupational health services. Day one has cost circa £90k per annum. It is envisaged that by bringing both provisions together greater efficiencies in the delivery of the contracts can be achieved with a more holistic approach to absence and wellbeing realised.
11. The Council's current use of the occupational health contract and a summary of the current provision can be found in **Annex A**, but in brief this includes:

Type of Provision	Examples of what this includes
Work Health Assessments	<p>Undertaking and interpreting pre-employment health assessments.</p> <p>Assessing fitness to work regarding ill-health capability dismissal or ill health retirement</p>
Assessment and provision of professional advice	<p>Assessing employees on long term sick leave or with short term intermittent health issues and advising on likely timescale of absence and promoting an effective return to work.</p> <p>Advising on temporary or permanent changes to the work or workplace ('reasonable adjustments') to enable an employee with a physical or mental health condition or disability to work effectively and safely.</p>
Health Surveillance and prevention	<p>Undertaking ongoing health checks to prevent health problems occurring and fulfilling the Councils legal obligations</p> <p>Assessing where a person's work has affected their health-giving advice as to what action should be taken both to support the individual and prevent recurrence in other workers.</p> <p>Provision of an osteopath service integrated into the current occupational health contract enabling the OH contractor to provide clinical oversight and management of this element of the Council's preventative health and wellbeing provision.</p>

	Particularly important as the OH referral data from 2021 tells us that 27% of OH referrals within that reporting period were musculoskeletal related with 23% being perceived as work related symptoms.
Employee Assistance Programme	Providing various support and counselling on a confidential basis to employees on a wide range of topics (both work and home) to assist with their wellbeing.

12. As part of the procurement exercise in 2019 changes were introduced into the contract, one of which was a move to a more telephonic delivery model. Whilst referrals continued to be triaged to the appropriate clinician, with face-to-face appointments' taking place where clinically appropriate, the majority (91%) have been conducted by telephone. This has not only increased flexibility of nurse and doctor appointment scheduling but increased resilience of the service, particularly useful during the lock down phases of the pandemic and keeping contacts to a minimum.
13. With the introduction of an occupational health advice line for managers, enabling them to seek generic health advice on any health issues affecting staff including pre-referral advice, improvements have been made to get the best out of clinical assessments.
14. The pandemic has exacerbated rather than alleviated most of the challenges around identifying and managing wider risks to peoples' health. A preventative approach to keeping employees' safe and well at work both physically and mentally remains important. A complimentary occupational health provision that provides clinical oversight continues to be essential.

One Day Attendance Management

15. The Council currently purchases Day One attendance management from Absentia, part of Medigold Health. It logs all unplanned absences of Sickness, Compassionate and Dependant Care Leave on behalf of the Council and reports this back to the business for absence reporting and payroll purposes. The service is managed by both trained professionals and medically qualified personnel, who are able to support employees get back to health and work quicker.
16. The introduction of Day One absence management has created the circumstances for a greater tracking and performance culture of longer-term sickness cases with real time information, reduction in burden on managers to complete paperwork as the system allows more automation and linkages to payroll. It also enables managers to track short term absences and helps to

improve the quality of return-to-work conversations as a result of prompting and recording more fully.

17. The introduction of Day One, has enabled managers, to complete all transactions in relation to recording of absence within one system, minimising the burden of administration and working within a stepped process of supporting staff wellbeing and attendance management.
18. It is helpful to note that the current format of the Medigold reporting supports around 20 reports within the system and allows a greater oversight of absence, reasons for absence and the associated management. Some of these reports are underutilised by managers and have recently been developed with greater instant access to absence data and it is envisaged that the roll out of new screens and training will be available to managers very soon.
19. The introduction of the system, the associated training and ongoing focus on attendance and wellbeing is a constant feature of the day of a manager as a result of the workflow they need to comply with.
20. The creation of any alternative inhouse system would be at a significant cost in terms of staff time, configuration, staff training and embedding a new model when 'Day One' is now embedded within the organisation.
21. Bringing both services together under one provider should result in a more holistic approach to manage the health and wellbeing of staff with a seamless transition between health professionals at the earliest opportunity.

Consultation

22. We continue to work with a range of stakeholders across the organisation to help refine the Councils wellbeing offer. The provision moving forward will continue to provide, real time data, professional advice where an employee is absent and work with the organisation to develop solutions to keep employees with/without health issues at work.

The stakeholder groups include:

- Joint Health and Safety Committee
- Workplace Wellbeing Group
- Trade Unions and a
- Cross Directorate working group.

The intention is to continue to have one contract to cover the whole provision.

Options

23. **Option 1:** To agree to procure a day one absence and occupational health contract effective from May 23 via an approved framework with the best combination of services that are affordable.

Analysis

Through this method the organisation should be in a position to contract with a provider that will not only give independent and professional advice, ensure legal compliance in terms of health surveillance but can also work with the organisation to develop solutions to keep employees with health issues at work.

This option is likely to create the least disruption to the organisation. Depending upon the supplier there is likely to be changes in process, but these should be minimal and limited to designing processes for matching hierarchies, data transfer and training on the new providers' systems only.

This option will see the continued provision of real time sickness data to support the performance management of attendance at work and by combining the two contracts the aim of achieving a more seamless transfer between an employee reporting absence through to the Council receiving occupational health advice can be realised. Comprehensive data will be available through this model providing a co-ordinated approach against which the Council can better inform and build a holistic wellbeing offer to support employee remain at work.

This is the preferred and recommended Option from Officers alongside continuous improvement of processes and consistent application of the policy.

24. **Option 2:** Put in place a contract for occupational health provision only and return to the council's original model around ITrent with additional resource in HR and payroll.

Analysis

This option would see a return to the manager driven paper processes that previously existed whereby managers would be responsible for managing sickness cases with little corporate oversight and supporting workflow processes.

Whilst costs to an external supplier would no longer exist additional staff would be needed to: update iTrent paper forms; train/remind the organisation of previous processes and responsibility; re-establish the self-service recording functions currently offline in iTrent and de-commission current processes. Alternatively purchase or develop a new electronic system to capture the data with CYC support and expertise.

In June 2021 the size of an internal team recommended to provide support to a return to the council's previous system of recording and managing absence proposed the requirement to recruit a grade 6 Wellbeing Officer at 1 FTE and a grade 4 administrator at 0.5 FTE. On reflection this is likely to be under resourced at an estimated cost of £45K and doesn't account for management time in overseeing the team and or CYC expertise in developing systems and support.

It should be noted that any internal support would not be able to replicate the independence that an external day one absence supplier has brought in terms of 24/7 immediate access to occupational health advice. Nor will such a system be able to provide real time data which has helped the performance management of attendance across the council.

Whilst specialist OH advice would still be available under this option the ability to integrate and have a seamless approach to attendance management is lost with multiple data entry required and the benefit of day 1 advice and referral is not available.

There would also be a need for a project to commence to return CYC data from Medigold should this be required. This would require resourcing.

25. **Option 3:** Spot purchase occupational health advice on an ad-hoc basis as the needs arise without an external day one absence provision in place.

Analysis

Whilst medical advice can be sought on an ad hoc basis, those giving the advice may not be occupational health specialists (for example a GP is not a specialist in occupational health). This approach would not result in a proactive co-ordinated approach to help keep employees at work and will be more costly in terms of managing attendance and occupational health provision.

Purchasing ad-hoc occupational health services would not achieve economies of scale and would require the direct employment of additional

resources in HR in order to make appropriate referrals to individual GP's or other clinicians on behalf of managers. There would be no contractual provision in place to ensure quality and timely responses.

The organisation would still be required to source in a limited market independent physicians appropriately qualified in occupational health, in order to meet pension scheme rules around the assessment of ill health retirements.

Secure systems for sharing and storage of medical data would also need to be developed and put in place.

26. **Option 4** procure a day one and occupational health contract separately. Whilst we have managed these contracts separately up until now, the ambition to improve the connection between managing sickness absence with greater occupational health input will not be realised.

Council Plan

27. The information outlined in this report is in line with the Council Plan and the Organisational Development Plan where the Health & Wellbeing of staff is a priority.

Implications

28. **Financial:** The 2022/23 net budget for occupational health is £113,200 and net budget for Day One Absence management is £90,000. Therefore, the future procurement should evaluate the contract cost against the budget to determine affordability.
29. **Human Resources (HR)** Professional occupational health provision and advice is key in keeping people safe and well at work both physically and mentally. A tailored occupational health provision that meets the needs of the organisation to compliment the Councils overall employee wellbeing approach is key to ensure a reduction in sickness absence. Lifestyle and wellbeing services result in an increase in productivity and staff engagement/retention.
30. **Equalities:** Occupational health specialists are able to give recommendations which will assist the organisation make reasonable adjustments to help remove inequality due to disability.

31. **Legal:** Given the level of spend in previous years, a procurement process meeting the requirements of the Public Contract Regulations 2015 and the Council's Contract Procedure Rules is likely to be required. Subject to further advice on the agreed Procurement Strategy with the Corporate Procurement Team, the Council could either:

- source these services through its own compliant procurement carried out pursuant to the Regulations, or
- by following a further competition process set out under an appropriate, available framework agreement.

For example, it is noted that the current contract was called off from Crown Commercial Service Occupational Health Services, Employee Assistance Programmes and Eye Care Services Framework RM3795 in 2019; a new framework for the same services was set up by Crown Commercial Service pursuant to the Regulations in 2021 until 2025, and is available to the Council – see <https://www.crowncommercial.gov.uk/agreements/RM6182>.

32. **Crime and Disorder** N/A

33. **Information Technology (IT)** ICT will be part of procurement specification and evaluation process to help ensure that any potential technology platforms submitted to be used as part of a referral process, are compatible and able to integrate with the Council's infrastructure. The ICT Board review and approval process will be part of the governance process for this as with all systems.

34. **Property** An assessment will take place as part of and following the procurement process as to the need, if any, to identify appropriate accommodation and or premises.

35. **Other** N/A

Risk Management

36. The provision of appropriate occupational health advice including health surveillance will limit the Council's risks in relation to keeping people healthy and safe at work.

Contact Details

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Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**



Date 8/11/22

Specialist Implications Officer(s)

Legal:

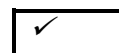
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Wards Affected:

All



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Background Papers:

Executive Meeting 24th June 2021 – Future of CYC Sickness process
Relating to Medigold

<https://democracy.york.gov.uk/documents/s150416/Executive%20-%20Future%20of%20CYC%20Sickness%20process%20relating%20to%20Medigold%20-%20June%202021.pdf>

Annexes

Annex A – Summary of current provision and use.

Annex A

Noted below is the numbers of referrals taken from HML's latest Quarterly report for the period October 21 – June 22, unless stated otherwise.

- The total number of management referrals from October 21 – June 22 was 321 (an 8% increase from the same period of the previous reporting year).
- 29 (9%) of the management referrals were triaged to face to face assessment while 292 (91%) were triaged to remote occupational health advisor assessment.
- The total number of Health Assessment Questionnaires received in the reporting period were 199 with 8% requiring further investigation
- Total number of ill health referrals 15
- The total number of osteopath referrals were 375
- The number and type of Health Surveillance carried out in 21-22 was as follows:

Health surveillance carried out 2021-2022	
Audiometry	198
Respiratory /lung function	200
Skin	204
Hand Arm Vibration	186

- Annualised utilisation of the Employee Assistance Service - 2.42% (July 21 – Jun 22)

Summary of Current Provision

Type of Activity	Why	What it covers
Health Surveillance for specific roles	To meet statutory requirement for the council to fulfil its obligations and importantly ensure employees remain safe at work	<p>Carry out an annual programme of health surveillance in the following areas:</p> <p>Spirometry (breathing test) Audiometry (hearing test) Skin Checks HAV (Hand Arm Vibration) Night and Lone Working HGV</p> <p>Health surveillance appointments held at our premises on block a week at a time to limit service disruption</p>
Occupational Health Clinical Advice (triaged to appropriate health professional e.g., Advisor or	To provide manager with information about ill health / absence and medical recommendations to inform appropriate action. Main aim being	All OH referrals are appropriately triaged to the most appropriate clinical route to enable the

<p>physician) via a telephonic delivery model where clinically appropriate.</p>	<p>to support employee back into work or help them remain at work</p>	<p>provision of information to CYC in relation to:</p> <ul style="list-style-type: none"> • Prognosis; • Fitness to work; • Restrictions; • Adaptations; • Likelihood of further absence; • Disability legislation; • Ill health retirement <p>Provide the organisation in the form of a written report with appropriate medical information to help the organisation support the employee and manage the absence from work appropriately and mitigate risk.</p>
<p>Provision of data – qualitative as well as quantitative and interpretation of data to recommend actions the</p>	<p>Use of data to help inform not only how contract is working to inform practice around the use of provision but to better inform the</p>	<p>Provide and interpret quarterly MI</p> <p>Interpret and provide recommendations from an occupational health perspective on</p>

organisation might want to consider reducing incidents of absence	organisations wellbeing offer and other preventative interventions	what the organisation might want to put in place.
Provision of an employee assistance service	Provide employees with 24/7 access to information that can help reduce potential stressors e.g., budget management, counselling support	Provide an easy accessible employee assistance service (on line and via telephone) to provide advice on a range of topics and issues as well as provide counselling services where clinically appropriate to do so.
Provide and review Health assessment questionnaire (HAQ's) for employees offered employment	On line provision reviewed by exception to ensure we are aware of any ongoing health issues for new employees	Provide an initial online screening health assessment questionnaire. Carry out health assessments for "exceptions" (type of assessment to be determined via a triage system) and advise CYC on outcomes. HAQs to be provided for new employees or employees changing roles.
Method of referral and reports received via a secure online portal	To ensure confidentiality of information	Easy to use secure online system to refer and receive occupational health reports. Technology platform used to be compatible and able to

		integrate with the Councils infrastructure.
OH Advisory Line for managers (8.00am to 6.00pm)	Provision of telephone help desk and support for managers regarding health concerns of employees and the best way to support (recognising referrals may not always be needed)	<p>Generic occupational health advice on any health issues affecting CYC employees;</p> <p>Medication queries in safety critical /customer facing roles;</p> <p>Pre-referral advice including the timing of a referral;</p> <p>Clarification on the referral process for an OH assessment and information on how best to construct the referral;</p> <p>Specific queries about cases and/or updates and amendments</p>
Osteopath service	Clinical oversight and management of osteopath service providing closer integration with OH services allowing for horizontal referral pathways	Provision of onsite osteopath service

<p>Buy in as required an ability to hold OH case conferences for use in complex cases</p>	<p>For both employee and manager to understand issues and best way to proceed</p>	<p>To recommend and hold as necessary case conferences to help support the organisation and the employee on the best way to proceed in managing the sickness absence with agreement of employee.</p>
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Executive**22 November 2022**

Report of the Assistant Director, Education and Skills
Portfolio of the Executive Member for Children's Services and
Education

SEND Capital Plan, 2023-25**Summary**

1. This report provides details about the plan for capital schemes to improve the sufficiency of provision for children and young people with special educational needs and/or disabilities (SEND). Capital schemes in the plan are designed to improve the sufficiency of provision in both specialist and mainstream settings to ensure that the majority of children and young people with SEND are able to be educated in appropriate provision in the City of York. The SEND capital plan is part of the implementation plan for the priorities identified through the Inclusion Review and is an essential part of the Safety Valve delivery plan. The Executive is asked to approve the use of £8 million of SEND capital to fund the individual schemes outlined in this paper. The Executive is asked to devolve decisions about the use of SEND capital to the Corporate Director, Children's Services and Education and the Executive Member for Children's Services and Education.

Recommendations

2. Executive are asked to consider approving the schemes outlined in the SEND Capital Plan, 2023-25.

Reason: This will 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.

Background

3. Phase 3 of the Inclusion Review began in March 2019 and focused on identifying the sufficiency gaps in the current provision for children and young people with SEND in York. A review of the changes in primary need identified in SEND data has highlighted an increase in autism and social, emotional and mental health needs (SEMH). This trend has been seen nationally, regionally and within the City of York.
4. Following the introduction of the Children and Families Act in 2014 and the implementation of the SEND Code of Practice in 2015 the council, in common with local authorities across England, has found itself with a cumulative deficit in the high needs funding received via the dedicated schools' grant. This has been due to the growth in demand for special educational needs (SEN) provision greatly exceeding the government funding provided over the past eight years. The deficit had arisen due to changes in the requirements for SEND provision from local authorities, including extending the upper age limit for support from 18 to 25, which has led to a commensurate increase in the costs of maintaining access to education provision.
5. In March 2022 the council entered into a Safety Valve agreement with the Department for Education (DfE) which will clear the cumulative deficit by 2025/26. The agreement will not impact on the council's reserves to deliver services. The DfE has committed to paying the council £17.1 million over the five years to 2025/26. Further funding will come from the DfE increasing the formula funding being given to local government for SEN places as part of the spending review and, as a safety valve authority, the council has also been able to access additional capital funding for the delivery of additional in-city school places.
6. To support the delivery of the Safety Valve agreement the local authority has successfully secured £3 million of additional capital funding from the Department for Education. This is in addition to the £5 million of SEND capital funding that will be received over the next two years and will allow York to ensure that the sufficiency issues identified through the Inclusion Review have been addressed. Ensuring sufficiency of in-city provision is an important focus of the Safety Valve plan as this will impact on reducing both the overall costs of provision and will also reduce the costs of SEND transport.

7. An important outcome of the SEND capital plan is the need to restore parental confidence in mainstream and in-city provision, particularly for children with autism, communication and interaction and social, emotional and mental health needs. The options explored have built on the success of provision that already exists in the city. There are currently two generic special schools (Applefields and Hob Moor Oaks) and specialist SEMH provision provided by the Danesgate Community which also provides places for children permanently excluded from school. There are existing enhanced resource provision bases at St Paul's Nursery School, St Oswald's Primary School, Haxby Road Primary Academy and The Joseph Rowntree School and Fulford School. Children on the roll of Applefields School are also supported through satellite provision at Manor Church of England Academy and Millthorpe School. The development of the proposed capital projects has considered the geographical spread of provision across the city but has also considered where existing expertise can be used to best effect. In developing proposals for new enhanced resource provision (ERP) in the secondary phase all secondary schools were asked to provide an expression of interest in hosting an ERP and Huntington School submitted an expression of interest.
8. In 2021/22 there has been significant investment in capital works at both the Danesgate Community and Applefields Special School which will help to manage current and immediate sufficiency pressures in our specialist secondary settings. The capital work at both schools has remodelled existing space on both sites to make spaces that are more fit for purpose for children with complex autism and SEMH.

The SEND Capital Plan, 2023-25

9. The schemes identified as the SEND capital plan for 2023-2025 are aligned to addressing the place pressures identified through sufficiency mapping. The numbers of children and young people with education, health and care plans continues to increase. Between January 2020 and September 2022 the number of EHCPs increased from 936 to 1,218. In September 2022 65% of children with an EHCP were in mainstream settings. The following proposals are designed to ensure that the city is able to provide appropriate school places for children with SEND. The specific proposed capital schemes to deliver appropriate school places are described in the following paragraphs.

St Paul's Nursery Enhanced Resource Provision

10. The proposed capital works at St Paul's Nursery will further develop the enhanced resource provision in the maintained nursery school. This will create an early years support hub focused on Communication and Interaction needs.
11. The nursery school site requires capital works to address current condition issues and to create more appropriate places for children with communication and interaction needs. The scheme will involve replacing an L-shaped extension to the building which is at the end of its life and remodelling the space to create additional teaching space, a sensory intervention space, a speech and language intervention area and changing spaces more suited to the children's needs. Both internal and external space will be remodelled to improve the use of space on the site and increase storage capacity. The nursery will also have space to support outreach and professional development for the early years sector as part of the proposed capital scheme. The budget required for this scheme is **£1.2 million**.

Haxby Road Enhanced Resource Provision

12. In the primary phase the proposal is to expand the current successful provision at Haxby Road. This provision is consistently over-subscribed and in high demand from parents, carers and schools. The current model of provision works and meets needs. The current provision is located in a Victorian primary school with limited space and this has placed constraints on the further development of the provision. The SEND Capital Plan would be to develop additional provision on the site at Lakeside Primary (in the same multi-academy trust as Haxby Road). The provision at Lakeside would be operated as a second site for the Haxby Road Enhanced Resource Provision (ERP) and the children would be on the roll of Haxby Road School. Work is currently taking place on developing the plans for the provision at Lakeside. The work will involve remodelling the existing site to create space for two additional rooms with breakout and sensory spaces for the enhanced resource provision. An indicative budget of **£1,437,055.20 million** has been assigned to this project.

Huntington School Enhanced Resource Provision

13. In mainstream secondary the proposal is to support the ambition for increased inclusion through using capital works to create appropriate accessible facilities for children with complex communication and interaction needs. Particularly for children with autism and anxiety disorders. We propose to develop an additional secondary enhanced resource provision at Huntington secondary school for young people with autism.
14. The proposal is to deliver a modular building with a separate entrance. Work will be phased over three years and will be located on the footprint of a temporary two classroom unit and the existing cycle storage area at the front of the school. The proposed budget allows for the relocation of the cycle storage and the demolition of the temporary classroom unit. This includes:
 - Phase One 1 (September 23): A classroom for 10 pupils; 2 break out spaces; 1 sensory room; Teaching storage; Pupil toilets; 1 x hygiene suite; staff area/kitchenette and toilet.
 - Phase Two (September 2024): A classroom for 10 pupils; 2 break out spaces; 1 sensory room; Teaching storage
 - Phase Three (September 2025): A classroom for 10 pupils; 2 break out spaces; 1 sensory room; Teaching storage

Indicative Budget

Phase 1: £816,000

Phase 2: £476,000

Phase 3: £515,000

Total Indicative Budget: **£1,807,000**

Specialist SEMH Sufficiency

15. The Inclusion Review, analysis of existing school provision and consultation with school leaders has identified a continuing pressure on in-city specialist provision for children and young people with social, emotional and mental health needs. The Danesgate Community has fulfilled the role of providing specialist support for children and young people with SEMH whilst having the designation of being a pupil referral unit (PRU). Capital works have

been taking place at the Danesgate Community during 2022 which have been designed to reshape the provision on site to better meet the needs of the majority of the cohort that they now serve. The majority of children and young people at Danesgate have an education, health and care plan and this has led to the need to develop an enhanced specialist approach on the Danesgate site. The PRU provision is designed for children and young people who have been permanently excluded from school or who are at risk of permanent exclusion. The local authority is required by law to arrange a full - time education from the sixth school day following permanent exclusion. Permanent exclusion should always be the last resort and the local authority works with schools to explore all available options to avoid permanent exclusion, including curriculum adaptations, access to alternative provision and short term behaviour interventions provided by the Danesgate Outreach service and the Danesgate Kestrel provision. Since 2020 the local authority has been co-ordinating a directory of quality assured alternative provision providers and this has proved successful in developing the range of interventions open to schools to support children and young people at risk of exclusion. However, there remain a small number of young people who remain at risk of permanent exclusion. This means that the PRU element of the Danesgate Community now represents a smaller element of the provision and it is appropriate for the local authority to consider the options to develop full time provision for permanently excluded children and young people which meets their needs and supports them to achieve better outcomes through developing additional high quality alternative provision. The development of additional alternative provision will include supporting adaptations to existing school/college provision and community based provision. This would ensure that provision would be available closer to children and young people's homes reducing the need for transporting children over long distances. Developing additional alternative provision would ensure that the Danesgate main site could better meet the need for additional specialist SEMH places in - city between 2023 and 2025 and this would help to reduce the need for out of city placements for children with autism whose presenting need is SEMH.

16. The development of additional alternative provision would provide sufficient places for the local authority to meet its statutory duties to provide education for children and young people subject to permanent exclusion and would create sufficient specialist places to

meet need on the Danesgate main site up to 2025 and beyond. The development of this provision is proposed as part of the SEND Capital Plan. The develop of additional alternative provision will be part of a full consultation process with all education providers in the city in January 2023.

Applefields School

The final phase of capital works at Applefields School is required to take place over the next 3 years. This work will involve:

2023/24 Adaptations to 4 classrooms.

2024/25 The amalgamation of two classrooms to create 1 large classroom and 2 small classrooms; 4 classroom adaptations and hoist upgrade work.

2025/26 The final stage to include office suite infill in existing courtyard and hydrotherapy pool upgrade.

Indicative Budget:

Phase 1: £490,000

Phase 2: £1,114,600

Phase 3: £470,000

Total Indicative Budget: **£2,074,600**

Summary of capital costs for proposed SEND capital projects

Project	Indicative cost (including contingency)
St Paul's Nursery	£1,200,000
Haxby Road ERP (Lakeside site)	£1,437,055.20.
Huntington Secondary ERP	£1,807,000
Applefields Special School	£2,074,600
Developing additional alternative provision	£1,400,000
Total	£8,000,000

Consultation

17. The Inclusion Review consultation was used to identify current gaps in SEND sufficiency. Between May and June 2021, a city-wide consultation took place with all stakeholders including parents and carers and children and young people. The purpose of the consultation was to gain feedback about the current city-wide provision for children with special educational needs and/or disabilities (SEND) to inform proposals about future provision. The consultation asked questions about mainstream and specialist provision and the perceived sufficiency gaps in current provision. The consultation ran for a period of 4 weeks and in total over 600 people accessed the consultation documents. The outcomes from the consultation were:
 - The majority of parents/carers would like their children to access mainstream education with appropriate support in place.
 - There was support for enhanced resource provision across all age ranges.
 - There is a need to improve support for families – particularly linked to SEMH/Autism/ADHD.
18. The delivery of each of the capital projects outlined in this report will involve statutory consultations as part of the planning application for each scheme.

Options

19. Option 1 – Do nothing
20. Option 2- Deliver the schemes described in this report which form the SEND Capital Plan, 2023-25
21. Option 3 – Remove some schemes from the plan and increase the contingency available to support the delivery of enhanced resource provision.

Analysis

19. Option 1 – Do nothing would result in the local authority being unable to deliver sufficient suitable school places in city for children and young people with SEND. This will result in more children and

young people having to access out of city provision which will increase the pressures on the dedicated school grant and would mean that children and young people with SEND are unable to go to schools close to their homes.

20. Option 2 – Delivery of the capital schemes described in this report will address current and future sufficiency needs and will support the delivery of the Safety Valve agreement.
21. Option 3- Prioritising the delivery of some parts of the plan would not fully address the current sufficiency issues that the city has. This is likely to lead to an increase in children being placed out of city for their education provision which would increase the pressures on high needs funding.

Implications

23. **Financial** - The schemes outlined in this report will all be funded under the heading of the overall scheme titled Expansion and Improvement of Facilities for Pupils with SEND. There is currently a total of £8.67m in this scheme, funded mainly by SEND grant, supplemented with small amounts of Basic Need funding and corporate capital resource. These schemes will commit the majority of the available SEND capital resource.

Following approval, these schemes will be separated out within the overall Children's capital programme as major schemes in their own right to facilitate monitoring at individual scheme level.

24. **Human Resources (HR)** - There are no HR implications.
25. **Equalities** - ensuring access to sufficient and appropriate education provision for children and young people with SEND will support the delivery of the Equalities Duty.
26. **Legal** – Under part 3, section 27 of the Children and Families Act the local authority has the duty to keep education and care provision for children and young people with SEND under review. The duty requires the local authority to consider the extent to which provision is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned.

Risk Management

27. Due to the inflationary pressures the budgets for capital schemes are subject to significant variance between feasibility and final delivery. All efforts will be made to mitigate this through the tendering process. Contingencies have been built into the budget for each project and variances will be supported by basic need funding.

Council Plan

28. The delivery of the SEND Capital Plan supports the Council's priority to ensure a better start for children and young people by improving the sufficiency of school places for children and young people with SEND.

Contact Details

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Chief Officer Responsible for the report:

Martin Kelly
Corporate Director, Children's Services
and Education

**Report
Approved**



Date
02/11/22

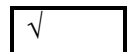
Specialist Implications Officer(s)

Financial:

Mike Barugh
Principal Accountant, Children and Education

Wards Affected:

All



For further information please contact the author of the report

Annex – Equalities Impact Assessment

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	People		
Service Area:	Education and Skills		
Name of the proposal :	The SEND Capital Plan		
Lead officer:	Maxine Squire		
Date assessment completed:			
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Claire McCormick	Planning and Policy Officer	CYC	Capital project management
Alison Kelly	Planning and Policy Officer	CYC	Capital project management
Sarah Moir	School Place Planning Officer	CYC	Sufficiency planning
Lynne Johns	Specialist Teaching Team Manager		Education provision for SEND
Dan Bodey	School Inclusion Adviser		Education provision for SEND
Mike Barugh	Principal Accountant for Children and Education	CYC	High needs finance

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>To complete a range of capital projects in school buildings to create more appropriate school places for children and young people with special educational needs and disabilities.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>The 1996 Education Act, the 2014 Children and Families Act and 2015 SEND code of practice.</p>
1.3	<p>Who are the stakeholders and what are their interests? Children and young people, parents and carers</p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
Source of data/supporting evidence	Reason for using	
The Inclusion Review consultation	This was a city -wide consultation involving children and young people, parents and carers and professionals	
SEND sufficiency data	Provides evidence about the sufficiency of in-city provision and the future demographic trends	

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge	Action to deal with this	
It is difficult to accurately predict the number of new Education, health and care plans and also parental preference	We are examining existing trends data and also taking action to further develop the graduated response to better support inclusion in mainstream settings and schools.	

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The proposed capital projects will develop provision across the age range from early years to post 16	+	H
Disability	The projects will improve the accessibility and inclusivity of provision in each of the school capital projects	+	H
Gender			
Gender Reassignment			
Marriage and civil partnership			
Pregnancy and maternity			
Race			
Religion and belief			
Sexual orientation			

Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer			
Low income groups			
Veterans, Armed Forces Community			
Other			
Impact on human rights:			
List any human rights impacted.	The capital projects support the right to education for children and young people with SEND	+	H

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
Each of the capital projects have been designed to improve the access to suitable school places for children and young people with SEND. The proposals to develop additional enhanced resource provision has been supported by feedback gained through the Inclusion Review consultation.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	The proposed capital works will deliver the aim of developing additional suitable in-city education provision for children and young people with SEND.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale

Step 8 - Monitor, review and improve

8. 1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>The delivery of each project will be subject to a fully monitored project plan.</p>

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Executive**22 November 2022**

Report of the Chief Operating Officer
Portfolio of the Executive Member for Finance and Major Projects

2022/23 Finance and Performance Monitor 2

Summary

1. To present details of the overall finance and performance position for the period covering 1 April 2022 to 30 September 2022, together with an overview of any emerging issues. This is the second report of the financial year and assesses performance against budgets, including progress in delivering the Council's savings programme.
2. This report highlights a number of known pressures that need to be carefully managed throughout the year, with mitigation strategies being in place and regularly monitored across all directorates. Through ongoing monitoring and identification of mitigation alongside a review of reserves and other funding, the Council will continue to make every effort to reduce this forecast position but it is possible that it will not be reduced to the point that the outturn will be within the approved budget. The Council has £6.9m of general reserves that would need to be called on if this were the case.
3. We continue to see significant and ongoing pressure across both children's and adults social care budgets in particular. Within Children's these pressures are mainly in relation to Out of City placements and the continued use of agency staff. With Adults, the main pressures include the cost of care beds and also an inability to recruit to vacancies leading to the use of more expensive agency staff.
4. In a number of areas, services are holding vacancies in order to reduce costs and mitigate against the overall forecast overspend. This is expected to have an impact on the level of service that can be delivered in those areas. The impact of this is being closely monitored by Directorate Management Teams.
5. As outlined in the 2021/22 outturn report, considered by Executive in June 2022, many of the budget pressures are recurring whilst the mitigations that have allowed us to balance the budget were one off. Given the

recent increases in interest rates, rising inflation and the ongoing pressures in both adults and children's social care it is therefore unsurprising that the forecast is a significant overspend. Inflationary pressures are a particular challenge, adding some £4.5m to the overall forecast outturn. The 2022/23 pay award offer, whilst not yet confirmed, adds a further £2.5m to the expected pressures.

6. Whilst the council's overall financial health provides a strong platform upon which to meet these financial challenges and good progress is being made with the achievement of savings, the forecast outlined in this report remains a matter of concern. The ongoing pressures within social care will again need to be addressed in the 2023/24 budget setting process.

Recommendations

7. Executive is asked to:
 - note the finance and performance information and the actions needed to manage the financial position

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

Financial Summary

8. The gross financial pressures facing the council are projected at £7.7m but after mitigation it is considered that this can be brought down to a net position of £3.7m.
9. As previously reported, there are serious underlying budget pressures across both adult and children's social care. Both adult and children's social care is operating in an extremely challenging environment and as a result additional funding of £7.6m was allocated across the People directorate in the 2022/23 budget.
10. This report highlights a number of known pressures that need to be carefully managed throughout the year, with mitigation strategies being in place and regularly monitored across all directorates. Through ongoing monitoring and identification of mitigation alongside a review of reserves, the Council will continue to make every effort to reduce this forecast position but it is likely that it will not be reduced to the point that the outturn will be within the approved budget. The Council has £6.9m of general reserves that would need to be called on if this were the case.
11. A number of mitigations and cost control measures will need to be considered to ensure that there are additional expenditure controls in place to ensure a reduction in expenditure. Given the scale of the financial challenge, and the expected impact on budgets in future years due to inflationary and other pressures outlined above, it is vital that every

effort is made to balance the overall position. It is recognised that this will require difficult decisions to be made in order to protect front line services to vulnerable residents.

12. York is maintaining both sound financial management, and delivering priority services to high standards, during a continued period of significant financial challenge. Whilst the Council's track record of delivering savings and robust financial management provides a sound platform to continue to be able to deal with these and future challenges there remains a significant risk to ongoing service delivery and achievement of Council priorities that needs to be managed effectively.

Financial Analysis

13. The Council's net budget is £135m. Following on from previous years, the challenge of delivering savings continues with £6.4m to be achieved in order to reach a balanced budget. The latest forecast indicates the Council is facing net financial pressures of £7.7m (after mitigation) and an overview of this forecast, on a directorate by directorate basis, is outlined in Table 1 below. The main variations and any mitigating actions that are proposed are summarised in Annex 1.

Service area	Net budget	2022/23 Net Q1 Forecast Variation	2022/23 Net Q2 Forecast Variation
	£'000		£'000
Children & Education	22,365	7,280	7,732
Adult Social Care & Integration	49,544	1,750	2,192
Place	21,748	747	0
Customers & Communities, Public Health & Corporate Services	24,655	693	693
Central budgets	18,072	-2,729	-2,829
Sub Total		7,741	7,788
Contingency	-1,000	-1,000	-1,000
Use of earmarked reserves			-3,000
Net total including contingency	135,384	6,741	3,788

Table 1: Finance overview

Reserves and Contingency

14. The February 2022 budget report to Full Council stated that the minimum level for the General Fund reserve should be £6.8m (equating to 5% of the net budget). At the beginning of 2022/23 the reserve stood at £6.9m and, as part of the budget report, approval was given to maintain this level of reserve in 2022/23 thus giving some headroom above the minimum level to take account of the continued risks facing the council, in particular the scale of future reductions on top of those already made.
15. Should the mitigation outlined in annex 1 not deliver the required level of savings in the current financial year then this reserve is available to support the year end position. However, in light of the ongoing financial challenges being faced by all councils it is now more important than ever to ensure the Council has sufficient reserves. Therefore, should it be the case that we need to draw down a substantial amount from this general reserve in 2022/23, some growth will need to be included in the 2023/24 budget to ensure that reserves can be maintained at an appropriate level.
16. In addition to the general reserve of £6.9m there are a range of other earmarked reserves where funds are held for a specific purpose. These reserves are always subject to an annual review and these funds will again be reviewed on a quarterly basis and where appropriate to do so will be released to support the in-year position. It is expected that some £3m is available to support the position. Whilst this is a prudent approach that will ensure the financial resilience of the Council, it is not a substitute for resolving the underlying overspends but instead allows time to develop future savings proposals in a planned way.
17. As in previous years a contingency budget is in place and this is currently assumed to be available to offset the pressures outlined in this report. The unused budget of £0.5m from last year, added to the base budget of £0.5m totals £1m available to offset the forecast overspend.

Loans

18. Further to a scrutiny review, it was agreed that these quarterly monitoring reports would include a review of any outstanding loans over £100k. There are 2 loans in this category. Both loans are for £1m and made to Yorwaste, a company part owned by the Council. The first was made in June 2012 with a further loan made in June 2017 as agreed by Executive in November 2016. Interest is charged on both loans at 4% plus base rate meaning currently interest of 6.25% is being charged. All repayments are up to date.

Performance – Service Delivery

19. In spite of the many challenges that the organisation and City has faced over the last two years, performance across the wider organisation, not just the Council plan indicators, has continued to remain high and continues to compare favourably when benchmarked against other areas with similar characteristics to York. Whilst Covid and the actions taken to tackle the global pandemic have in places affected performance in the short-term, the general pattern for data and information monitored by the Council is that levels of resident and customer satisfaction, timeliness and responsiveness, as well as various directorate and service based indicators, have remained positive.
20. It is likely that due to impacts of COVID, a number of the Council Plan indicators will continue to see a change both in terms of their numbers and their direction of travel in future reporting periods. The majority of the performance measures within the Council Plan have a lag between the data being available and the current reporting period and therefore impacts will not be immediately seen, and may occur over several years as new data becomes available.
21. The Executive for the Council Plan (2019-23) agreed a core set of strategic indicators to help monitor the council priorities and these provide the structure for performance updates in this report. The indicators have been grouped around the eight outcome areas included in the Council Plan. Some indicators are not measured on a quarterly basis and the DoT (Direction of Travel) is calculated on the latest three results whether they are annual or quarterly.
22. A summary of the strategic indicators that have an **improving** direction of travel based on the latest, new, available data are shown below and further details around all of the core indicator set can be seen in Annex 2.
 - **% of vacant city centre shops** – Whilst acknowledging that a number of city centre streets and prime commercial locations seem to be experiencing higher vacancy levels than York’s average, overall at the end of September 2022, there were 51 vacant shops in the city centre, which equates to 8% of all city centre shops, and is much lower than the national benchmark in 2021-22 of 14.4%.
 - **P&R Passenger Journeys** - Passenger journeys for park and ride customers totalled 0.74m (provisional) for Q2 2022-23. This is slightly higher than the journeys made during Q2 2021-22 showing that the recovery post-covid is continuing. Pre-pandemic figures were around 1.1m in Q2 2019-20.
 - **Local bus passenger journeys** - Passenger journeys on local buses totalled 2.25m (provisional) for Q2 2022-23. This is an increase on the

1.73m journeys made during Q2 2021-22, showing that the recovery post-covid is continuing. Pre-pandemic figures were around of 2.7m in Q2 2019-20.

- **Secondary school persistent absence rate** - The Department for Education did not report persistent absence during COVID-19 due to school closures. 2020-21 national data has recently been released showing that 14.8% of secondary age pupils were persistently absent during the academic year, compared to 12.1% of York secondary pupils.
 - **Number of incidents of Anti-social behaviour within the city centre** – There were 1,276 incidents of anti-social behaviour during 2021-22, compared to 1,410 in 2020-21, and continues the year-on-year reduction seen since 2018-19. Figures for the first half of 2022-23 (500) indicate that this reduction is continuing.
 - **Library Visits** – There were 226,066 library visits in Q2 2022-23 which compares with 298,937 in the same period in 2019-20 (pre-pandemic), suggesting the positive direction of travel is continuing. The quarterly figures have increased every quarter since before the pandemic.
 - **Parliament Street Footfall** - Footfall in Parliament Street during Q2 2022-23 totalled around 1.9 million data captures. This is lower than the 2.1 million data captures during Q2 2021-22 and the 2.3 million data captures during Q2 2019-20 (pre-pandemic), but the numbers are improving each quarter.
 - **CYC Apprenticeships** - The number of CYC stand-alone apprenticeships only, which excludes those within schools or being completed alongside existing roles, was 28 at the end of Q2 2022-23. During the height of the pandemic the number remained consistent but was slightly lower than previously seen. Levels have now not only recovered but are exceeding figures seen in recent years demonstrating the value placed on these roles within the CYC workforce and work being undertaken to increase participation.
23. Strategic indicators that have a worsening direction of travel based on the latest, new, available data are;
- **Number of homeless households with dependent children in temporary accommodation** - The latest available data shows that there are 28 homeless households with dependent children in temporary accommodation at the end of 2021-22 which is 57% of total households in temporary accommodation, an increase from 33% at

the start of the year. The national figures for England consistently showed throughout 2021-22 that around 62% of households in temporary accommodation were households with children. With increasing costs of living and demand for new housing the figures may suggest York is moving towards the national picture in this area although still a little below the benchmark. It should be noted that these figures are snapshot figures and therefore may fluctuate between the snapshot dates.

- **Average number of days to re-let empty Council properties** - The average number of days to re-let empty Council properties (excluding temporary accommodation) was 78 days at the end of Q2 2022-23. Although still high, this has reduced from 108 days at the end of May 2022.
- The Building Services department continues to experience significant challenges associated with the national issues of significant competition for skilled tradespeople and the shortage of building materials. This is in addition to the service continuing to work through the pent up demand for the service following the full release of lockdown restrictions. At the start of the calendar year, an “Action Plan” was created to support improvement through these challenges. The total number of void properties at the end of September 2022 was 89, which although still very high, has reduced from a peak of 152 at the end of Q2 2021-22.
- **New affordable homes delivered in York** - There were 224 new affordable homes delivered in York during 2021-22 which was a large increase on the 130 delivered during 2020-21.
- During the first six months of 2022-23 there have been 38 new affordable homes delivered which is a large reduction from previous years. A further 120 affordable homes completions are currently expected during 2022-23, which would constitute a total of 158 in the year. It is important to note that significant change is possible in the final outturn where, for example, unanticipated site or market factors result in some delay to completion beyond the financial year end.
- There is a significant future pipeline of affordable homes with planning permission in place across the council’s own newbuild development programme and section 106 planning gain negotiated affordable housing. Inclusive of applications with a resolution to approve from Planning Committee, there are around 950 affordable homes identified in approved planning applications. The progress ranges from sites that are being built out currently to others with substantial infrastructure or remediation challenges to resolve prior to

development. Over 350 of these have progressed through detailed planning, either as a Full application or Reserved Matters. The remainder are at Outline stage, with more uncertainty on timescales and final delivery levels, including the York Central affordable housing contribution.

- **Average sickness days per FTE – CYC (Excluding schools)** - At the end of August 2022, the average number of sickness days per FTE (rolling 12 months) has increased to 13 days. In 2020-21, sickness had reduced in the authority by approximately 2 days per FTE, to 8.8 days per FTE, which is close to the LGA public sector for Yorkshire and Humber authorities average of 8 days. Since the start of Covid, although exact comparative figures are not yet available, all authorities in Yorkshire and Humber are reporting a significant increase in sickness levels within the whole workforce due to both Covid cases and increased pressures in frontline services.
- On top of day-to-day managerial practices for sickness cases, additional work is underway to assist and remind managers of the support and services that employees can access as well as the managerial role in ensuring the wellbeing and absence management of those employees absent, or those who remain at work but showing signs of reduced resilience. Managers are being reminded of the importance of timely absence support for individuals and teams, and employees are reminded of the self care that they need to exercise to ensure that they are able to perform their roles effectively.

Annexes

24. Annex 1 shows the quarterly financial summaries for each of the Council directorates.
25. Annex 2 shows performance updates covering the core set of strategic indicators which are used to monitor the progress against the Council Plan.
26. All performance data (and approximately 1,000 further datasets) within this document is made available in machine-readable format through the Council's open data platform at www.yorkopendata.org under the "performance scorecards" section.

Consultation

27. Not applicable.

Options

28. Not applicable.

Council Plan

29. The information and issues included in this report demonstrate progress on achieving the priorities set out in the Council Plan.

Implications

30. The implications are:

- **Financial** are contained throughout the main body of the report.
- **Human Resources (HR)** There are no HR implications related to the recommendations
- **One Planet Council / Equalities** Whilst there are no specific implications within this report, services undertaken by the council make due consideration of these implications as a matter of course.
- **Legal** There are no legal implications related to the recommendations
- **Crime and Disorder** There are no crime and disorder implications related to the recommendations
- **Information Technology (IT)** There are no IT implications related to the recommendations
- **Property** There are no property implications related to the recommendations
- **Other** There are no other implications related to the recommendations

Risk Management

31. An assessment of risks is completed as part of the annual budget setting exercise. These risks are managed effectively through regular reporting and corrective action being taken where necessary and appropriate.

Contact Details

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Debbie Mitchell Chief Finance Officer Ext 4161	Ian Floyd Chief Operating Officer		
Ian Cunningham Head of Business Intelligence Ext 5749	Report Approved	√	Date 14/11/22
Wards Affected: All			✓

For further information please contact the authors of the report

Glossary of Abbreviations used in the report:

CYC	City of York Council
FTE	Full Time Equivalent
LGA	Local Government Association

Annexes

Annex 1 – Directorate Financial Summaries

Annex 2 – Performance – Council Plan Outcomes

Annex 1 – Directorate Financial Summaries

Children's Social Care

- 1 A net overspend of £7,732k is forecast, primarily due to children's social care. The number of Children Looked After (CLA) in York was consistently at a higher level than the budget was built to accommodate. The number at the beginning of the financial year was 281 and as at the end of September it is 273.
- 2 The placement budgets overspent by a total of £5,147k in 2022/23. This figure is made up of variances of £745k on local Fostering placements, £650k on IFAs, £314k on adoption/SGO/CAO allowances, £2,506k on the General Fund element of Out of City Placements, £741k on Wenlock Terrace and £191k on Leaving Care placements.
- 3 The pressure on this budget is partly due to the limited market for children's placements and the statutory requirements placed on local authorities to meet children's needs, coupled with inflationary pressures which will continue to worsen the position. The big increase is within the placement at Wenlock Terrace as this is now forecasted to the year end and is our highest weekly placement cost >£20k per week.
- 4 In addition, there is a projected overspend in the Corporate Parenting staffing teams of £423k due to additional Working With York and agency staff and a net overspend on Inter-Agency Adoption Fees of £58k.
- 5 Safeguarding Interventions is projected to overspend by £277k. This area now has 5 budgeted teams to provide additional capacity to assist in the improvement journey being undertaken. This is to deal with the continued higher number of cases and still requires some WWY and agency staff to cover vacancies. In addition, Legal fees are forecast to overspend by £233k.
- 6 Staffing budgets within Children's Social Work Services are predicted to overspend by £322k. This is mainly due to temporary staffing across the service, which the directorate is working to eliminate with permanent appointments.
- 7 There is a projected overspend of £411k in the Referral, MASH and Assessment teams. This is due to the current temporary staff in this area until permanent appointments are made.

- 8 A projected overspend in Disabled Children's Services of £533k is mainly overspends on short breaks and direct payments £471k, again due to the CLA numbers being above the budgeted level.
- 9 There are two significant variations in Education and Skills. The first is the Home to School Transport budget, which was already in an historic overspend position due to increase in numbers for post 16/19 and the increasing trend of trying to provide more specialist education provision for this group of students more locally. This is a much more cost-effective alternative to expensive out-of-city provision but has a consequent effect on this budget as we have had to provide more transport to establishment such as York College, Askham Bryan, Choose 2 and Blueberry Academy.
- 10 The change in legislation to allow EHCPs up to the age of 25, resulting in significantly more students accessing this option, has also significantly increased our transport spend.
- 11 The projected position is an overspend of £600k at this point. However, the new taxi contracts have just been implemented and officers are working urgently to understand the implications of these new contracts on the budget. In addition, our bus operator (Pullman) is requesting a significant uplift in the contract price to reflect their rising costs of delivery, and this will result in further negotiations to reach a fair agreement. Further clarity will be available shortly to be included prior to PH/CMT
- 12 Staff resourcing issues in the SEND Statutory Services Team, and the need to resource this work to progress the Safety Valve targets has resulted in a significant number of agency staff being appointed into this team over the period from April to date. The majority of the roles have now been permanently filled but the result is a predicted overspend in 2022/23 of £449k. Work is ongoing on these projections to assess where some existing temporary contracts may be ended earlier than currently projected, and where vacancies can reduce this projection.

Dedicated Schools Grant

- 13 The Dedicated Schools Grant (DSG) is currently projected to be on track to meet the targets set out in the Safety Valve recovery plan agreed with the DfE.
- 14 The main pressure is within the High Needs Block and is due to the continuing increase in High Needs numbers, and increasing complexity,

requiring expensive provision, especially in Post 16 and Post 19 provision and the education element of Out of Authority placements.

- 15 The brought forward balance on the DSG at 1 April 2021 was a deficit of £9.940m. As a result of the 2021/22 in-year overspend the cumulative deficit to carry forward to 2022/23 would have been £13.443m. However, following discussions with officials from the DfE and ESFA, the Safety Valve Agreement was secured, resulting in an additional payment of £7.6m of DSG on the 31 March 2022. This reduces the cumulative deficit carried forward into 2022/23 to £5.843m.
- 16 This additional funding represents the first payment under the Safety Valve agreement, which commits the local authority to bring the DSG into an in-year balanced position by 2025/26. Further payments are conditional on the local authority meeting the targets set out in the Management Plan, and reporting quarterly to the DfE on progress, with the eventual aim of eliminating the in-year deficit by the target date, with additional payments by the DfE eliminating the historic deficit at that point.
- 17 The Office of the Director and Central budgets are predicted to overspend by £71k in total for 2022/23, mainly due Directorate Management Team costs incurred from interim appointments to cover for the vacant DCS post, and advertising costs for the Director and AD posts.
- 18 To date, the following mitigations have been identified:
 - A review of temporary staffing in the SEND service to reduce the projected overspend reported above. This could save up to £80k.
 - The use of a contingency being held as part of the ESIF project which ended on 31st December 2021. Although still subject to audit and some possible clawback it is felt that a £100k reduction in this contingency can be safely actioned.
 - Use of an additional £50k of Pupil Premium Grant income to support the activities of the Virtual School, reducing the general fund cost for the remainder of 2022/23.
 - A review of all temporary staffing in Childrens Social Care with a view to reducing the number of agency staff currently included in the projections. An expenditure reduction of £170k has been identified to date based on decisions to end a number of contracts sooner than initially projected.

19 Further areas also being investigated include the following:

- A detailed assessment of the General Fund growth included in the 2022/23 base budget for expenditure transfers from the DSG to determine if all is required in the first year.
- Consider placing a restriction on all discretionary spend and hold recruitment to vacant posts wherever possible and safe to do so.
- Consider whether any of the savings proposals in development for 2023/24 can be implemented early to deliver additional short term and on-going savings.
- Review the level of expenditure to be committed from specific unbudgeted in year grants with a view to generating a one-off saving.

Adult Social Care

20 The projected outturn position for Adult Social Care is an overspend of £2,192k. This assumes that £2,692k of previously agreed savings and mitigations will be made by the end of the year. In addition to this £1,940k of further mitigations have also been identified in order to bring the projected overspend down.

21 Some of the main pressures on the ASC budget include:

- Market prices for beds currently higher than CYC standard rates.
- Providers requesting increases above 3% - an open book accounting exercise has been developed for home care agencies asking for increases
- Inability to recruit to vacancies leading to use of more expensive agency staff

22 Not all of these pressures are fully reflected in the current projections so may add to the current forecast. Given the level of savings and mitigations still to be made it is unlikely that any further mitigations on top of those already included will be achieved in year.

23 Referrals into social care are continuing to increase and remain above pre pandemic levels. It should be noted however, that this is not translating into more or higher packages of care in the community. In addition, waiting lists are being reduced without this work converting into more care in the system

- 24 £357k of the Older People's Accommodation Programme is being held back against the overspend this year. In addition, it is expected that the budget for Preparing for Adulthood customers will not be fully spent (£250k).
- 25 There is a projected underspend on staffing in the Commissioning Team due to vacancies (£98k), and the Carers Commissioned Services budget is also expected to underspend (£54K).
- 26 The Community Care budget is projected to overspend by around £258k. This is following the Council's decision to bring the service and staff of Riccall Carers in-house following the company going into administration and is largely due to spend on agency staff.
- 27 The Personal Support Service team budget is expected to overspend by £217k as difficulty in recruiting new care staff has meant an increased use of more expensive agency staff reported against this budget. The Night Care budget is projected to underspend by £63k due to vacancies in the team.
- 28 Yorkcraft is projected to overspend by £83k due to an underachievement of income (£97k) and failure to achieve a previous year's saving (£93k), offset by an underspend on staff due to vacancies.
- 29 Small Day Services are projected to underspend by £186k. This is largely due to vacancies as the service has been running at a reduced capacity following Covid, and in addition the Service Manager post is currently vacant. This service is currently being remodelled.
- 30 Be Independent is currently projected to overspend by £189k. There is still a budget gap of £130k which needs to be addressed and staffing is expected to overspend by £100k due to having a review manager post over establishment and also to an unfunded regrade of some posts in the team. The closure of the shop selling equipment to the public has resulted in a £48k budget pressure but is partially offset by the removal of the receptionist role facilitating these sales.. This is further offset by a projected underspend on equipment (£60k) and there is expected to be additional income once Medquip moves into the site at James Street.
- 31 Older People permanent residential care is projected to overspend by £640k. This is largely due to the average weekly cost per customer being £62 a week higher than in the budget and there are also 9 additional customers by the end of Q2.

- 32 Permanent Nursing Care is projected to overspend by £616k. The average weekly cost per customer is £75 more than in the budget, and there are currently three fewer health funded customers than assumed when the budget was set.
- 33 The Older People Community Support Budget is projected to overspend by £317k. This is due to the average weekly cost of an exception placement being £178 more than in the budget and the average number of weekly hours of homecare provided by framework providers has increased by 158 since the budget was set.
- 34 The Older People Direct Payments budget is projected to overspend by £175k, largely due to the average weekly cost per customer being £60 a week higher than in the budget (£149k) and there are also 3 additional customers since the budget was set.
- 35 The Physical & Sensory Impairment (P&SI) Direct Payment budget is projected to overspend by £328k largely due to the average weekly cost per customer being £69 more than in the budget (£415k). This is slightly offset by having one more health funded customer.
- 36 P&SI Supported Living schemes are currently projected to overspend by £284k due to the average cost per customer being £176 a week more than in the budget and in addition the number of customers receiving health funding has fallen and the average rate of health funding per customer is also below budget.
- 37 There is a projected overspend on staffing across the Hospital Discharge Team, ASC Community Team and ISS Team budgets of £335k largely due to the use of agency staff to cover vacancies, sickness and maternity leave.
- 38 There is expected to be an overspend of £428k on the Learning Disability Community Support budget due to the average weekly cost of a homecare placement being £172 more than in the budget (£320k) and in addition there are 7 more customers than was assumed when the budget was set (£103k).
- 39 Learning Disability direct payments are projected to overspend by £475k. This is due to the average cost per customer being around £132 a week more than in the budget (£827k), together with having two fewer customers receiving health funding than when the budget was set (£60k). This is offset by a projected increase in the value of direct payment reclaims based on recoveries made to date (£410k).

- 40 The Learning Disability nursing care budgets are expected to overspend by £168k. This is largely due to there being two more customers than was assumed in the budget.
- 41 The budget for Learning Disability permanent residential placements is expected to overspend by £838k. The average weekly cost of a working age placement is £187 more than in the budget (£535k), with 2 additional customers compared to budget (£103k). In addition, the average rate of health funding received per customer has reduced (£199k).
- 42 The Mental Health nursing care budget is expected to overspend by £183k, largely due to there being 3 more customers in placement than was assumed when the budget was set, one of whom has costs backdated to September 2021.
- 43 There is currently expected to be an overspend of £151k on staffing in the Safeguarding Team due to the use of agency staff, partly to cover vacancies, but also some of the agency hours are above the establishment of the team. There has been a significant increase in the number of referrals to the Safeguarding Team which all require investigation.
- 44 To date, the following mitigations have been identified:
 - £500k from the more effective use of Step Up Step Down beds
 - Increasing the level of health contributions towards the cost of individual packages will generate £200k and a further £200k from uplifting existing funded packages for annual inflation
 - Managing the costs of children preparing for adulthood and reducing by £200k
- 45 Further areas also being investigated include the following:
 - Reviewing the effectiveness and use of 24-hour support at home
 - Ensuring all new packages of care have explored the use of telecare before being agreed
 - Further scrutiny of double up care packages to ensure they adequately meet the needs of the individual
 - Work underway on reducing use of expensive agency staff. Teams have been asked to identify social work tasks and non-social work tasks to explore different models of delivery.

- Heads of services to reduce the burden of any duplicate processes that takes time away from assessment

Place

- 46 The directorate is forecast to outturn on budget (including commercial portfolio). This includes £1,816k forecast inflation pressures offset by forecast directorate underspends, the maximising of external funding opportunities and the use of reserves to support the position where required.
- 47 The council like many other organisations have been impacted by the increased costs of energy. Electricity costs increased by 128% from April 2022 which added approximately £1.0m to costs compared to 2021/22 whilst gas has seen increases of 400% to date adding a further £400k to costs. There are further increases from 1st October in relation to gas prices although it is assumed they will be mitigated by the government price cap from October 2022. Due to the uncertainty these costs will be regularly reviewed and reported back to Members. Fuel costs have also been significantly higher during 2022/23 than budget and this has added circa £400k additional pressures. There have been additional inflationary pressures that are also being managed within the overall Place budget. These will be continually monitored as to whether they impact the year end expenditure.
- 48 There is a forecast underspend (£1,078k) across waste disposal mainly due to recycle sales which are at levels above budget due to high commodity prices. Income levels are currently forecast at £900k above budget, there is a risk to this forecast should prices change significantly. There is also a windfall receipt (£178k) in connection with the AWRP contract in relation to lower than assumed contract insurance costs.
- 49 There is a continued forecast shortfall in commercial waste income totalling £210k based on current service levels. Income will be monitored and reviewed as it is still uncertain to what level income will finally recover.
- 50 Car park income to 30th September has remained strong across the city at approximately 20% ahead of budget. This has resulted in additional income of £750k in the year to date. This has been offset by reduced Respark income particularly from visitor badges and season tickets (£50k). The projection to the end of the years has increased to £1m above budget based on current trends however this will be impacted by the economic performance of the city particularly in the

weeks leading to Christmas. The forecast will be updated regularly throughout the year.

- 51 Current monitoring indicates a forecast shortfall in planning fees of £350k. This will be monitored closely and the profile of planning income will be reviewed in light of the impact of the Local Plan.
- 52 The Local Plan examination will take place in 3 phases during 2022/23. Members previously agreed costs of up to £500k would be funded from the waste reserve. The costs are currently estimated at up to £1,300k primarily due to the extended number of sessions that have been required which has led to increased costs from specialist staffing and legal support for the examination process. This additional cost can be met from the waste reserve.
- 53 There is a forecast shortfall in income on commercial property of £300k based on expected rent levels. This will be monitored closely as pressure may increase if occupancy and rent levels cannot be maintained. It is offset by a forecast saving of £100k across staffing budgets mainly due to vacant posts.
- 54 Across commissioning, design and facilities management there are expenditure pressures of up to £300k. This is due to security costs which are higher than budgeted (£115k) along with additional maintenance expenditure (£120k) and a shortfall in budgeted income from West Offices (£65k).
- 55 The overall directorate forecast also assumes that a number of income budgets including those across land charges, building control and licensing will outturn on budget. These will require monitoring throughout the year as there are potential pressures across services.
- 56 There are also a number of pressures across services faced by inflationary costs such as Transport and Highways however it is assumed that these can be mitigated by cost savings and a review of reserves.

Housing Revenue Account

- 57 The Housing Revenue Account budget for 2022/23 is a deficit of £347k. The rising cost of utilities is having a big impact on the HRA budgets as well as other inflationary rises such as the pay award and the cost of materials and repairs, with the overall forecast being £2m above the budget.

- 58 The cost of repairs to council housing stock has risen since the start of the year due to these inflationary increases in materials, sub-contractor costs and fuel rises. In addition, the pending national wage negotiations will contribute to the increase labour costs of the in-house workforce. As the level of these increases are higher than was forecast when the budget was set, the Repairs Team are expecting a pressure on the cost of maintaining our housing stock of around c£600k in 2022/23. The team are working to increase the number of jobs that are completed on the first visit to improve efficiencies and reduce sub-contractor spend in order to mitigate this increase.
- 59 Rental income for general needs properties is forecast to be £552k below budget due to the number of void properties across the portfolio. A third of these properties are long term voids, such as Glen Lodge and Bell Farm, where the properties are awaiting large scale capital works. The number of voids outside this category has decreased from 140 in June to 110 in October 2022, meaning more voids are being returned to re-let, than the number of empty properties received, each week.
- 60 The cost of gas and electric have increased far higher than the original forecast creating a pressure of c£808k above budget and the pay award is forecast to be a further £170k above the budget, meaning overall the HRA is forecasting a deficit position of £2.357m.
- 61 When taking out one-off expenditure items relating to revenue contributions to capital, the HRA is forecasting a loss of £600k in the year which is unsustainable in the long term. The Government have also completed a consultation on whether to cap rent increases in 2023/24 and 2024/25 to protect residents against the potential cost of rent increases. Whilst this is good news for residents (particularly those not in receipt of benefits), if the measure is not supported from government funding, this will put significant pressure on the HRA going forward as costs increase quicker than income. This will lead to savings being required from the HRA in future years.
- 62 The HRA working balance position as at 31st March 2022 was £29.57m. The HRA projected outturn position means the working balance will reduce to £27.2m at 31st March 2023. This compares to the balance forecast within the latest business plan of £29.15m. The current HRA debt totals £149m.
- 63 The working balance has been increasing in order to start repaying the £121.5m debt that the HRA incurred as part of self-financing in 2012.

The current business plan assumes that reserves are set aside to enable the debt to be repaid over the period 2023/24 to 2042/43.

Corporate Services, including Customers & Communities and Public Health

- 64 Overall the remaining Council services are forecasting an overspend of £693k.
- 65 Internal Business Support is forecast to overspend by £240k due to reduced income from schools for payroll services and not achieving the budgeted vacancy factor. Other variations include the non-achievement of approved budget savings in ICT (£200k), a £62k shortfall in income projected in Registrars) forecast impact of inflation on contracts for leisure facilities and libraries (£251k) and the continued pressure on Housing Benefit overpayments (£150k) as outlined in the 2021/22 outturn report. These overspends were offset by underspends in policy & partnerships (£67k) and finance & procurement (£62k) due to staff vacancies.

Corporate Budgets

- 66 These budgets include Treasury Management and other corporately held funds. A net underspend is forecast due to the early and increased delivery of a corporate saving. In addition, due to slippage on the capital programme, there has been a saving on interest and the cost of borrowing.

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Annex 2 – Performance – Council Plan Outcomes

- 1 This report concentrates on the indicators that make up the Council Plan performance framework and does not cover COVID-related activity.
- 2 It is likely that due to impacts of COVID, a number of the indicators will see a significant change both in terms of their numbers and their direction of travel in future reporting periods. The majority of the performance measures within the Council Plan have a lag between the data being available, and the current reporting period and therefore impacts will not be immediately seen, and may occur over several years as new data becomes available.
- 3 Within the updates on the Council Plan indicators, are a number of indicators which show the status of economic, community or corporate recovery since the start of the pandemic.

Well paid jobs and an inclusive economy

Well paid jobs and an inclusive economy						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Business Rates - Rateable Value	£255,616,576 (Q1 2022/23)	£254,426,811 (Q2 2022/23)	➡	Monthly	Not available	Q3 2022/23 data available in January 2023
Median earnings of residents - Gross Weekly Pay (£)	£572.60 (2020/21)	£597.90 (2021/22)	➡	Annual	National Data 2021/22: £613.10 Regional Data 2021/22: £568.50	2022/23 data available in November 2022
% of working age population qualified - to at least L2 and above	83.6% (2020/21)	87.9% (2021/22)	↑ Good	Annual	National Data 2021/22: 78.20%	2022/23 data available in May 2023
% of working age population qualified - to at least L4 and above	46.4% (2020/21)	59.3% (2021/22)	↑ Good	Annual	National Data 2021/22: 43.50% Regional Data 2021/22: 38.0%	2022/23 data available in May 2023
% of vacant city centre shops	7.85% (Q1 2022/23)	8.03% (Q2 2022/23)	↓ Good	Monthly	National Data 2021/22: 14.40%	Q3 2022/23 data available in January 2023
GVA per head (£)	30,465 (2019/20)	28,967 (2020/21)	➡	Annual	Regional Rank 2020/21: 2	2021/22 data available in May 2023
% of working age population in employment (16-64)	81.80% (2021/22)	81.60% (Q1 2022/23)	➡	Quarterly	National Data Q1 2022/23: 75.20%	Q2 2022/23 data available in February 2023
The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly. All historic data is available via the Open Data Platform						

Business Rates

- 4 The year to date collection rate for Business Rates up to the end of September 2022 was 60.41% (2.61% above the target collection rate and 12.83% above the collection rate in 2021-22). The year to date collection rate for Council Tax up to the end of September 2022 was 54.75% (1.56% below the target collection rate but 0.40% above the collection rate in 2021-22).

Median earnings of residents – Gross weekly pay

5 In April 2021, the median gross weekly earnings for full-time resident employees in York were £597.90, which is an increase of 4.4% from £572.60 in 2020. Nationally in 2021, gross weekly earnings for full-time employees increased most in the lower paying occupations such as process plant and machine operatives (9.1%) and elementary occupations (7.7%). Skilled trades also saw a large increase (9%) after having the largest decrease between 2019 and 2020 (negative 6.5%) but the highest paying occupations had the smallest increases between 2020 and 2021. Data for 2022-23 will be available in November 2022.

% of working age population qualified – to at least L2 and above

6 In 2021-22, 87.9% of the working age population in York were qualified to at least L2 and above (GCSE grades 9-4), which is higher than the national and regional figures (78.2% and 76.4% respectively). This result ranks the city of York first regionally. The 2021-22 figure has increased from 2020-21 (83.4%). Achieving level 2 is valuable in itself: full level 2 qualification on average results in a 9% increase in earnings. Data for 2022-23 will be available in May 2023.

% of working age population qualified – to at least L4 and above

7 In 2021-22, 59.3% of the working age population in York were qualified to at least L4 and above (certificate of higher education or equivalent), which is higher than the national and regional figures (43.5% and 38.0% respectively). This result ranks the city of York first regionally. The 2021-22 figure is a big increase from 2020-21 (46.4%). Data for 2022-23 will be available in May 2023.

GVA (Gross Value Added) per head (£)

8 In 2020-21 (the latest available data), the GVA per head in York was £28,967 which was the second highest figure regionally. The slight decrease on values from last year (£30,465 or 4.9%) was expected, mainly as a result of the COVID-19 pandemic (GVA per head for the UK fell by 3.8%), but, annually since 2009-10, the GVA per head has generally been increasing (from £25,976 per head).

% of vacant city centre shops compared to other cities

9 Whilst acknowledging that a number of city centre streets and prime commercial locations seem to be experiencing higher vacancy levels than York's average, overall at the end of September 2022, there were 51 vacant shops in the city centre, which equates to 8% of all city centre shops, and is much lower than the national benchmark in 2021-22 of 14.4%.

10 The York figure has not fluctuated a great deal in the past 10 years, with a high of 10.3% in 2017-18. The national benchmark figure had remained

stable for a number of years since a high of 12.5% in 2013-14, but the latest figure of 14.4% in 2021-22 is the highest seen since then.

Properties in York are owned by different commercial parties and CYC commercial properties have very low levels of vacancies.

- 11 This measure will continue to be monitored alongside looking at vacancy rates within secondary shopping centres, which are areas that the organisation has a long-term commitment towards investing in, in order to broaden the economic picture of the city. At the end of Q2 2022-23, the vacancy rates within secondary shopping centres were relatively low (9% at Clifton Moor, 0% in Haxby Village and 5% in Acomb High Street). At Monks Cross, the vacancy rate has decreased from 20% in Q1 2022-23 to 13% in Q2 showing a good direction of travel.
- 12 In the financial year up to the end of September 2022, there were 432 new business start-ups in the City of York Council area, which is higher than in the previous year (377 by September 2021). The latest figure is at only a slightly lower level to that seen before the pandemic.

% of working age population in employment (16-64)

- 13 In Q1 2022-23, 81.6% of the working age population were in employment, which is higher than the national and regional figures (75.5% and 74.7% respectively) and the York performance gives the city a ranking of first regionally. The figure for Q1 2022-23 in York is higher than seen in previous years.
- 14 At the end of September 2022 there were 11,475 people, in York, on Universal Credit which is an increase of 79% compared with February 2020 (pre-pandemic figures). Following a high of 13,236 in February 2021, the figures dropped to a low of 11,054 in May 2022 but they have increased over the last four months.

Getting around sustainably

Getting around sustainably						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
P&R Passenger Journeys	0.71m (Prov) (Q1 2022/23)	0.74m (Prov) (Q2 2022/23)	↑ Good	Quarterly	Not available	Q3 2022/23 data available in January 2023
Local bus passenger journeys originating in the authority area (excluding P&R)	2.3m (Prov) (Q1 2022/23)	2.25m (Prov) (Q2 2022/23)	↑ Good	Quarterly	Not available	Q3 2022/23 data available in January 2023
% of road and pathway network that are grade 4 (poor) or grade 5 (very poor) - roadways	22% (2020/21)	22% (2021/22)	→	Annual	Not available	2022/23 data available in November 2022
% of road and pathway network that are grade 4 (poor) or grade 5 (very poor) - pathways	3% (2020/21)	4% (2021/22)	→	Annual	Not available	2022/23 data available in November 2022
Area Wide Traffic Levels (07:00 - 19:00) (Excluding A64) from 2009/10 baseline (2.07m)	1.77m (2019/20)	1.34m (2020/21)	→	Annual	Not available	2021/22 data available in November 2022
Index of cycling activity (12 hour) from 2009 Baseline (31,587)	114.00% (2020)	101.00% (Prov) (2021)	↓ Bad	Annual	Not available	2022 data available in July 2023
Index of pedestrians walking to and from the City Centre (12 hour in and out combined) from 2009/10 Baseline (37,278)	103.00% (2020/21)	103.00% (2021/22)	→	Annual	Not available	2022/23 data available in March 2023
% of customers arriving at York Station by sustainable modes of transport (cycling, walking, taxi or bus - excluding cars, Lift, Motorcycle, Train)	71.90% (2019)	79.40% (2021)	→	Annual	Not available	2022 data available in March 2023
The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly. All historic data is available via the Open Data Platform						

P&R Passenger Journeys

- 15 Passenger journeys for park and ride customers totalled 0.74m (provisional) for Q2 2022-23. This is slightly higher than the journeys made during Q2 2021-22 showing that the recovery post-covid is continuing. Pre-pandemic figures were around 1.1m in Q2 2019-20.

Local bus passenger journeys

- 16 Passenger journeys on local buses totalled 2.25m (provisional) for Q2 2022-23. This is an increase on the 1.73m journeys made during Q2 2021-22, showing that the recovery post-covid is continuing. Pre-pandemic figures were around of 2.7m in Q2 2019-20.

% of ROAD and pathway network that are grade 4 (poor condition) or grade 5 (very poor condition) - Roadways / Pathways

- 17 No update since the Q3 2021-22 Monitor as annual data. Data for 2022-23 will be available in November 2022.

Area Wide Traffic Levels (07:00 -19:00) (Excluding A64)

- 18 No update since the Q3 2021-22 Monitor as annual data. Data for 2021-22 will be available in November 2022.

Index of cycling activity (12 hour)

- 19 The data suggests that cycling levels in the 2020s are lower than in the 2010s. There are a number of reasons for this; technical issues with the hardware and software counting system, the impact of the Tour de France and the major effect of the Pandemic on all types of behaviour, including

the introduction of furlough and the establishment of working from home as the new normal.

- 20 Cycling counter data from across the city has been cleaned and anomalies removed, to cleanly calculate results for the last ten years. This recalculation leaves an initial level in 2021 of 101% of the 2009 baseline compared to 114% the previous year. The cleaned data supports the view that there is significantly less commuting, evidenced by AM/PM data having lower peaks at rush hour times. Google mobility statistics capture the increase in leisure-related cycle trips, however due to technical issues with the counters and the placement of these counters on commuter routes, this has not been reflected in CYC numbers.
- 21 Approximately 10% of the cycle counter network has technical issues. To resolve this the Council is in the process of procuring a robust maintenance process alongside re-engineering processes for the production, quality assurance, analysis and publication of cycling information. All raw data for the last ten years relating to cycle counters is being republished to the Council's Open Data platform during November 2022 to reflect these issues and give a common platform to report on.
- 22 City of York Council actively promotes cycling and is aware that safety concerns discourage many people from cycling, something highlighted by the feedback to the "Our Big Conversation" consultation around transport. We are taking forward a wide range of projects to address this, improving many cycle routes around York including, the scheme on Tadcaster Road, rebuilding Scarborough Bridge and the new Rufforth – Knapton path. York's Local Plan contains a commitment to spend £4.9m developing cycling infrastructure in York, and high levels of cycling will be important to manage traffic from the developments being taken forward in and around our City. Many of these developments have commitments to provide new cycle routes, or on-road lanes. All of York's major transport projects (dualling the A1237, York Central, rebuilding the area in front of the railway station and Castle Gateway) include substantial cycle schemes. We are developing a Local Cycling and Walking Infrastructure Plan for York and measures for cycling will be an important part of the Local Transport Strategy, as – more cycling supports York's ambitions for a greener, cleaner and healthier city.
- 23 Statistics about walking and cycling in England in 2021 were published during August 2022. The data is based on two main sources, The National Travel Survey and the Active Lives Survey. The picture for York residents remains a positive one with 16% of respondents from York cycling once per week, compared to 9% nationally and 8% regionally. When comparing the latest data in York to the previous year, a shift in activity can be seen

which is likely to be a direct effect of changing mobility restrictions and behaviours caused by the pandemic. The percentage of respondents indicating that they cycle for leisure decreased by 5% back to pre-pandemic levels and those indicating that they cycle for travel decreased by 2% (and has not returned to pre-pandemic levels due to more people now working from home).

Index of pedestrians walking to and from the City Centre (12 hour in and out combined)

- 24 From a baseline in 2009-10 (37,278), there has been a 3% increase in the number of pedestrians walking to and from the city centre in 2021-22. This is the same as in 2020-21 but 8% lower than in 2019-20. Data is gathered on an annual basis over the course of one day; it is a count of pedestrians crossing an inner cordon set just beyond the inner ring road and includes off-road routes such as riverside paths. Data for 2022-23 will be available in March 2023.

% of customers arriving at York Station by sustainable modes of transport (cycling, walking, taxi or bus – excluding cars, lift, motorcycle or train)

- 25 In 2021, 79% of customers arrived at York station by sustainable modes of transport which is an increase from 72% in 2019 (Due to COVID restrictions on movement, the survey did not take place during 2020, therefore data is not available for this year). The data is gathered by an annual survey which takes place for a five- hour period in seven locations around the station. Members of the public are asked how they arrive at the station and the results are flow weighted to take into account the split of people arriving at each entrance. Data for 2022 will be available in March 2023.

Good Health and Wellbeing

Good Health and Wellbeing						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Proportion of adults in contact with secondary mental health services living independently, with or without support	Definition change from 2021/22	46.00% (2021/22)	➔	Annual	National Data 2021/22 26%	2022/23 data available in October 2023
Overall satisfaction of people who use services with their care and support	72.30% (2020/21)	65.10% (2021/22)	➔	Annual	National Data 2021/22 63.90%	2022/23 data available in October 2023
% of reception year children recorded as being obese (single year)	7.60% (2019/20)	8.80% (Prov) (2021/22)	➔	Annual	National Data 2021/22 10.40% (Prov)	2022/23 data available in November 2023
Slope index of inequality in life expectancy at birth - Female - (Three year period)	6.2 (2019/20)	5.7 (2020/21)	➔	Annual	Regional Rank 2020/21: 3	2021/22 data available in February 2023
Slope index of inequality in life expectancy at birth - Male - (Three year period)	8.3 (2019/20)	8.4 (2020/21)	➔	Annual	Regional Rank 2020/21: 3	2021/22 data available in February 2023
% of adults (aged 16+) that are physically active (150+ moderate intensity equivalent minutes per week, excl. gardening)	63.0% (2020/21)	66.5% (mid-year 2021/22)	➔	Bi-annual	National Data mid-year 2021/22 61.4%	2021/22 full year data available in November 2022

The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly.
All historic data is available via the Open Data Platform

- 26 Demand for adult social care remains high, partly caused by the COVID-19 pandemic. Monitoring initial contacts helps give ASC a view of possible future demand and our Customer Contact Workers (CCWs) record the number of contacts received to ASC, whether made by email, telephone or other methods.
- During the second quarter of 2022-23, they received 3,824 contacts, which whilst higher than pre-pandemic levels, is a 16% reduction from the number received during the corresponding quarter in 2021-22 (4,542).
 - Around 15% of the contacts during the second quarter of 2022-23 were resolved using Information, Advice and Guidance (IAG), which is a lower percentage than were resolved using IAG during the same quarter in 2021-22 (20%). This is likely to have been as a result of our CCWs dealing with increasingly complex issues from those with ASC-related queries.
- 27 The number of individuals in residential/nursing care placements fell sharply at the start of the 2020-21 financial year, mainly due to the Covid crisis, but has remained relatively stable since the summer of 2020. At the end of September 2022, this number was 586, compared to 591 at the end of September 2021. During the second quarter of 2022-23, the number of new admissions of people to residential/nursing care was 47, a decrease of 28% compared with the same period in 2021-22 (65).
- 28 The number of people receiving home care services as their main provision has begun to rise again in recent months after a steady decline in the number during 2021-22. At the end of September 2022, there were 694 people who had, as their main provision, a home care service; this is 2% lower than the corresponding figure at the end of September 2021 (709) but represents an increase from the March 2022 low of 658. Some of the recipients of home care services may otherwise have been placed in much more costly residential/nursing care and reflects on the good preventative work CYC has done.
- 29 In the second quarter of 2022-23, 170 clients were recorded as receiving a paid ASC service for the first time (“new starters”). This is a significant increase compared with the number in the corresponding quarter during 2021-22 (117). The number during the second quarter of 2022-23 (78) that have returned to ASC for a paid service is similar to the one reported during the second quarter of 2021-22 (79). This suggests that although we are still experiencing high demand for care, which prevents us keeping the number of first-time entrants low, we are doing well by ensuring that fewer

people need to re-enter ASC for additional spells of care, although it is now becoming an ongoing challenge to maintain this position.

Proportion of adults in contact with secondary mental health services living independently

30 The 2021-22 ASCOF results were released in October 2022 and showed that York is in the upper quartile for performance with 46% of adults in contact with secondary mental health services living independently, compared with the England average of 26% and 32% regionally. The definition used for this indicator has changed from prior years, and therefore the current figures cannot be compared with previous ones. The Care Programme Approach has been decommissioned and this indicator now includes all people in contact with secondary mental health services, rather than just those on the Care Programme Approach.

31 The 2021-22 ASCOF results showed that 17% of all those in contact with secondary mental health services in employment, compared with the England average of 6% and 8% regionally. York is the 6th best performing LA in the country on this indicator. As above, the definition used for this indicator has changed from prior years, due to the decommissioning of the Care Programme Approach, and therefore the current figures cannot be compared with previous ones.

Overall satisfaction of people who use services with their care and support

32 Data at LA and national level for 2021-22 was published in October 2022, and the data shows that there has been a decrease in satisfaction levels experienced by York's ASC users compared with 2020-21 (down from 72% to 65%). This has been mirrored at a national level (a decrease from 68% to 64%) as ASC users have found life increasingly difficult.

33 Outcomes from the 2021-22 Survey of Adult Carers in England were published in June 2022, and although there was a decrease in the percentage saying that they were "extremely or very" satisfied with their care and support (40% compared with 43% in 2018-19, the last time the Survey was carried out), York remained in the upper quartile for performance on this indicator amongst the 149 LAs that carried it out; the average for England as a whole was 36%.

% of reception year children recorded as being obese (single year)

34 Provisional data for 2021-22 is available. In York, 97.5% of reception aged children and 94.9% of year 6 children were measured in 2021-22. 8.8% of reception aged children in York were found to be obese compared with 10.4% in England. 19.0% of year 6 children in York were found to be obese compared with 23.5% in England. The final validated data for 2021-22 is expected to be published in November 2022.

Healthy Life expectancy at birth – Female/Male (slope index of inequality)

- 35 Average Life Expectancy and Healthy Life Expectancy for men in York (79.9 years and 65.3 years) is above the England average (79.4 years and 63.1 years). Average Life Expectancy and Healthy Life Expectancy for women in York (83.6 years and 64.6 years) is also above the England average (83.1 years and 63.9 years).
- 36 The slope index of inequality shows how much life expectancy at birth varies with deprivation. A higher figure shows a greater disparity between the more deprived and the less deprived areas. Alternative measures are the difference in life expectancy between the most and least deprived deciles in an area and the difference in life expectancy between the deprivation deciles with the highest and lowest values.
- 37 Deprivation deciles are drawn up using data from the 2019 Indices of Multiple Deprivation (IMD). The Lower Super Output Areas (LSOAs) in York are ranked from 1 to 120 on the overall IMD measure and then divided into local deprivation deciles with 12 LSOAs in each.
- 38 The slope index of inequality in life expectancy for women in York for 2018-20 is 5.7 years. The England average is 7.9 years with a range of 1.2 to 13.9 years. In York there is a 7 year difference in life expectancy between the most and least deprived deciles and a 7.9 year difference between the deprivation deciles with the highest and lowest life expectancy.
- 39 The slope index of inequality in life expectancy for men in York for 2018-20 is 8.4 years. The England average is 9.7 years with a range of 2.6 to 17.0 years. In York there is a 10.3 year difference in life expectancy between the most and least deprived deciles and a 10.3 year difference between the deprivation deciles with the highest and lowest life expectancy.
- 40 The slope index of inequality in life expectancy for women in York for 2018-20 (5.7 years) has fallen (improved) compared with the figure of 6.2 years in the previous period 2017-19 and is similar to the first published value of 5.8 years for 2008-10.
- 41 The slope index of inequality in life expectancy for men in York for 2018-20 (8.4 years) has been fairly stable in recent periods e.g. it was 8.4 years in 2016-18, however it has increased (worsened) compared with the first published value of 6.4 years for 2008-10.
- % of adults (aged 16+) that are physically active (150+ moderate intensity equivalent minutes per week, excluding gardening)**
- 42 The latest data from the Adult Active Lives Survey for the period from mid-November 2020 to mid-November 2021 was published in April 2022. The

period covered by the survey includes five months of notable restrictions (two-and-a-half months of full national lockdowns and two-and-a-half months of significant restrictions) and seven months of limited restrictions (three months of easing restrictions and four months with no legal restrictions). In York, 523 people aged 16 and over took part in the survey, and they reported higher levels of physical activity, and lower levels of physical inactivity, compared with the national and regional averages. Positively:

- 67% of people in York did more than 150 minutes of physical activity per week compared with 61% nationally and 60% regionally. There has been no significant change in the York value from that 12 months earlier.
- 24% of people in York did fewer than 30 minutes per week compared with 27% nationally and 28% regionally. There has been no significant change in the York value from that 12 months earlier.

A Better Start for Children and Young People

A Better Start for Children and Young People						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Secondary school persistent absence rate (10% absence) (recorded over 6 terms)	13.18% (2018/19)	12.10% (2020/21)	↓ Good	Annual	Not available	Data for 2019/20 was not released due to COVID19. Data for 2021/22 available in January 2023
Voice of the Child - Service Usage and Life Opportunities	Narrative	Narrative	N/A	Quarterly	Not available	Q2 2022/23 narrative available in November 2022
% of children who have achieved a Good Level of Development (GLD) at Foundation Stage - (Snapshot)	74.80% (2017/18)	75.60% (2018/19)	→	Annual	National Data 2018/19 71.80%	Data for 2019/20 and 2020/21 was not released due to COVID19. Data for 2021/22 will be released in November 2022.
Average Progress 8 score from KS2 to KS4	0.11 (2017/18)	0.22 (2018/19)	↑ Good	Annual	National Data 2018/19 0.01	Data for 2019/20 and 2020/21 was not released due to COVID19. Data for 2021/22 will be released in November 2022.
% of pupils achieving 9-4 or above in English & Maths at KS4 (C or above before 2016/17)	69.60% (2017/18)	73.60% (2018/19)	→	Annual	National Data 2018/19 65.70%	Data for 2019/20 and 2020/21 was not released due to COVID19. Data for 2021/22 will be released in November 2022.
%pt gap between disadvantaged pupils (eligible for FSM in the last 6 years, looked after and adopted from care) and their peers achieving 9-4 in English & Maths at KS4	33.20% (2017/18)	29.40% (2018/19)	→	Annual	National Data 2018/19 27.00%	Data for 2019/20 and 2020/21 was not released due to COVID19. Data for 2021/22 will be released in November 2022.
% of Year 12-13 (academic age 16-17) NEET who possess less than a L2 qualification - (Snapshot)	84.10% (Q1 2022/23)	100% (Q2 2022/23)	→	Monthly	Not available	Q3 2022/23 data available in January 2023
The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly. All historic data is available via the Open Data Platform						

- 43 The number of children in York's care was 267 at the end of Q2 2022-23, which is the first time a noticeable decline has happened in over two years. York's rate per 10k remains above the comparator averages at

72.2, compared to 62.5 in our statistical family and 67 nationally, but the gap appears to be narrowing.

- 44 We continue to have a high proportion of children who are placed with parents, in comparison to our statistical family. Children's Social Care have started work on discharging the care orders of these children and young people in a safe way, which has resulted in a slight reduction.
- 45 The number of children who were the subject of a child protection plan was 177 at the end of September 2022, following a peak in August of 191. At 48 plans per 10k population, performance is noticeably above York's expected range and higher than comparator averages (family 31.8 per 10k, national 41.4 per 10k).
- 46 The number of referrals to children's social care at the end of Q2 is level with the past two years at just over 800. Re-referral performance (within 12 months of a previous referral) also remains stable and in line with benchmarks.
- 47 The number of contacts to Early Help in the year to date is level with 2020-21, and slightly lower than last year.

Voice of the Child

- 48 Advocacy casework for children and young people who are in care or leaving care, going through the child protection process or wanting to make a complaint has continued to be provided throughout this period. Between July and September 2022, Speak Up received a total of 10 referrals for advocacy; these consisted of 7 referrals for children and young people in care, 1 referral for a young person subject to a Child Protection Plan, 1 referral for a care leaver and 1 referral for a young person aged 16 or 17 and homeless.

Secondary school persistent absence rate

- 49 The Department for Education did not report persistent absence during COVID-19 due to school closures. 2020-21 national data has recently been released showing that 14.8% of secondary age pupils were persistently absent during the academic year, compared to 12.1% of York secondary pupils. 2021-22 academic year data for York pupils will be available next quarter.

% of children who have achieved a Good level of Development (GLD) at Foundation Stage

- 50 There is no data for 2019-20 or 2020-21 as the tests were cancelled due to the pandemic. Key Stage tests took place in summer 2022 and data will be available at the end of Q3.

Education Progression (Average Progress 8 score from KS2 to KS4) and GCSE Results (% of pupils achieving 9-4 in English and Maths at KS4)

51 Progress 8 is a measure of the progress made by pupils between Key Stage 2 and Key Stage 4. A positive score represents progress above the average for all pupils and a negative score progress below the average for all pupils.

52 In 2020 and 2021, due to COVID-19, all GCSE, AS and A level exams were cancelled and replaced by a combination of teacher assessment, mock exam results, course work and a standardised calculation.

53 The Department for Education did not release data for 2019-20 or 2020-21 due to the way in which Key Stage 4 results were calculated. Key Stage tests took place in summer 2022 and data will be available at the end of Q3.

% point gap between disadvantaged pupils (eligible for FSM in the last 6 years, looked after and adopted from care) and their peers achieving 9-4 in English and Maths at KS4

54 The DfE did not release data for 2019-20 or 2020-21 due to the way in which Key Stage 4 results were calculated due to COVID-19. Key Stage tests took place in summer 2022 and data will be available at the end of Q3.

55 Reducing the attainment gap between disadvantaged pupils and their peers is a key priority in all phases of education across 0-19 years.

% of 16-17 year olds who are NEET who do not have a L2 qualification

56 The number of all 16-17 year olds in York who are NEET remains consistent at 13 young people at the end of September 2022.

57 Historically, NEET trends follow the academic year, with increases over the summer months when a small number of 16 year olds finish school without a plan for September.

58 At the end of September 2022, all of the young people who were NEET did not have a Level 2 qualification. The number of young people who are NEET is very low in York, so high levels are not unexpected. Performance is largely in line with historical performance.

A Greener and Cleaner City

A Greener and Cleaner City						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Percentage of household waste sent for reuse, recycling or composting	43.17% (Prov) (2021/22)	47.14% (Prov) (Q1 2022/23)	➔	Quarterly	National Data 2020/21 42.30%	Q2 2022/23 data available in January 2023
Residual household waste per household (kg/household)	516.61kg (Prov) (2021/22)	125.51kg (Prov) (Q1 2022/23)	➔	Quarterly	National Data 2020/21 552.9kg	Q2 2022/23 data available in January 2023
Incidents - Flytipping /Cleansing(includes dog fouling,litter)/Graffiti - On Public/Private Land	583 (Q1 2022/23) (Flytipping)	677 (Q2 2022/23) (Flytipping)	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
	605 (Q1 2022/23) Cleansing	524 (Q2 2022/23) Cleansing	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
	200 (Q1 2022/23) Graffiti	202 (Q2 2022/23) Graffiti	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
Citywide KPI on air quality (to be created during CP lifespan)	N/A	In development	N/A	TBC	Not available	Indicator to be created during Council Plan lifespan
Carbon emissions across the city (tonnes of carbon dioxide equivalent) - (Calendar Year)	936 (2018)	912 (2019)	➔	Annual	Not available	2020 data available in August 2023
Level of CO2 emissions from council buildings and operations (tonnes of carbon dioxide equivalent)	3,657.56 (2020/21)	3,633.3 (2021/22)	➔	Annual	Not available	2022/23 data available in September 2023
Flood Risk properties assessed at lower level than 2019 baseline	N/A	In development	N/A	TBC	Not available	Indicator to be created during Council Plan lifespan
Number of Trees Planted (CYC)	271 (2020/21)	73 (2021/22)	➔	Annual	Not available	2022/23 data available in April 2023
% of Talkabout panel who think that the council are doing well at improving green spaces	43.26% (2021/22)	42.26% (Q1 2022/23)	➔	Bi-annual	Not available	Q3 2022/23 data available in January 2023
The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly. All historic data is available via the Open Data Platform						

Percentage of household waste sent for reuse, recycling or composting

- 59 The latest provisional data for the amount of household waste sent for reuse, recycling or composting was 47.1% within Q1 2022-23 which is a slight increase from 46.3% during Q1 2021-22. This is a positive start to the year because this is alongside a reduction of 850 tonnes of overall household waste to 22,000 tonnes.

Residual household waste per household (kg/household)

- 60 The latest provisional residual waste (i.e. non-recyclable) per household data shows that figures have decreased during Q1 2022-23 to 125.5kg (from 132.4kg in Q1 2021-22). This decrease is due to the reduction in 850 tonnes of overall household waste.

Incidents - Fly tipping / Rubbish / Cleansing (includes dog fouling, litter and all other cleansing cases) / Graffiti – On Public/Private Land

- 61 The number of service calls received during 2021-22 due to fly-tipping (2,069) had reduced from the 2,277 received during 2020-21. There have been 1,260 calls received during the first six months of 2022-23 suggesting that the figures for 2022-23 may rise above those seen in previous years.

- 62 The number of service calls received during 2021-22 due to street cleansing (including dog fouling and litter) (2,150) had increased slightly from 1,990 in 2020-21. There have been 1,129 calls received during the first six months of 2022-23 suggesting that the figures are continuing to rise.
- 63 The number of service calls received due to graffiti decreased from 479 in 2020-21 to 452 in 2021-22. However, due to increased CYC pro-active activity, the figures during the second half of 2021-22 were steadily increasing and figures of 402 for the first six months of 2022-23 suggest overall figures for 2022-23 will be much higher than seen previously.
- 64 To help tackle graffiti on private property, CYC have entered into a trial with Virgin O2 to assist the cleansing and painting of their utilities boxes. Discussions are currently underway with other utilities providers to extend the trial to their infrastructure, with a number of companies agreeing in principle to move to new arrangements when their existing contracts come to an end.

Air Quality

- 65 The Public Protection team recently appeared at and provided evidence to the Local Plan hearing regarding the air quality implications of the Local Plan.
- 66 Public Protection continue to ensure that emissions and air quality impacts from new developments are appropriately assessed and mitigated. Our Low Emission Planning Guidance note has been updated to reflect changes to Building Regulations as outlined in *Approved Document S: Infrastructure for the charging of electric vehicles*. CYC continues to specify electric vehicle charging requirements through the planning process.
- 67 Public Protection continue the rollout of the DEFRA funded Low Emission Taxi Grant scheme and welcomed further hybrid and electric taxis to the York fleet. Approximately 31% of the York fleet are now using electric or petrol hybrid vehicles.
- 68 Public Protection has contacted all solid fuel suppliers (Sep 2022) in and around York to remind them of their legal responsibilities with respect to the sale and delivery of solid fuels within CYC's Smoke Control areas. We continue our compliance checks across solid fuel distribution outlets to ensure that all solid fuels being sold are certified as 'Ready to Burn' in line with the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020. Public Protection submitted a bid to DEFRA's Air Quality Grant Scheme in September to undertake further promotional

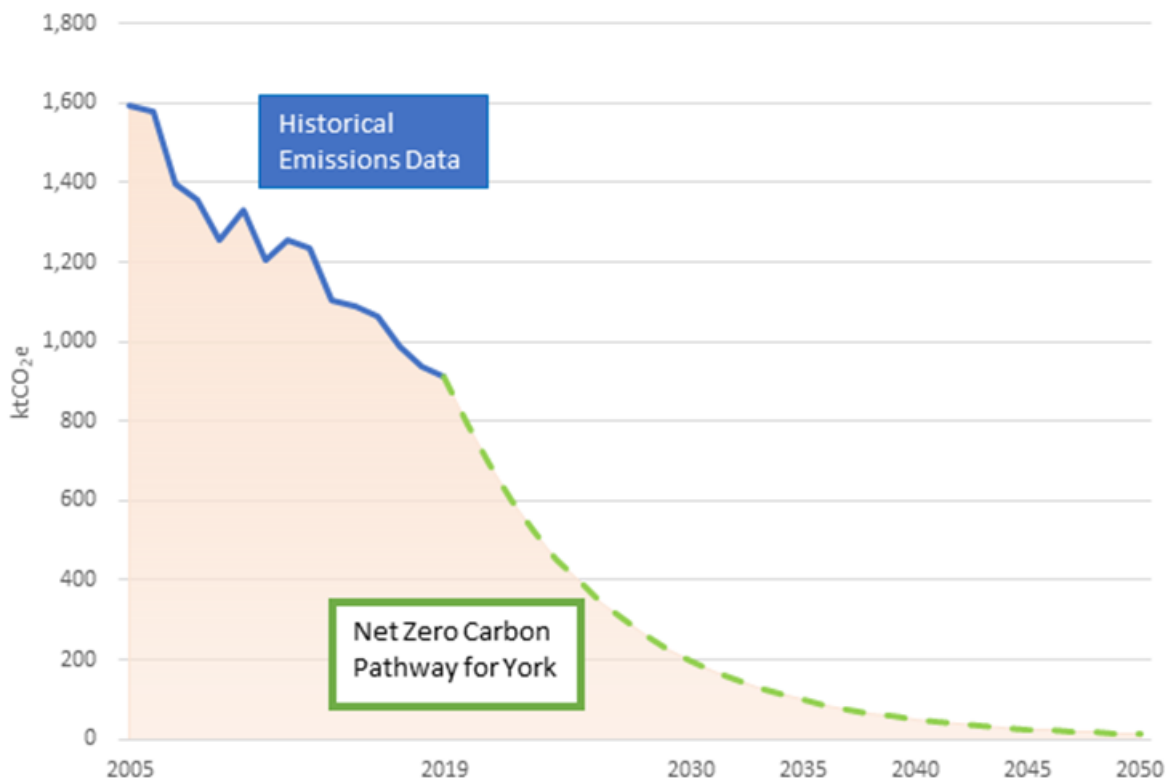
work in 2023 around the links between domestic solid fuel burning, particulate emissions and impacts on health.

- 69 Our 2022 Air Quality Annual Status report was approved by DEFRA (August 2022) who commented that *‘the report is incredibly detailed and satisfies the criteria of relevant standards. City of York Council should continue with this good quality of work’*. The Annual Status Report details the latest air quality monitoring results for York and progress on achieving measures in York’s current Air Quality Action Plan (AQAP3) to deliver further improvements in air quality. Air quality is improving and pollution is reducing in most of the city and all but three areas now comply with the health-based air quality objectives.

Carbon Emissions

- 70 Recent figures within the table above should be seen in context of the overall direction of travel as reported within the Climate Change Strategy, in that since 2005, city-wide emissions have fallen by 39% due to a combination of increasingly decarbonised electricity supply, structural change in the economy, and the gradual adoption of more efficient buildings, vehicles and businesses.

Net Zero Carbon Pathway for York from Climate Change Strategy



Trees Planted

- 71 During 2021-22, there were 73 trees planted, compared to 271 in 2020-21. The trees planted were of the larger variety and included a mix of 20

Limes and Maples along Monks Cross Link Road. Due to the seasonal nature of tree planting, data for 2022-23 will be available in April 2023.

% of Talkabout panel who think that the council and partners are doing well at improving green spaces

- 72 Talkabout panel surveys are run twice a year in Q1 and Q3 and therefore there is no update in this monitor. Previous data is shown within the table.

Creating Homes and World-class infrastructure

Creating homes and World-class infrastructure						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Net Additional Homes Provided - (YTD)	402 (2021/22)	337 (at Q2 2022/23)	➡	Bi-annual	Not available	2022/23 data available in June 2023
Net Housing Consents - (YTD)	327 (2021/22)	467 (at Q2 2022/23)	➡	Bi-annual	Not available	2022/23 data available in June 2023
Number of homeless households with dependent children in temporary accommodation - (Snapshot)	10 (2020/21)	28 (2021/22)	⬆️ Bad	Quarterly	Not available	Q1 2022/23 data available in November 2022
Average number of days to re-let empty properties (excluding temporary accommodation) - (YTD)	94.67 (Q1 2022/23)	77.65 (Q2 2022/23)	➡	Monthly	Not available	Q3 2022/23 data available in January 2023
Energy efficiency - Average SAP rating for all Council Homes	70.60 (2020/21)	70.60 (2021/22)	➡	Annual	Not available	2022/23 data available in September 2023
Number of new affordable homes delivered in York	35 (Q1 2022/23)	3 (Q2 2022/23)	⬇️ Bad	Quarterly	Not available	Q3 2022/23 data available in January 2023
Average broadband download speed (Mb/s)	147.1 (2020/21)	159.3 (2021/22)	➡	Annual	National Data 2021/22 82.6	2022/23 data available in September 2023
Superfast broadband availability	94.13% (2020/21)	95.53% (2021/22)	➡	Annual	National Data 2021/22 95.86%	2022/23 data available in September 2023

The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly.
All historic data is available via the Open Data Platform

New Additional Homes Provided

- 73 Between 1st April 2022 and 30th September 2022 there were a total of 337 net housing completions. This represents a near return to pre-pandemic levels of housing completions and the figures are similar to those achieved in both 2018 and 2019 for the same 6-month monitoring period. However, this year's figures are heavily influenced by the completion of 232 student flats at Frederick House, Fulford Road and with labour and materials shortages still being experienced by housebuilders, these factors continue to affect housing delivery rates throughout the authority area.

- 74 Some of the main features of the housing completions have been;
- 232 student cluster flats were completed at Frederick House, Fulford Road in time for the new academic year;
 - 107 homes were completed on housing sites;
 - A total of 319 new build homes were completed whilst 3 homes were demolished;

- Individual sites that saw the construction of five or less dwellings contributed an additional 42 homes, and
- Development sites at the Germany Beck site in Fulford (40) and the Former Lowfield School site (16) were the most significant individual sites that provided housing completions, whilst the first completions at the Former Civil Service Club, Boroughbridge Road (4) also took place.

Net Housing Consents

- 75 Planning applications determined between 1st April 2022 and 30th September 2022 resulted in the approval of 467 net additional homes. Compared to last year's update covering the same equivalent monitoring period this represents a return to a level of consents needed to meet our housing requirement.
- 76 The main features of the consents approved were;
- 261 of all net homes consented (55.9%) were granted on traditional (Use Class C3) housing sites;
 - Sites granted approval for traditional (Use Class C3) housing included Development Site Hospital Fields Road and Ordnance Lane (85), Os Field 2800 Eastfield Lane Dunnington (83), and Cherry Tree House 218 Fifth Avenue (48);
 - Approval was granted for two privately managed student accommodation developments that totalled 208 'cluster' flats at Mecca Bingo 68 Fishergate (104) and Alton Cars York Ltd 3 James Street (104) and represents 44.5% of all approvals over the monitoring period;
 - A further 158 homes in Copmanthorpe were approved through a resolution to grant consent by councillors with the application being referred to the Secretary of State for determination;
 - An application on Land North of Monks Cross that is allocated within the draft Local Plan (ST8) for 970 homes went to appeal in January 2022 due to non-determination and a decision from the Secretary of State is imminent. Indications are that CYC Planning Committee would have approved this scheme if the Local Plan had been adopted, and
 - A further application for circa 300 homes at Huntington South Moor, New Lane also went to appeal in January and has been sent to the Secretary of State for consideration. CYC do not support this site for development.

Number of homeless households with dependent children in temporary accommodation

- 77 The latest available data shows that there were 28 homeless households with dependent children in temporary accommodation at the end of 2021-22 which is 57% of total households in temporary accommodation, an increase from 33% at the start of the year. The national figures for

England consistently showed throughout 2021-22 that around 62% of households in temporary accommodation were households with children. With increasing costs of living and demand for new housing the figures may suggest York is catching up to the national picture in this area although still a little below the benchmark. It should be noted that these figures are snapshot figures and therefore may fluctuate between the snapshot dates.

Average number of days to re-let empty Council properties (excluding temporary accommodation)

78 The average number of days to re-let empty Council properties (excluding temporary accommodation) was 78 days at the end of Q2 2022-23. Although still high, this has reduced from 108 days at the end of May 2022.

79 The Building Services department continues to experience significant challenges associated with the national issues of significant competition for skilled tradespeople and the shortage of building materials. This is in addition to the service continuing to work through the pent up demand for the service following the full release of lockdown restrictions. At the start of the calendar year, an “Action Plan” was created to support improvement through these challenges. The total number of void properties at the end of September 2022 was 89, which although still very high, has reduced from a peak of 152 at the end of Q2 2021-22.

Energy efficiency – Average SAP rating for all Council Homes

80 The provisional average SAP rating for all Council homes in 2021-22 is 70.6. This is primarily based on our stock condition survey of 2019. A large scale stock appraisal exercise is underway as part of development of an energy efficiency and retrofit strategy for council homes, a process which includes work with carbon reduction analysts, Parity Projects Portfolio, to model energy performance, and identify the most cost-effective route to net-zero. One key output of this work will be a detailed analysis of multiple sources of energy performance data, however further property surveys are needed in order to update the current estimate. It is also noted that the numerous sources that have been utilised to date in this exercise support this estimate.

Number of new affordable homes delivered in York

81 There were 224 new affordable homes delivered in York during 2021-22 which was a large increase on the 130 delivered during 2020-21.

82 During the first six months of 2022-23 there have been 38 new affordable homes delivered which is a large reduction from previous years. A further 120 affordable homes completions are currently expected during 2022-23, which would constitute a total of 158 in the year. It is important to note that significant change is possible in the final outturn where, for example,

unanticipated site or market factors result in some delay to completion beyond the financial year end.

- 83 There is a significant future pipeline of affordable homes with planning permission in place across the council's own newbuild development programme and section 106 planning gain negotiated affordable housing. Inclusive of applications with a resolution to approve from Planning Committee, there are around 950 affordable homes identified in approved planning applications. The progress ranges from sites that are being built out currently to others with substantial infrastructure or remediation challenges to resolve prior to development. Over 350 of these have progressed through detailed planning, either as a Full application or Reserved Matters. The remainder are at Outline stage, with more uncertainty on timescales and final delivery levels, including the York Central affordable housing contribution.
- 84 Affordable housing completions fluctuate on a quarterly basis with more delivery expected in the second half of 2022-23. Looking further ahead, the Local Plan progress this year and the council's own ambitious new build development programme is expected to lead to an acceleration of affordable housing delivery in future years.

Superfast broadband availability/Average broadband download speed (Mbs)

- 85 In 2021-22, 95.5% of properties in York had access to superfast broadband, which compares to 94.1% in 2020-21. This increase can be attributed to the Council's continued work with service providers to improve infrastructure.
- 86 The average broadband download speed in York in 2021-22 was 159.3 Mb/s, which compares to 147.1 Mb/s in 2020-21 and 56.1 Mb/s in 2019-20. The national benchmark download speed is 82.6 Mb/s in 2021-22. This data is provided by an Ofcom panel of consumers so should be treated as an indication rather than actual figures.

Safe Communities and culture for all

Safe Communities and culture for all						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
% of Talkabout panel satisfied with their local area as a place to live	84.38% (2021/22)	84.73% (Q1 2022/23)	→	Bi-annual	Community Life Survey 2020/21 79%	Q3 2022/23 data available in January 2023
All Crime per 1000 population	18 (Q1 2022/23)	6.5 (August 2022)	↑ Bad	Monthly	National Data 2021/22 86.3	Q2 2022/23 data available in November 2022
Number of Incidents of ASB within the city centre ARZ	245 (Q1 2022/23)	255 (Q2 2022-23)	↓ Good	Monthly	Not available	Q3 2022/23 data available in January 2023
Visits - All Libraries	206,217 (Q1 2022/23)	226,066 (Q2 2022/23)	↑ Good	Quarterly	Not available	Q3 2022/23 data available in January 2023
% of Talkabout panel who agree that they can influence decisions in their local area	24.26% (2021/22)	25.67% (Q1 2022/23)	→	Bi-annual	Community Life Survey 2020/21 27%	Q3 2022/23 data available in January 2023
% of Talkabout panel who give unpaid help to any group, club or organisation	61.35% (2021/22)	65.38% (Q1 2022/23)	→	Bi-annual	Community Life Survey 2020/21 62%	Q3 2022/23 data available in January 2023
Parliament Street Footfall	1,810,998 (Q1 2022/23)	1,867,832 (Q2 2022/23)	↑ Good	Monthly	Not available	Q3 2022/23 data available in January 2023

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All historic data is available via the Open Data Platform

% of Talkabout panel satisfied with their local area as a place to live

- 87 Talkabout panel surveys are run twice a year in Q1 and Q3 and therefore there is no update in this monitor. Previous data is shown within the table.

All Crime per 1000 population

- 88 Overall crime levels in York for 2021-22 showed that levels had risen slightly since 2020-21 and were back to pre-pandemic levels (67.4 in 2021-22 and 66 in 2019-20). Figures for 2022-23 up to the end of August suggest that overall crime levels are remaining fairly stable. Data for Q2 2022-23 will be available by the end of November 2022.

Number of Incidents of ASB within the city centre (Alcohol Restriction Zone)

- 89 There were 1,276 incidents of anti-social behaviour within the city centre alcohol restriction zone during 2021-22, compared to 1,410 in 2020-21, and continues the year-on-year reduction seen since 2018-19. Figures for the first half of 2022-23 (500) indicate that this reduction is continuing.

- 90 Across the city as a whole, there were 1,351 calls for service recorded by North Yorkshire Police linked to anti-social behaviour during Q2 2022-23. This is lower than during the same reporting period in previous years (1,704 in Q2 2021-22 and 2,105 in Q2 2020-21).

Visits - All Libraries

- 91 Library visits (to all libraries, including reading cafes) during 2021-22 totalled 617,771, which is a large increase on the 183,706 visits during 2020-21. This shows a very positive direction of travel, although the 2021-22 figure is still a long way below the pre-pandemic figures (1,023,034 visits in 2019-20).

92 There were 226,066 library visits in Q2 2022-23 which compares with 298,937 in the same period in 2019-20 (pre-pandemic), suggesting the positive direction of travel is continuing. The quarterly figures have increased every quarter since before the pandemic.

% of Talkabout panel who agree that they can influence decisions in their local area

93 Talkabout panel surveys are run twice a year in Q1 and Q3 and therefore there is no update in this monitor. Previous data is shown within the table.

% of Talkabout panel who give unpaid help to any group, club or organisation

94 Talkabout panel surveys are run twice a year in Q1 and Q3 and therefore there is no update in this monitor. Previous data is shown within the table.

Parliament Street Footfall

95 Footfall in Parliament Street during Q2 2022-23 totalled around 1.9 million data captures. This is lower than the 2.1 million data captures during Q2 2021-22 and the 2.3 million data captures during Q2 2019-20 (pre-pandemic) but the numbers are improving each quarter.

An open and effective Council

An open and effective Council						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Forecast Budget Outturn (£000s Overspent / -Underspent) - CYC	£7,741 (excluding contingency) (Q1 2022/23)	£7,788 (excluding contingency) (Q2 2022/23)	➔	Quarterly	Not available	Q3 2022/23 data available in January 2023
Average Sickness Days per FTE - CYC (Excluding Schools) - (Rolling 12 Month)	12.86 (Q1 2022/23)	12.98 (August 2022)	➔	Monthly	Public Sector (Y&H) 2020/21 8	Q2 2022/23 data available in November 2022
Customer Services Waiting Times - Phone / Footfall / Webchat	00:02:07 (Phone) (Q1 2022/23)	00:03:26 (Phone) (Q2 2022/23)	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
	73.00% (Footfall) (Q1 2022/23)	82.50% (Footfall) (Q2 2022/23)	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
	NC (Webchat) (Q1 2022/23)	NC (Webchat) (Q2 2022/23)	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
Number of days taken to process Housing Benefit new claims and change events (DWP measure)	3.14 (2020/21)	3.19 (2021/22)	➔	Monthly	Not available	Q1 2022/23 data available in November 2022
% of 4Cs complaints (grade 1 and 2) responded to 'In Time'	94.59% (Q1 2022/23)	95.07% (Q2 2022/23)	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
% of 4Cs complaints (grade 1 only) responded to 'In Time'	88.55% (Q1 2022/23)	82.61% (Q2 2022/23)	➔	Monthly	Not available	Q3 2022/23 data available in January 2023
CYC Apprenticeships	25 (Q1 2022/23)	28 (Q2 2022/23)	↑ Good	Quarterly	Not available	Q3 2022/23 data available in January 2023
FOI & EIR - % In time - YTD	84.00% (Q1 2022/23)	85.80% (Q2 2022/23)	➔	Quarterly	Not available	Q3 2022/23 data available in January 2023

The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly. All historic data is available via the Open Data Platform

Average Sickness Days per FTE - CYC (Excluding Schools)

96 At the end of August 2022, the average number of sickness days per FTE (rolling 12 months) had increased to 13 days from 9.1 in August 2021. In 2020-21, sickness had reduced in the authority by approximately 2 days per FTE, to 8.8 days per FTE, which is close to the LGA public sector for

Yorkshire and Humber authorities average of 8 days. Since the start of Covid, although exact comparative figures are not yet available, all authorities in Yorkshire and Humber are reporting a significant increase in sickness levels within the whole workforce due to both Covid cases and increased pressures in frontline services.

- 97 On top of day-to-day managerial practices for sickness cases, additional work is underway to assist and remind managers of the support and services that employees can access as well as the managerial role in ensuring the wellbeing and absence management of those employees absent, or those who remain at work but showing signs of reduced resilience. Managers are being reminded of the importance of timely absence support for individuals and teams, and employees are reminded of the self care that they need to exercise to ensure that they are able to perform their roles effectively.
- 98 CYC still has a number of Covid cases throughout staffing structure and although now falling will contribute to increases overall sickness figure. Internally, business continuity plans are in place to ensure that services are able to be resilient to the fluctuating peaks and troughs of Covid infections, and it is likely that absence levels associated with Covid will return in the late Autumn / Winter, when combined with other reason for absence, which will further impact on our absence levels.

Customer Services Waiting Times (Phone / Footfall / Webchat etc)

- 99 Customer Service is the main point of contact for residents and business visitors. Demand was higher than usual during Q2 due to new demand such as; supporting customer enquiries/applications for the £150 energy rebate scheme and the household support fund and higher than usual seasonal demand following a new approach to the annual electoral canvass. The number of calls received increased to 59,338 (56,253 in Q1 2022-23), with 70% answered (44,158). 27.1% of calls were answered within 20 seconds.
- 100 The data for footfall to West Offices is still to be confirmed due to changes in systems. In addition to speaking to customers over the phone, the customer service team also responded to 13,981 e-mails (13,380 in the previous quarter). Customer satisfaction is 63%, with high wait times cited as the main reason for dis-satisfaction responses. This should improve as wait times reduce.
- 101 Customers are continuing to opt to access services using alternative means:
- 8,798 customers made payments using the auto payments facility
 - 14,897 people used the auto operator

- 54% of issues available to report online were reported by customers on-line
- There were around 900 thousand pages of the CYC website reviewed

Number of days to process Benefit claims (currently Housing Benefit)

- 102 The average number of days taken to process a new Housing Benefit claim, or a change in circumstance, has remained stable, being just over three days during 2021-22. York performance is above the most recent national average of 4.98 days (2020-21).
- 103 The first quarter of 2022-23 saw the introduction of the Energy Rebate (£150), the second Household Support Fund (HSF) and payment to qualifying businesses of the Covid Additional Relief Fund (CARF). This support ran through to the end of the second quarter (30th Sep). The YFAS fund aimed at keeping residents in the community, and providing emergency payments, continues to operate as normal. A new HSF scheme will start on the 1st October through to the end of March 2023.
- 104 Business and Welfare support provided at the end of the second quarter of 2022-23 includes:
- Household Support Fund – 8,332 payments to families totalling £1,006,782
 - 60,516 Energy Rebate payments of £150 and 13,863 credits of £150 to Council Tax accounts which accounts for 100% of qualifying residents
 - 76 Discretionary Energy Rebate payments of £150 totalling £11,400 (this scheme runs until the end of November)
 - CARF payments to 1,000 businesses totalling £4.5m
 - 626 YFAS payments totalling £143k
 - 98 Discretionary Housing Payments totalling £87k

% of 4C's Complaints responded to 'In Time' / % of Grade 1 4C's Complaints responded to 'In Time'

- 105 In Q2 2022-23, although there has been an increase in the number of both grade 1 and grade 2 corporate complaints received compared to the same reporting period in 2021-22 (160 grade 1 complaints in Q2 2022-23 compared to 104 in Q2 2021-22 and 495 grade 2 complaints in Q2 2022-23 compared to 275 in Q2 2021-22) there have been improvements for the percentage of both grades of corporate complaints responded to in time (82.6% of grade 1 complaints in Q2 2022-23 compared to 80.4% in Q2 2021-22 and 98.9% of grade 2 complaints in Q2 2022-23 compared to 87.9% in Q2 2021-22). The Corporate Governance team continues to work across the council to maintain this improvement.

CYC Apprenticeships

- 106 The number of CYC stand-alone apprenticeships only, which excludes those within schools or being completed alongside existing roles, was 28 at the end of Q2 2022-23. During the height of the pandemic the number remained consistent but was slightly lower than previously seen. Levels have now not only recovered but are exceeding figures seen in recent years demonstrating the value placed on these roles within the CYC workforce and work being undertaken to increase participation.
- 107 Regular updates on apprenticeships within CYC and York are submitted to the Decision Sessions for Economy and Strategic Planning and the Staffing Matters and Urgency Committee. The most recent publication can be found here:
<https://democracy.york.gov.uk/documents/s161342/SMUC%20Apprentices.pdf>
- FOI/EIR and SAR - % In time**
- 108 In Q2 2022-23, although there has been a decrease in the number of FOIs (Freedom of Information Act requests) and EIRs (Environmental Information Regulation requests) received compared to the same reporting period in 2021-22 (159 FOIs in Q2 2022-23 compared to 263 in Q2 2021-22 and 148 EIRs in Q2 2022-23 compared to 156 in Q2 2021-22), we have improved the percentage of both FOIs and EIRs responded to in time (82.9% of FOIs in Q2 2022-23 compared to 76.7% in Q2 2021-22 and 93.0% of EIRs in Q2 2022-23 compared to 80.1% in Q2 2021-22).
- 109 There has been an increase in the number of SARs (subject access to records request) received compared to the same reporting period in 2021-22 (29 in Q2 2022-23 compared to 24 in Q2 2021-22), and we continue to improve the percentage of SARs responded to in time (69.2% in Q2 2022-23 compared to 65.2% in Q2 2021-22).



Executive

22 November 2022

Report of the Chief Finance Officer

Portfolio of the Executive Member for Finance and Major Projects

Capital Programme – Monitor 2 2022/23

Summary

- 1 The purpose of this report is to set out the projected outturn position for 2022/23 including any under/over spends and adjustments, along with requests to re-profile budgets to/from current and future years.
- 2 The 2022/23 capital programme approved by Council on 7 February 2022 and updated for amendments reported to Executive in the 2021/22 outturn report resulted in an approved capital budget of £193.550m.

Impact of Inflation on the Capital Programme

- 3 The current levels of inflation experienced in the economy over the last year and forecast to persist over the coming months has impacted the ability to deliver all the outcomes across the capital programme.
- 4 Looking at the capital programme we can demonstrate the indicative additional costs that would be required to deliver projects at 2021/22 prices. It should be noted that 38% of the 5 year capital programme is externally funded.

	Budget £'000	Estimated Annual Inflation %	Inflation Cumulative %	Inflationary Impact £'000
2022/23	159,987	10%	10.0	15,999
2023/24	190,784	6%	16.6	31,670
2024/25	95,955	3%	20.1	19,286
2025/26	54,518	2%	22.5	12,266
2026/27	44,023	2%	25.9	11,402
Total	545,267			90,623

- 5 The total is indicative as each project will have its own unique inflation indices, risk allowances and impact on procurement.
- 6 To add a further £90m funded by increased borrowing into the capital programme is currently unaffordable as would add an indicative £6m to the council's revenue budget at a time where the revenue budget is under strain.
- 7 The capital programme has been further analysed to determine the recommended approach for dealing with increasing costs. This is shown below by type of expenditure

Major Schemes

- 8 Examples York Outer Ring Road, York Station Frontage, Haxby Station, HRA New Build Schemes. These schemes are funded either partly or fully by external funders. The schemes are all subject to different decision points around scope and breadth of delivery. It is proposed that the council continues to work with funders and revise scope of projects within budgets and funding available. These will be reported through to Executive and recommendations made at key decision points.

Rolling Programmes

- 9 Examples Highway Schemes, Asset Maintenance, Local Transport Plan, City Walls, Drainage Schemes, School Basic Needs, Maintenance, Housing Maintenance Schemes. These programme lines deliver a large number of schemes within the budget allocations. Whilst the individual schemes increase in cost it will not necessarily be able to deliver the whole programme within budget levels. It is proposed that the programmes are flexed to deliver schemes within the budgets available. Overall, the number of schemes delivered will be lower than had there been lower inflation levels.

Fleet Replacement

- 10 Eg Waste Vehicles, Replacement Vehicle & Plant. There is a fleet replacement programme and as costs increase it is not always possible to reduce the number of vehicles that are being replaced. Where costs have exceeded budget these will have to be considered as part of the annual budget process.

Other Named Schemes

- 11 There are a large number of schemes within the capital programme that have been agreed over a number of budget cycles. Some will be able to progress and be completed within the budget that has been allocated whereas others may not be able to deliver what was originally planned. Where additional funding is required to deliver named schemes it is assumed that this can be achieved by reducing or deleting budgets from schemes that are no longer likely to be delivered within the medium term. This will require some form of reprioritisation however there is a recognition that not all schemes will be able to be delivered within the overall programme. This will be subject to Executive decisions as part of the quarterly monitoring process and or budget process.
- 12 In all circumstances Members will have the opportunity to determine new capital budgets as part of the annual budget cycle subject to available funding.

UK Shared Prosperity Fund

- 13 The council has been awarded an indicative £5,107k funding from the UK Shared Prosperity Fund to support the Levelling Up agenda across the country. Of this sum £900k is set aside for capital investment across the authority. There was also a further £400k set aside as part of the Rural Prosperity Fund. A report to Executive Member for Finance and Major Projects detailed the proposals for the funding and it is recommended that these are incorporated into the capital programme as follows

	2022/23 £'000	2023/24 £'000	2024/25 £'000	Total £'000
Improvements to City Centre & High Streets (UKSPF)	64	161	375	600
Enterprise Infrastructure (UKSPF)	-	-	300	300
Rural Prosperity Fund	-	100	300	400
Total	64	261	975	1,300

- 14 In 2022/23 CYC will prioritise spend on activities related to improving the city centre and Acomb Front Street in the current year. It is proposed that this will include city centre access work (including dropped kerbs and broader access studies), Acomb Front Street (replacing bollards, redoing signage and improvements to ACO drainage and pavements, improving the external

appearance of public toilets). The capital budget of £64k will fund the cost of works that are deemed to be of capital nature.

- 15 Funds for the current year will be released once the Investment Plan has been agreed, which is expected to be in November or December 2022. Government have made it clear that any funding spent prior to that is undertaken at risk, although spend from April 2022 onwards will be deemed eligible once approval is given.

Recommendations

16 Executive is asked to:

- Recommend to Full Council the adjustments resulting in a decrease in the 2022/23 budget of £38.193m as detailed in the report and contained in Annex A.
- Note the 2022/23 revised budget of £154.557m as set out in paragraph 6 and Table 1.
- Note the restated capital programme for 2022/23 – 2026/27 as set out at paragraph 60 table 2. Reason: to enable the effective management and monitoring of the Council's capital programme.
- Note the proposed mechanism for dealing with inflationary increases in the programme as set out in paragraphs 3 – 15.
- Introduce the schemes fully funded by UK Shared Prosperity Fund and Ruarla Prosperity Fund of £1.3m into the capital programme subject to funding allocation being confirmed. Reason: To enable the effective management and monitoring of the Council's capital programme.

Consultation

- 17 The capital programme was developed under the capital budget process and agreed by Council on 7 February 2022. Whilst the capital programme as a whole is not consulted on, the individual scheme proposals and associated capital receipt sales do follow a consultation process with local Councillors and residents in the locality of the individual schemes.

Summary of Key Issues

18 A decrease of £38.193m is detailed in this monitor resulting in a revised capital programme for 2022/23 of £154.557m. There is an increase of £6.094m and a re-profiling of budgets to future years totalling £44.287m. This is mainly due to Local Authority homes new build expenditure being delayed until 2026/27, re-profiling of Basic need, Improvement of facilities for pupils with SEND, ZEBRA and Castle Gateway spend into the following year.

19 Table 1 outlines the variances reported against each portfolio area and a summary of the key exceptions and implications on the capital programme are highlighted in the paragraphs that follow.

Department	Current Approved Budget £m	Projected Outturn £m	Adjustment £m	Reprofile £m	Total Variance £m	Paragraph Ref
Children's services	30.986	16.990	0.048	(14.044)	(13.996)	20 - 44
Adult Social Care	1.166	1.166	-	-	-	-
Housing Services	62.727	51.752	4.125	(14.300)	(10.175)	45 - 56
Transport, Highways & Environment	76.821	68.175	1.857	(10.503)	(8.646)	57 - 67
Regen, Economy & Property Services	11.880	7.749	0.064	(4.195)	(4.131)	-
Community Stadium	0.777	0.777	-	-	-	-
ICT	4.097	3.152	-	(0.945)	(0.945)	68 – 70
Customer & Corporate Services	2.014	1.714	-	(0.300)	(0.300)	-
Communities & Culture	2.382	2.382	-	-	-	71
Climate Change	0.700	0.700	-	-	-	-
Total	193.550	154.557	6.094	(44.287)	(38.193)	

Table 1 Capital Programme Forecast Outturn 2022/23

Analysis

Children and Education Services

- 20 The total approved budget within the Children's Services and Education Capital Programme for 2022/23 is currently £30.986m. A number of updates are included in this monitor following announcements from the Department for Education
- 21 The current approved budget for the main Basic Need scheme in the programme is £10,752k. However this includes two schemes at Manor and Millthorpe Schools which are of such a size that these are to be reflected by reporting separately in the programme (Executive 14th October 2021).
- 22 The scheme at Manor School for the provision of additional teaching accommodation and additional circulation and dining space was approved at an estimated cost of £1.1m. This scheme has been redesigned to be deliverable within the budget allocated following inflationary increases in materials and labour costs, exacerbated by material shortages. The scheme should still deliver the main objectives set out in the original report and is due to be completed in mid-November 2022.
- 23 The scheme at Millthorpe School was also developed to provide additional teaching and circulation space at a budgeted cost of £1.9m. As with the Manor scheme, significant redesigns were needed to enable delivery within the allocated budget. However, a further £50k is required to enable the required outcomes, for which an amount of section 106 has been identified to be added to the scheme budget. The revised scheme is expected to be complete by the end of October 2022.
- 24 Both of these schemes were approved at their original level as fully funded from Basic Need, although in the case of the Manor scheme the ultimate funding source for the majority of the spend will be Section 106 receipts from the Former Civil Service Site Housing Development, which are anticipated to be in the region of £0.9m.
- 25 As no further new work is expected to commence in 2022/23 from Basic Need it is proposed to re-profile £7.3m of this into 2023/24. This leaves an amount of £0.72m in the main Basic Need budget for the remainder of this financial year, to deal with any additional urgent requirements before the year-end, for example if additional resources are required to supplement the SEND Expansion of Facilities scheme as a result of the Inclusion Review

- 26 The new build at Fulford School is progressing well with the ground floor substantially in place and work on the first floor in progress. Over the summer, re-modelling works to some existing classrooms, corridors, stairways and lift installation have been carried out, with the majority of this completed in time for hand-back to the school for the beginning of the new academic year.
- 27 The major scheme at Danesgate to make significant adaptations and re-modelling to improve the layout of the buildings for young people with Social, Emotional and Mental Health (SEMH) needs has been carried out over the summer. The main scheme is expected to be delivered within the overall budget allocated of £1.9m. However, an urgent need was identified late on in the development of the project to bring catering in-house due to issues with having meals brought in. This meant that a catering kitchen had to be urgently created on-site. This has been funded by an additional allocation from the SEND Capital Improvements grant scheme, funded by the SEND capital grant. A virement of £245k is therefore required between these two schemes in the programme.
- 28 A number of schemes have been carried out over the summer of 2022 within the School Condition and Maintenance programme. Schemes carried out are summarised in the following paragraphs.
- 29 A significant programme of work has been carried out at Clifton Green Primary, including a third phase of roofing replacement and pipework. The work was completed in time for the start of the new school year.
- 30 A major scheme of roof work and boiler and flue replacement at Yearsley Grove Primary School is now complete. Another large scheme of roof work and kitchen refurbishment is nearing completion at Elvington Primary School and roof works at Westfield Primary have been completed.
- 31 Smaller schemes were carried out at Dringhouses Primary (door and window renovations) Headlands Primary (second phase of roofing works)
- 32 As most schemes are now complete or nearing completion there is likely to be an overall underspend on the maintenance programme. It is therefore proposed to re-profile the majority of this underspend into 2022/23 to add to the available funding for planning the 2023/24 programme. Across the Condition and Maintenance scheme and the two LA funded Maintenance schemes in the programme a total of £1.2m is predicted to be available and recommended to be re-profiled into 2023/24.

- 33 A minor amendment (a £2k reduction) is required to the Devolved Formula Capital Scheme for 2022/23 to reflect the grant being slightly lower than budgeted.
- 34 Phase 2 of the Applefields School expansion has been carried out over the summer and completed in September at an estimated cost of approximately £280k. As a result, there is a remaining amount of approximately £270k overall across Phases 1 and 2 which can be transferred back to the unallocated Basic Need scheme.
- 35 Further accessibility improvements have been carried out at All Saints School lower site. The works in 2022/23 are estimated to cost £210k. This leaves an amount of £90k to be reprofiled into 2022/23 for future planned accessibility improvements.

SEND Future Scheme proposals

- 36 A separate paper on this agenda set out plans for the use of £8m of SEND capital resources on five major schemes to improve provision in the city for children and young people with SEND. The schemes that are being requested for approval are summarised briefly below.
- 37 St Paul's Nursery – remodelling works to create an Early Years Hub centred around the existing Enhanced Resource Provision (ERP) - Budget £1.2m.
- 38 Expansion of Haxby Road Primary ERP on second site at Lakeside Primary (which is in the same Multi-Academy Trust as Haxby Road Primary – Ebor) – Budget £1.48m
- 39 Creation of a new secondary ERP at Huntington School to provide a facility for young people with autism with work to be phased over three years – Budget £1.81m
- 40 Further improvement work at Applefields School over three years to remodel classroom space, create additional space via infill works and upgrade the hydrotherapy pool– Budget £2.08m
- 41 A project to provide additional alternative provision for young people with Social, Emotional and Mental Health (SEMH) needs – Budget £1.43m.
- 42 It is likely that most of these schemes will be carried out during 2023/24, or in the case of the schemes at Huntington and Applefields phased over three

years, therefore it is proposed that £7.52m of the existing SEND scheme in 2022/23 be reprofiled into 2023/24 and the two following years and then used to fund each of these new schemes which will be monitored at separate scheme level within the programme. The only exception to this is the scheme at Lakeside Primary which may have an earlier start date, so an amount of this budget will be retained in 2022/23 at this point

- 43 School maintenance schemes for 2023/24 are currently being planned. At this stage the Directorate is working within an overall funding amount of approximately £6m, based on an assumption of the 2023/24 Condition and Maintenance allocation from the DfE and the available underspend from 2021/22 reported above plus use of relevant section 106 receipts.
- 44 It is possible that some new emerging issues may be deemed a higher priority as part of this planning round and permission is sought for officers to have delegated authority (in consultation with the Executive Member for Children and Young People) to substitute new schemes where this is felt to be required. All decisions will be made based on being affordable within the overall funding available

Housing & Community Safety

- 45 The major repairs and modernisation budget is £9,190k for 2022/22, an overview of the larger schemes are detailed below.
- 46 Tenants Choice Programme- Budget £2,660k - This programme of work includes replacement bathrooms, kitchens and electrical rewires. Works so far this year have focused upon completing properties in the Chapelfields, St Stephens Road, Cornlands Road and Nunnery Lane areas. This autumn it is planned work on the modernisation of homes in the Dringhouses area, following the holding of the successful Tenants Choice Exhibition in July, with works profiled over the next 24 to 30 months. This autumn the service will also begin the procurement of contractors to carry out the works from 2023/24 to 2027/28. Approximately 300 homes will be modernised this year.
- 47 Standing Water Programme. Budget £1,500k – This programme of works focuses on homes with significant rising damp. The replacement of solid and suspended ground floors means that when the works are undertaken the tenant has to move out and this, inevitably, complicates works and progress. 24 properties have been completed to date this year or will shortly be completed. The service plans to carry out a works to a further 12 homes this winter/spring taking a “worst first” approach to the scheduling of

properties, also being mindful of the priority we give to vulnerable tenants. With this in mind, there are properties requiring rising and penetrating works in future years and, following a review of approach and taking into account the recommendations in a recent national report from the Housing Ombudsman, a contractor will be procured to continue to deliver this programme of works for 2023/24 and beyond.

- 48 Heating Installations. Budget £1,003k – A safe and efficient heating boiler has, for many years, been a priority for the service and, given increased awareness of the cost of heating, this programme remains a priority. We aim to provide 440 households with new gas central heating systems this year which included SMART controls and a 5 year manufacturer's warranty. At the same time, and also as part of our annual gas safety check, we have installed Carbon Monoxide detectors in all gas-heated homes.
- 49 Voids Budget £1,216k – This budget is used to undertake major works in void properties prior to re-let, refitting new kitchens, bathrooms and undertaking rewires on those properties that have had tenants choice work declined by the previous occupant, mainly due to ill health or where they do not want the upheaval. During this year we expect to carry out capital works to approximately 50 empty homes.
- 50 Chapelfields & Bell Farm Window Replacement. Budget £775k – This 2 year programme of works began last year in the Chapelfields area and, for this community, will conclude with works to approximately 50 homes in the current financial year. We will procure a contractor this winter and begin works in Bell Farm in the new year. Works to approximately 100 homes in Bell Farm will progress through the remainder of 2022/23 with the remainder completed in 2023/24.
- 51 As highlighted above, several key contracts will be procured this winter as existing arrangements come to an end. There is a risk that costs will rise significantly as part of this process and while we will seek to manage this via the competitive process we will report any impact upon the quantity or value of works at the earliest opportunity
- 52 Lowfield Green continues to progress well on site with all 88 homes in phases 1 to 4 now occupied. The next phase of homes are due for completion in December 2022 with the site fully complete by Spring 2023.
- 53 Caddick Construction Ltd have been appointed as main contractor for the Duncombe Barracks and Burnholme developments. Duncombe Barracks started on site on 11th July 2022. Demolition work is now complete with

work now progressing on the substructures. Homes England approved a bid to deliver an additional 20% shared ownership homes on the site bringing the overall percentage of affordable housing to 60%. A start on site claim has been submitted and 75% of the grant has been paid to the Council in September.

- 54 At Burnholme The start on site date is scheduled for November 2022. Homes England approved a bid to deliver an additional 20% shared ownership homes on the site bringing the overall percentage of affordable housing to 60%.
- 55 Within the Shared Ownership scheme, York has been granted £1,999k as part of the Devolution Deal, to contribute towards the purchase of 25 shared ownership homes. The overall scheme requires a CYC contribution of £2,126k which can be funded from Housing Capital Receipts. The scheme will produce a revenue stream for the HRA as the tenants pay a “rent” to cover the equity that the council retains.
- 56 The LA Homes New build project budget was created as part of the wider Housing Delivery Programme agreed in 2018. It is proposed to reprofile this budget specifically slipping the £12.4m budget in 2022/23 to 2026/27. Following revised assumptions around the new build schemes at Duncombe Barracks and Burnholme, this budget needs to be revised down as much of the expenditure is funded from assumed market sale receipts which are now assumed to be lower than when the budget was created. This will be done as part of a future update to Executive around the Housing Delivery Programme.

Transport, Highways & Environment

- 57 The contract for the installation of the hostile vehicle mitigation measures in the city centre has been tendered and a contractor has been appointed. The main works are programmed to start in January 2023, with completion in spring 2023 (depending on the timescales for utility diversion works). Additional funding of £1,750k was approved at the 18 August 2022 Executive meeting. This funding has been reallocated from the 2026/27 Highways capital budgets
- 58 Within the Local Transport Plan (LTP) there is funding allocated for the purchase of two new buses for the Dial & Ride service but due to the long lead-in time for the purchase of the new buses, this funding will not be fully spent in 2022/23 and £130k will be carried forward to 2023/24

- 59 The council was awarded £8.4m from the government's Zero Emission Bus Regional Area (ZEBRA) fund to support the purchase of 44 fully electric buses, and has been working with bus operators to progress this scheme. Due to the timescales for the purchase of the new buses £5m of funding will be carried forward to 2023/24, as the payments will be made over two years
- 60 The Castle Gateway Transport Improvements scheme aims to improve transport infrastructure in the area of the Castle Gateway development, and the timescales for any proposed schemes are dependent on the wider development proposals. This work is not expected to be delivered in 2022/23 therefore the majority of the funding will be carried forward to 2023/24
- 61 Following a review of the expected works and costs, it is proposed to carry forward £1,043k of the York Station Gateway scheme to 2023/24 due to lower expected costs in 2022/23. The utility diversion works have started on site, and the highways works are expected to begin in spring 2023, with completion currently programmed for autumn 2025
- 62 Following the completion of the new strategic traffic model and the real-time traffic model in 2021/22, work on the Smarter Travel Evolution Programme is ongoing, with the Green Light Optimised Speed Advisory (GLOSA) and data platform projects progressing as planned. It is proposed to carry forward £320k of the grant funding to 2023/24 to fund the anticipated costs of the data platform in future years
- 63 Funding is allocated for measures to improve the existing road closure at Victoria Bar. However, following requests to extend the scope of the scheme to review the wider area, and the need to consider the proposals to reduce levels of car usage in the city centre, this work is on hold. It is proposed to carry forward the funding to 2023/24 to allow a scheme to be developed that could incorporate all of these proposals and include the wider aims of the council's fourth Local Transport Plan
- 64 The Lendal Bridge capital scheme will not progress in 2022/23 therefore this funding will be carried forward to 2023/24 to enable the scheme to progress in future years
- 65 The Castle Mills lock gate repairs scheme will now primarily be delivered in 2023/24

- 66 The council has been successful in the Government's Flood and Coastal Resilience Innovation Programme as reported to Executive on the 28th July 2022. This adjustment allows the inclusion of the funding awarded within the council capital programme
- 67 There are no schemes anticipated for 2022/23 within the Community Asset Transfer therefore this funding will be carried forward to 2023/24

ICT

- 68 The revised capital budget for ICT is £4,095k in 2022/23. At Monitor 2 the forecast is that £945k will be slipped back into 23/24. As identified at Monitor 1, the main area of spend is the refresh in infrastructure technology as part of the new Managed Service contract with North.
- 69 Key elements that are being replaced or developed with North are:
1. The Council Wifi
 2. The Wide area Network edge equipment
 3. Network Datacentre Switches
 4. The integration of Mitel Telephony with Microsoft Teams
- 70 Industry wide supply chain issues have led to significant delays in the planned delivery of some of this new technology, particularly items 2, 3 and 4 listed above. Schemes that have been or are on target to be delivered in 2022/23 are:
- Continued roll out of Microsoft 365 and associated back up technology
 - Replacement of Infrastructure cyber security systems
 - Replacement of the current remote connectivity platform relating to hybrid working
 - Extension of the Financial Management System, Authority Financials.
 - Replacement of the corporate print solution from Gandlake to PresConnect
 - YOTTA Highways Asset Management system procurement
 - Replacement of the Electronic Data and Records Management System
 - The annual laptop refresh programme

Communities & Culture

71 The Future Library Investment Programme (FLIP) is progressing well, with the first of the three capital projects to create a new Gateway library for Haxby & Wigginton nearing build completion. The cost for the first phase at Haxby & Wigginton has been higher due to inflationary pressures but this has been managed within the overall FLIP budget, using part of the £0.5m contingency. The second phase, Clifton Library Learning Centre has received planning determination and therefore construction tendering has now commenced. There is a cost inflation risk to the overall programme that has been seen at phase 1 and unless market conditions change could provide additional cost pressure for phase 2 (Clifton Library) and phase 3 (Acomb Library)

Summary

72 As a result of the changes highlighted above the revised 5 year capital programme is summarised in Table 2

Gross Capital Programme	2022/23	2023/24	2024/25	2025/26	2026/27	Total
	£m	£m	£m	£m	£m	£m
Children's services	16.990	20.424	2.520	1.900	0.920	42.754
Adult Social Care	1.166	0.750	0.682	0.705	0.728	4.031
Housing Services	51.752	47.959	39.006	33.054	25.444	197.215
Transport, Highways & Environment	68.175	73.197	51.101	15.969	13.661	222.103
Property Services	7.749	43.205	1.225	0.250	0.250	52.679
Community Stadium	0.777	-	-	-	-	0.777
ICT	3.152	2.390	2.820	3.170	2.820	14.352
Customer & Corporate Services	1.714	0.500	0.200	0.200	0.200	2.814
Communities & Culture	2.382	4.700	0.726	-	-	7.808
Climate Change	0.700	0.834	0.250	0.250	-	2.034
Revised Programme	154.557	193.959	98.530	55.498	44.023	546.567

**Table 2 Revised 5 Year Capital Programme
Funding the 2022/23 – 2026/27 Capital Programme**

73 The revised 2022/23 capital programme of £546.567m is funded from £204.967m of external funding and £341.600m of internal funding. Table 3 shows the projected call on resources going forward.

	2022/23	2023/24	2024/25	2025/26	2026/27	Total
	£m	£m	£m	£m	£m	£m
Gross Capital Programme	154.557	193.959	98.530	55.498	44.023	546.567
Funded by:						
External Funding	61.483	81.113	41.069	12.575	8.727	204.967
Council Controlled Resources	93.074	112.846	57.461	42.923	35.296	341.600
Total Funding	154.557	193.959	98.530	55.498	44.023	546.567

Table 3 – 2022/23 –2026/27 Capital Programme Financing

74 The Council controlled figure is comprised of a number of resources that the Council has ultimate control over. These include Right to Buy receipts, revenue contributions, supported (government awarded) borrowing, prudential (Council funded) borrowing, reserves (including Venture Fund) and capital receipts

75 In financing the overall capital programme the Chief Finance Officer will use the optimum mix of funding sources available to achieve the best financial position for the Council. Therefore an option for any new capital receipts would be to use these to replace assumed borrowing, thereby reducing the Councils' borrowing levels and associated revenue costs.

Council Plan

76 The information contained in this report demonstrates progress in achieving the priorities set out in the Council Plan.

Implications

77 This report has the following implications:

- **Financial** - are contained throughout the main body of the report
- **Human Resources (HR)** – There are no HR implications as a result of this report
- **One Planet Council/ Equalities** – The capital programme seeks to address key equalities issues that affect the Council and the public. Schemes that address equalities include the Disabilities Support Grant, the Schools Access Initiative, the Community Equipment Loans Store (CELS) and the Disabilities Discrimination Act (DDA) Access Improvements. All individual schemes will be subject to Equalities Impact Assessments

- **Legal Implications** - Whilst this report itself does not have any legal implications, the schemes within the capital programme will themselves will be in receipt of legal advice where necessary
- **Crime and Disorder** - There are no crime and disorder implications as a result of this report.
- **Information Technology** – The information technology implications are contained within the main body of the report,
- **Property** - The property implications of this paper are included in the main body of the report which covers the funding of the capital programme from capital receipts.
- **Other** – There are no other implications

Risk Management

78 There are a number of risks inherent in the delivery of a large scale capital programme. To mitigate against these risks the capital programme is regularly monitored as part of the corporate monitoring process, and the project management framework. This is supplemented by internal and external audit reviews of major projects.

Contact Details

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	Report Approved	√	Date 11/11/22
Wards Affected: All			

For further information please contact the author of the report

Specialist Implications:

Legal – Not Applicable

Property – Not Applicable

Information Technology – Not Applicable

Annexes

Annex A – Capital Programme 2022/23 to 2026/27

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	2022/23	2023/24	2024/25	2025/26	2026/27	Total Capital Programme 2022/23- 2026/27 £000
	£000	£000	£000	£000	£000	£000
CHILDRENS SERVICES						
Basic Need	720	10,300	0	0	0	11,020
Fulford School Expansion 2020 Phase 1 and 2	3,434	2,000	0	0	0	5,434
DfE Maintenance	2,107	950	700	700	700	5,157
Schools Essential Mechanical & Electrical Work	1,321	700	0	0	0	2,021
Danesgate Extension 2022	2,145	0	0	0	0	2,145
SEND - Applefields Extension (Phase 3)	0	490	1,120	470	0	2,080
Millthorpe School	1,950	0	0	0	0	1,950
SEND - Huntington School ERP	0	820	480	510	0	1,810
Schools Essential Building Work	1,132	600	0	0	0	1,732
SEND - Haxby Road ERP Expansion (Lakeside site)	480	1,000	0	0	0	1,480
SEND - Specialist SEMH Expansion	0	1,430	0	0	0	1,430
Children in Care Residential Commissioning Plan	1,352	0	0	0	0	1,352
SEND - St Paul's Nursery ERP Expansion	0	1,200	0	0	0	1,200
NDS Devolved Capital	223	220	220	220	220	1,103
Manor School	1,100	0	0	0	0	1,100
Improving School Accessibility	224	390	0	0	0	614
Expansion and Improvement of Facilities for Pupils with SEND	143	324	0	0	0	467
Applefields Extension Work 2021 and 2022	290	0	0	0	0	290
Family Drug & Alcohol Assess/Recovery Facility	100	0	0	0	0	100
Healthy Pupils Capital Fund	93	0	0	0	0	93
Centre of Excellence for Disabled Children (Lincoln Court)	70	0	0	0	0	70
Southbank Expansion	56	0	0	0	0	56
Adaptions to Foster Carer Homes	50	0	0	0	0	50
ADULT SOCIAL CARE						
Telecare Equipment and Infrastructure	259	267	275	283	291	1,375
Disabled Support Grant	249	250	260	270	280	1,309
Major Items of Disability Equipment	155	143	147	152	157	754
Proof of Concept for robotics & AI within social care	110	90	0	0	0	200
OPA-Haxby Hall	170	0	0	0	0	170
OPA-Ashfield Estate Sports Pitches	116	0	0	0	0	116
OPA - the Centre@Burnholme including enabling works	73	0	0	0	0	73
OPA Residual Enabling Work	34	0	0	0	0	34
HOUSING & COMMUNITY SAFETY (HRA & GF)						
Local Authority Homes - New Build Project	0	18,343	20,000	18,829	12,400	69,572
Major Repairs & Modernisation of Local Authority Homes	9,190	8,462	8,769	8,720	9,270	44,411
LA Homes - Burnholme	10,534	10,687	3,170	0	0	24,391
Disabled Facilities Grant (Gfund)	1,963	2,236	2,375	2,375	2,565	11,514
Duncombe Barracks	7,005	3,111	832	0	0	10,948
Lowfield Housing	5,322	700	0	0	0	6,022
Home Upgrade Grant (G/fund)	5,305	0	0	0	0	5,305
Local Authority Homes - Project Team	680	830	1,000	1,370	389	4,269
Local Authority Homes - Phase 2	44	1,200	2,000	900	0	4,144
Assistance to Older & Disabled People	636	620	630	640	650	3,176
LA Homes - Hospital Fields/Ordnance Lane	3,158	0	0	0	0	3,158
LA Homes Energy Efficiency Programme	1,089	1,250	0	0	0	2,339
Shared Ownership Scheme	5,565	0	0	0	0	5,565
Housing Environmental Improvement Programme	473	170	170	170	170	1,153
Water Mains Upgrade	60	300	60	50	0	470
IT Infrastructure	193	0	0	0	0	193
Lincoln Court Independent Living Scheme	127	0	0	0	0	127
Tang Hall Library Site Enabling Works (G/fund)	110	0	0	0	0	110
Empty Homes (Gfund)	50	50	0	0	0	100
Chaloner Road Site Enabling Works	91	0	0	0	0	91
Extension to Glen Lodge	88	0	0	0	0	88
Extension to Marjorie Waite Court	57	0	0	0	0	57
James House	12	0	0	0	0	12
TRANSPORT, HIGHWAYS & ENVIRONMENT						
York Outer Ring Road - Dualling	5,175	23,330	29,084	3,640	0	61,229
Highway Schemes	10,373	7,377	7,280	7,280	5,530	37,840
WYTF - Station Frontage	5,385	12,420	4,310	0	0	22,115
Haxby Station	3,600	12,100	2,100	0	0	17,800
Replacement Vehicles & Plant	6,292	2,683	2,781	161	3,146	15,063
Local Transport Plan (LTP) *	6,708	1,700	1,570	1,570	1,570	13,118
ZEBRA	3,401	5,000	0	0	0	8,401
Innovative Flood Resilience	160	830	1,290	1,490	1,937	5,707
Highways - Tadcaster Road	4,564	0	0	0	0	4,564
WYTF - Castle Gateway Development	50	3,527	908	50	0	4,535
Drainage Investigation & Renewal	1,094	700	700	900	900	4,294
Built Environment Fund - Hostile Vehicle Mitigation	3,441	0	0	0	0	3,441
Flood Alleviation Schemes including Germany Beck	3,270	0	0	0	0	3,270
Replacement of Unsound Lighting Columns	772	644	578	578	578	3,150
York City Walls Restoration Programme	1,050	336	300	300	0	1,986
Fleet Acquisition	1,969	0	0	0	0	1,969
Highways & Transport - Ward Committees	1,771	0	0	0	0	1,771
Flood Scheme Contributions	1,500	0	0	0	0	1,500
Electric charging Infrastructure	1,355	0	0	0	0	1,355
TCF - Tadcaster Road Improvements	1,318	0	0	0	0	1,318
Essential Bridge Maintenance	0	1,100	0	0	0	1,100
Smarter Travel Evolution Programme	617	320	0	0	0	937
Castle Mills Lock	100	700	0	0	0	800
Waste Vehicle Replacement	745	0	0	0	0	745
Highways Drainage Works	247	200	200	0	0	647

Special Bridge Maintenance (Struct maint)	397	0	0	0	0	397
National Cycle Network 65 Targeted Repairs	378	0	0	0	0	378
EV Charging Asset Replacement	337	0	0	0	0	337
Fordlands Road Flood Defences	326	0	0	0	0	326
Hyper Hubs	300	0	0	0	0	300
Public Realm & Waste Equipment	286	0	0	0	0	286
Traffic control/ reduction and public realm improvements in Bishophill/ M	0	230	0	0	0	230
Flood Sign Renewal and Rainfall monitoring	200	0	0	0	0	200
Fleet & Workshop Compliance	197	0	0	0	0	197
Access Barrier Review	191	0	0	0	0	191
River Bank repairs	148	0	0	0	0	148
Better Play Areas	127	0	0	0	0	127
Scarborough Bridge	87	0	0	0	0	87
Knavesmire Culverts	81	0	0	0	0	81
Non Illuminated Structural asset renewal	57	0	0	0	0	57
Car Park Improvements	38	0	0	0	0	38
CCTV Asset Renewal	32	0	0	0	0	32
Clean Air Zone	20	0	0	0	0	20
Hazel Court conversion of storage area to operational hub	16	0	0	0	0	16
Haxby Station	0	0	0	0	0	0
Litter Bin Replacement Programme	0	0	0	0	0	0
Better Bus Area Fund	0	0	0	0	0	0
<u>REGEN, ECONOMY & PROPERTY SERVICES</u>						
York Central Infrastructure	1,900	38,476	0	0	0	40,376
Castle Gateway (Picadilly Regeneration)	1,500	3,925	0	0	0	5,425
Guildhall	2,160	0	0	0	0	2,160
Asset Maintenance + Critical H&S Repairs	310	250	250	250	250	1,310
Improvements to City Centre & High Streets (UKSPF)	64	161	375	0	0	600
Rural Prosperity Fund	0	100	300	0	0	400
Enterprise Infrastructure (UKSPF)	0	0	300	0	0	300
Holgate Park Land – York Central Land and Clearance	397	0	0	0	0	397
LCR Revolving Investment Fund	300	0	0	0	0	300
Removal of Asbestos	237	0	0	0	0	237
Commercial Property Acquisition incl Swinegate	195	0	0	0	0	195
Shambles Modernisation - Power	180	0	0	0	0	180
Community Asset Transfer	0	175	0	0	0	175
29 Castlegate	159	0	0	0	0	159
West Offices - Major repairs	100	0	0	0	0	100
Hazel Court welfare facilities	0	95	0	0	0	95
Photovoltaic Energy Programme	94	0	0	0	0	94
Air Quality Monitoring (Gfund)	46	23	0	0	0	69
Built Environment Fund - Shopping Area Improvements	15	0	0	0	0	15
Shambles Health & Safety	15	0	0	0	0	15
Fire Safety Regulations - Adaptations	77	0	0	0	0	77
<u>STADIUM & MAJOR PROJECTS</u>						
Community Stadium	777	0	0	0	0	777
<u>ICT</u>						
IT Development plan	3,152	2,270	2,820	3,170	2,820	14,232
IT Superconnected Cities	0	120	0	0	0	120
<u>CUSTOMER & CORPORATE SERVICES</u>						
Capital Contingency	976	0	0	0	0	976
Project Support Fund	393	500	200	200	200	1,493
Crematorium Waiting Room	233	0	0	0	0	233
Registry office Phase 2 Refurbishment	72	0	0	0	0	72
Mansion House Restoration	24	0	0	0	0	24
Replacement of 2 Cremators	16	0	0	0	0	16
<u>COMMUNITIES & CULTURE</u>						
Libraries as Centres of Learning and Opportunity for all: Acomb & Clifton	2,024	3,700	726	0	0	6,450
Future Libraries	0	1,000	0	0	0	1,000
Westfield Multi Use Games Area	200	0	0	0	0	200
Explore self issue machines	100	0	0	0	0	100
Energise Roof	58	0	0	0	0	58
<u>CLIMATE CHANGE</u>						
Climate Change schemes including Northern Forest	700	834	250	250	0	2,034
<u>GROSS EXPENDITURE BY DEPARTMENT</u>						
<u>PEOPLE DIRECTORATE</u>						
CHILDRENS SERVICES	16,990	20,424	2,520	1,900	920	42,754
ADULT SOCIAL CARE	1,166	750	682	705	728	4,031
<u>PLACE DIRECTORATE</u>						
HOUSING & COMMUNITY SAFETY (HRA & GF)	51,752	47,959	39,006	33,054	25,444	197,215
TRANSPORT, HIGHWAYS & ENVIRONMENT	68,175	73,197	51,101	15,969	13,661	222,103
PROPERTY SERVICES	7,749	43,205	1,225	250	250	52,679
<u>CHIEF OPERATING OFFICER</u>						
STADIUM & MAJOR PROJECTS	777	0	0	0	0	777
ICT	3,152	2,390	2,820	3,170	2,820	14,352
CUSTOMER & CORPORATE SERVICES	1,714	500	200	200	200	2,814
COMMUNITIES & CULTURE	2,382	4,700	726	0	0	7,808
CLIMATE CHANGE	700	834	250	250	0	2,034
TOTAL BY DEPARTMENT	154,557	193,959	98,530	55,498	44,023	546,567
TOTAL GROSS EXPENDITURE	154,557	193,959	98,530	55,498	44,023	546,567
TOTAL EXTERNAL FUNDING	61,483	81,113	41,069	12,575	8,727	204,967
TOTAL INTERNAL FUNDING	93,074	112,846	57,461	42,923	35,296	341,600



Executive**22 November 2022**

Report of the Chief Finance Officer

Portfolio of the Executive Member for Finance and Performance

**Treasury Management Mid-Year Review and Prudential Indicators
2022/23****Summary**

1. The Council is required through legislation to provide members with a mid-year update on treasury management activities. This report provides an update on activity for the period 1 April 2022 to 30 September 2022.

Recommendations

2. Members are required, in accordance with the Local Government Act 2003 (revised), to:
 - Note the Treasury Management activities to date in 2022/23
 - Note the Prudential Indicators set out at Annex A and note the compliance with all indicators.

Reason: to ensure the continued performance of the Council's Treasury Management function.

Background

3. The Treasury Management function is responsible for the effective management of the Council's investments, cash flows, banking, and money market transactions. It also considers the effective control of the risks associated with those activities and ensures optimum performance within those risk parameters.
4. This mid-year report has been prepared in compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management, and covers the following:
 - An economic update for the first part of the 2022/23 financial year;
 - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 - The prudential indicators;
 - A review of the Council's investment portfolio;

- A review of the Council's borrowing strategy;
- A review of compliance with the Treasury and Prudential Limits.

Economic Update

5. The second quarter of 2022/23 saw signs of economic activity losing momentum as production fell, inflation increased with domestic price pressures showing little sign of abating in the near-term, and bank base rate was raised to 2.25%. The unemployment rate has fallen to a 48-year low of 3.6% due to a large shortfall in labour supply.
6. In September and October 2022 there had been a step change in government policy and the fiscal loosening from its proposed tax cuts were likely to add to existing domestic inflationary pressures and could have potentially left a legacy of higher interest rates and public debt. Gilt yields had increased, and sterling had fallen following the "fiscal event" of the new Prime Minister and Chancellor on 23rd September 2022 adding further upward pressure to interest rates.
7. However, following the reversal of the Truss/Kwarteng fiscal policies and Rishi Sunak's appointment as the UK's new Prime Minister has ushered in a period of calm in UK financial markets. Much of the extra political risk percentages on gilts that emerged in the wake of the mini-budget on 23rd September appears to have unravelled.
8. The new Chancellor, Jeremy Hunt, will unveil in his Autumn Statement on 17th November a fiscal tightening of up to £50bn by 2026/27 (1.7% of GDP) suggesting that after a period in which fiscal policy has provided the economy with support, it is about to become a major drag.
9. Market interest rate expectations have been pared back in recent weeks as announced fiscal policy has become less loose. And although tighter fiscal policy may go some way to reducing the upward pressure on interest rates, stickier inflation means that Bank Rate is still expected to peak at 5.00%.
10. The Bank of England Monetary Policy Committee has increased interest rates to their highest level since the Global Financial Crisis to date.

Interest Rate Forecast

11. Table 1 is Link Asset Services Interest Rate forecast for both the bank base rate and long-term Public Works Loans Board (PWL) Certainty borrowing rates (note all figures are percentages):

	Dec 22	Mar 23	Jun 23	Sep 23	Dec 23	Mar 24	Jun 24	Sep 24	Dec 24	Mar 25	Jun 25	Sep 25
Bank Rate	4.00	5.00	5.00	5.00	4.50	4.00	3.75	3.25	3.00	2.75	2.75	2.50
5 Year PWLB rate	5.00	4.90	4.70	4.50	4.20	3.90	3.70	3.50	3.40	3.30	3.20	3.20
10 Year PWLB rate	4.90	4.70	4.60	4.30	4.10	3.80	3.60	3.50	3.40	3.30	3.20	3.20
25 Year PWLB rate	5.10	4.90	4.80	4.50	4.30	4.10	3.90	3.70	3.60	3.60	3.50	3.40
50 Year PWLB rate	4.80	4.60	4.50	4.20	4.00	3.80	3.60	3.40	3.30	3.30	3.20	3.10

Table 1: Link Asset Services Interest Rate Forecast (%) 28th September 2022

12. Currently Bank base rate is at 2.25% and, as shown in the forecast table above, is expected to peak in 2023/24 at 5% before steadily decreasing back to a similar level by the middle of 2025/26.
13. The table above shows short and long-dated interest rates will be elevated for some time, as the Bank of England seeks to squeeze inflation out of the economy, whilst the government is providing a package of fiscal loosening to try and protect households and businesses from the ultra-high wholesale gas and electricity prices.
14. The increase in PWLB rates reflects a broad sell-off in sovereign bonds internationally and the disaffection investors have with the position of the UK public finances after September's "fiscal event". The Bank of England's Monetary Policy Committee has tightened short-term interest rates with a view to trying to slow the economy sufficiently to keep the secondary effects of inflation – as measured by wage rises – under control.

Annual Investment Strategy Update

15. Council approved the Treasury Management Strategy Statement for 2022/23 on 17th February 2022. There are no policy changes and the details in this report do not amend the Statement.

16. The Council's Annual Investment Strategy, which is incorporated in the Strategy, outlines the Council's investment priorities as follows:
- security of capital
 - liquidity
 - yield
 - FTSE4Good index
17. The Council continues to aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity and the Council's risk appetite.

Investment Portfolio

18. The average level of cash balances available for investment purposes in the first 6 months of 2021/22 was £58.184m (£40.376m for the same 6-month period in 21/22). The level of cash balances available is largely dependent on the timing of the Council's cash flow as a result of precept payments, receipt of grants, receipt of developer contributions, borrowing for capital purposes, payments to its suppliers of goods and services and spend progress on the Capital Programme. These funds are therefore only available on a temporary basis depending on cash flow movement.
19. The average level of cash balances has increased compared to a year ago due to a number of factors. This is in part due to cash carried over from March 2022 which included £15m of borrowing from the PWLB, an additional £7.6m of Dedicated Schools Grant (DSG), and £8.4m Zero Emission Bus Regional Areas (ZEBRA) Funding. The Council also received £11.6m for the Council Tax rebate payments.
20. With the increase in cash balances in the first half of 2022/23, the Council has been able to delay taking on further long-term debt to finance the Council's capital programme, maintaining an under-borrowed position in relation to the Capital Financing Requirement. This strategy will be kept under review during the second half of the year as cash balances for investment are projected to fall.
21. Investment return (calculated as the amount of interest earned on invested cash for the period) during the first six months of 2022/23 is shown in table 2:

	2021/22 (full year)	2021/22 (part year to date)
Average CYC Rate of Return	0.10	1.18
<u>Benchmarks</u>		

Average Overnight SONIA	n/a*	1.22
Average 7 day Backward Looking SONIA	n/a*	1.21

Table 2: CYCs investment rate of return performance vs. SONIA benchmark

* There is not a full year comparator for 2021/21 as up until 31st December 2021 LIBID rates were used as a comparable performance indicator. From 1st January 2022 the Council has used SONIA as a comparable performance indicator.

22. The average rate of return achieved for invested cash to date in 2022/23 has been steadily increasing compared to the average seen in 2021/22, due to the Bank of England raising the base rate six times in the period from 15th December 2021 to 22nd September from 0.10% to 2.25%. The Council has been keeping cash in highly liquid Money Market Funds which provide instant access to cash and therefore has used the average overnight SONIA rate to compare it's return too. There is a slight time lag between the interest earned from investing in these Money Market Funds compared to the base rate and overnight SONIA as Money Market Funds adjust their portfolios in a rising interest rate environment.
23. Opportunities for longer term investments at higher yields are now becoming more prevalent, however as stated above the Council is using its cash balances to delay taking on long-term borrowing. Opportunities that arise for notice and fixed investments are considered in terms of the Councils short to medium term cash flow requirement and under borrowed position.
24. Figure 1 shows the average SONIA rates for a number of investment durations compared with the Bank of England base rate and the rate of return that the Council has achieved on invested cash for the first six months of 2022/23. It shows that the Councils average rate of return on its instant access cash has been steadily increasing for the first six months of the year on the same trend as the Bank of England base rate and the average overnight SONIA and average 7 day backward looking SONIA rates whilst ensuring the required liquidity and security of funds for the Council.

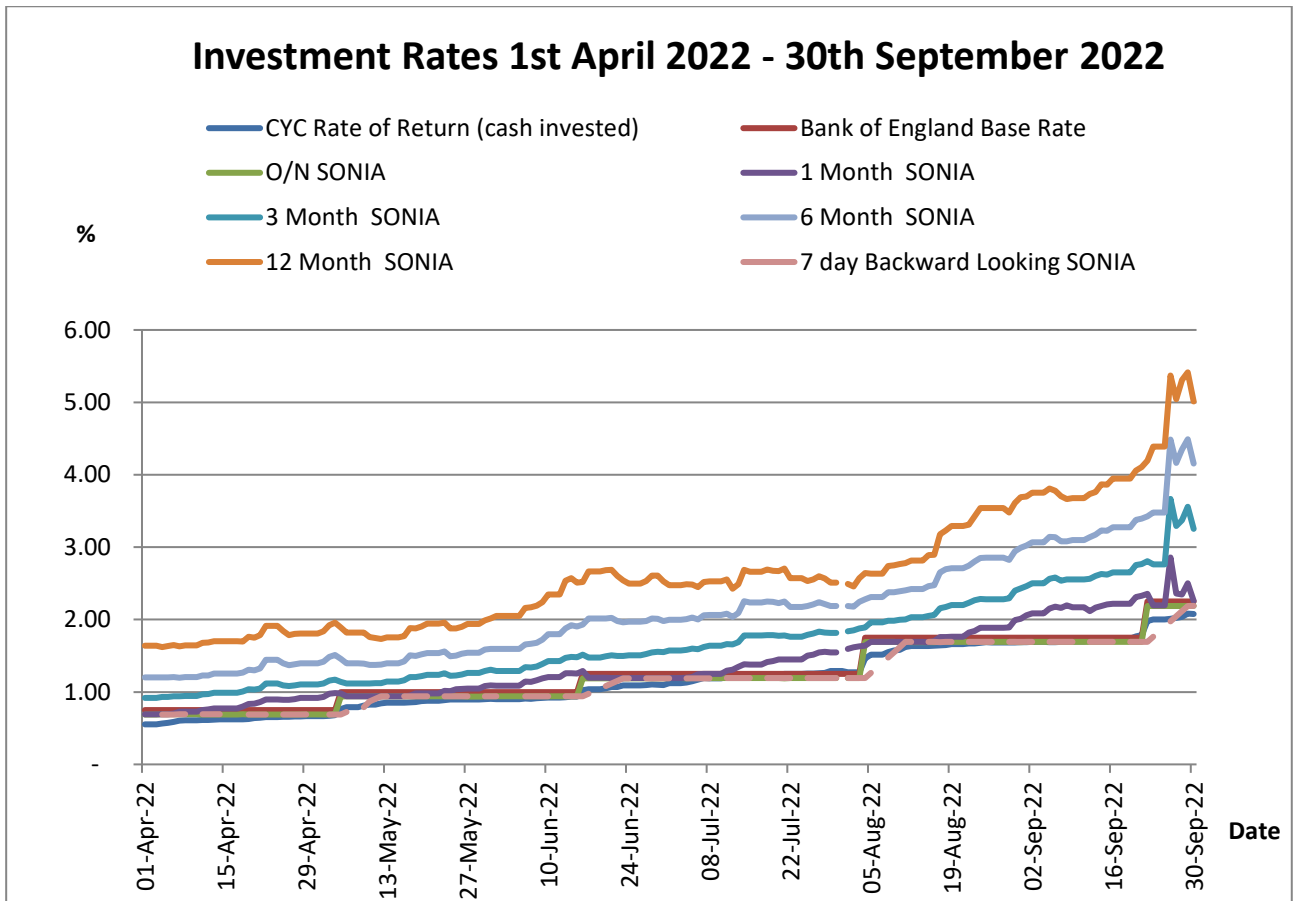


Figure 1 CYC Investments vs Bank of England base rate and SONIA up to 30th September 2022

25. Figure 2 shows the investments portfolio split by cash in bank, deposits in short term call accounts, fixed term investments and Money Market Funds. All of the Money Market Funds have an AAAM credit rating and the cash bank account is A+.

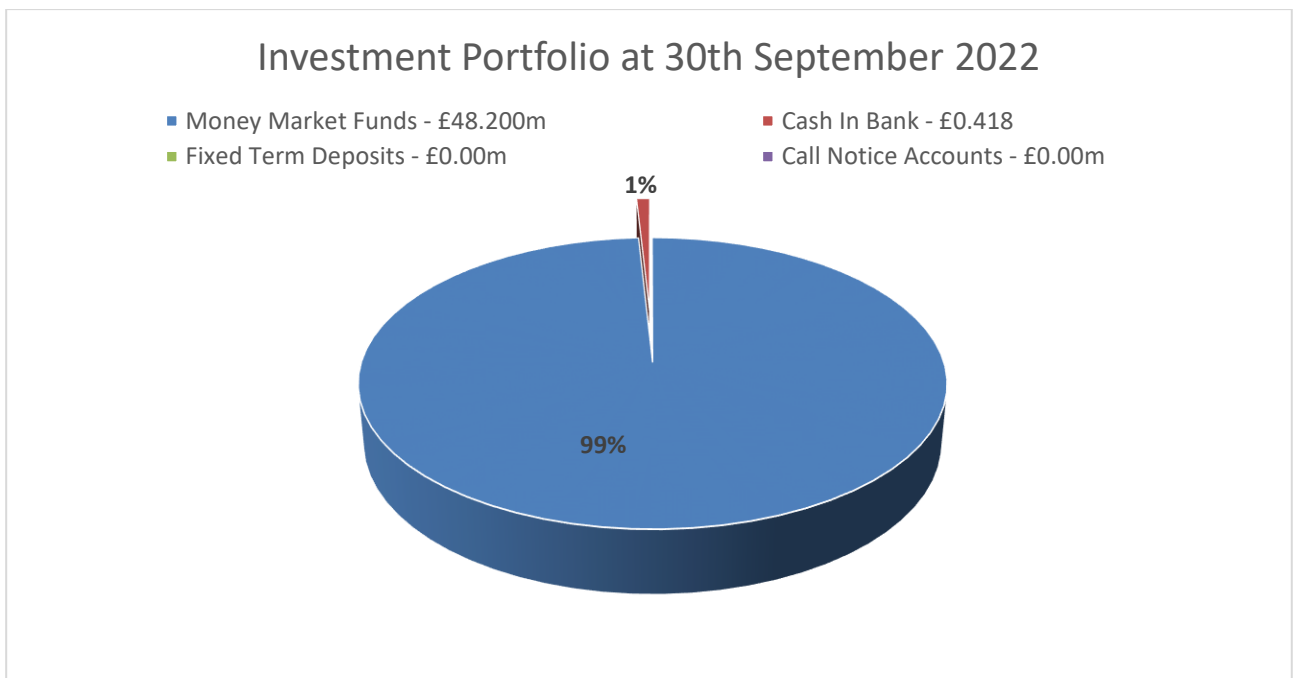


Figure 2 Investment Portfolio by type at 30th September 2022

Borrowing Portfolio

26. The Council undertakes long-term borrowing in accordance with the investment requirements of the capital programme and all borrowing is therefore secured for the purpose of its asset base.
27. The level of borrowing taken by the Council is determined by the Capital Financing Requirement (the Councils underlying need to borrow for capital expenditure purposes). Borrowing needs to be affordable, sustainable and prudent.
28. Under regulation, the Council can borrow in advance of need and Markets are therefore constantly monitored and analysed to ensure that advantage is taken of favourable rates and the increased borrowing requirement is not as dependant on interest rates in any one year.
29. On the reverse side, the Council's level of borrowing can also be below the Capital Financing Requirement. This would mean that instead of increasing the Council's level of borrowing, surplus funds held for investment purposes would be utilised.
30. The finance team continues to closely monitor the opportunities that arise and receive daily updates from Link Asset Services in respect of borrowing timings and amounts. No new loans have been taken during-the first six months of the year.
31. The Councils long-term borrowing started the year at a level of £305.965m. There are 3 scheduled repayments of long-term borrowing that will occur this financial year totalling £4.7m. This is made up of a £2m PWLB loan and £1m PWLB loan, both maturing on 5th November 2022 and a £1.7m PWLB loan maturing on 28th February 2023.
32. The Housing Revenue Account debt amount is 48% of the borrowing portfolio at £146.359m (of which £121.550 is self-financing debt) and the General Fund debt is 52% at £159.606m.
33. Figure 3 illustrates the 2022/23 maturity profile of the Council's debt portfolio at 30th September 2022. The maturity profile shows that there is no large concentration of loan maturity in any one year, thereby spreading the interest rate risk dependency.

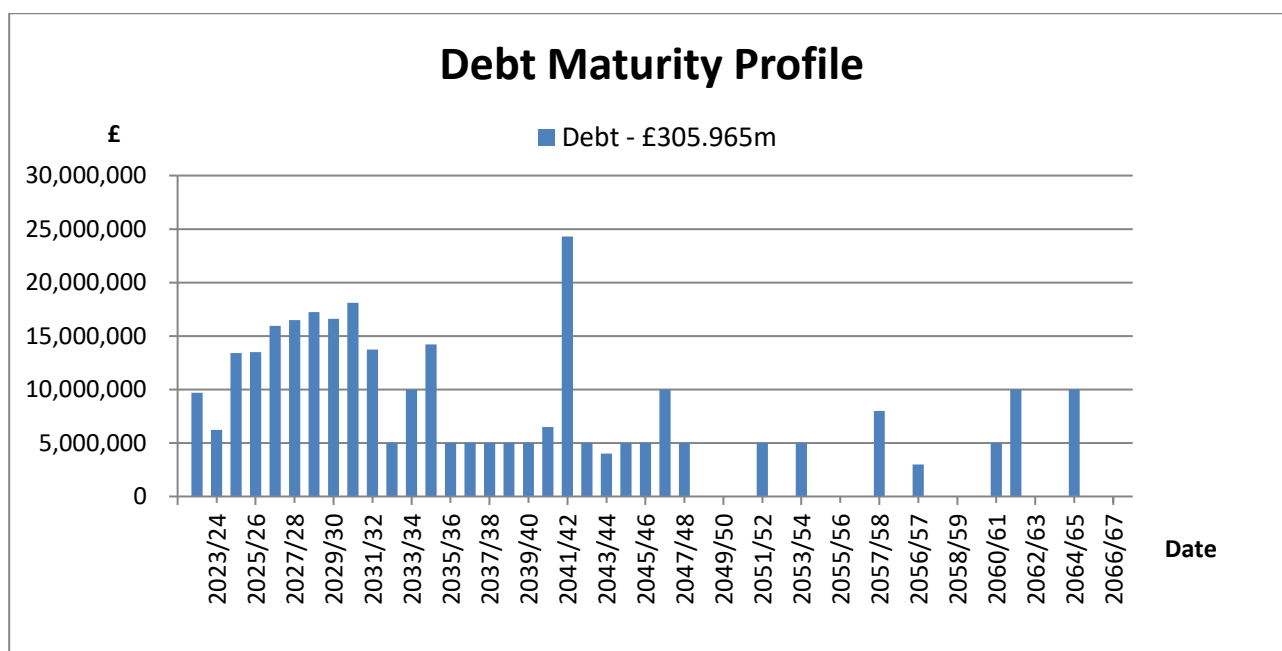


Figure 3 – Debt Maturity Profile at 30th September 2022

34. Table 3 shows PWLB Certainty borrowing rates available for selected loan durations between 1st April 2022 and 30th September 2022.

PWLB Certainty borrowing rates by duration of loan					
	1 Year	5 Year	10 Year	25 Year	50 Year
Yr High	5.11	5.43	5.36	5.80	5.50
Yr Low	1.95	2.21	2.38	2.52	2.24
Yr Avg	2.89	3.03	3.25	3.51	3.23

Table 3 – PWLB Borrowing Rates (%) – 1st April 2022 to 30th September 2022

Compliance with Prudential Indicators

35. The Prudential Indicators for 2022/23 included in the Treasury Management Strategy Statement are based on the requirements of the Council's capital programme and approved at Budget Council on 17th February 2022.

36. It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits" included in the Prudential Indicators. The monitoring of the Prudential Indicators is attached at Annex A. During the

financial year 2022/23 to date the Council has operated within the treasury limits and Prudential Indicators set out.

Consultation and Options

37. The report shows the six-month position of the treasury management portfolio in 2022/23. The treasury management budget was set in light of the council's expenditure plans and the wider economic market conditions, based on advice from Link Asset Services. It is a statutory requirement to provide the information detailed in the report.

Council Plan

38. The treasury management function aims to achieve the optimum return on investments commensurate with the proper levels of security, and to minimise the interest payable by the Council on its debt structure. It thereby contributes to all Council Plan priorities.

Financial implications

39. The financial implications are in the body of the report.

Legal Implications

40. Treasury Management activities have to conform to the Local Government Act 2003, the Local Authorities (Capital; Finance and Accounting) (England) Regulations 2003 (SI 2003/3146), which specifies that the Council is required to have regard to the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice and also the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 (SI 2008/414), which clarifies the requirements of the Minimum Revenue Provision guidance.

Other Implications

41. There are no crime and disorder, information technology, property, equalities, human resources or other implications because of this report.

Risk Management

42. The Treasury Management function is a high-risk area because of the level of large money transactions that take place. As a result, there are procedures set out for day to day treasury management operations that aim to reduce the risk associated with high volume high value transactions. These are detailed in the Treasury Management Strategy Statement at the start of each financial year.

Contact Details

Authors:	Chief Officer Responsible for the report:		
Tony Clark Accounting Technician	Debbie Mitchell Chief Finance Officer		
	Report Approved	x	Date 8/11/22
Wards Affected: All			
For further information please contact the author of the report			

Specialist Implications:
Legal – Not Applicable
Property – Not Applicable
Information Technology – Not Applicable

Annexes

Annex A – Prudential Indicators 2022/23 Mon 2 (30.09.22)

Glossary of Abbreviations used in the report:

DLUHC	Department for Levelling Up, Housing and Communities
PWLB	Public Works Loans Board
SONIA	Sterling Overnight Index Average

Prudential Indicators 2022/23 Mon 2 (30.09.22)

	Prudential Indicator		2022/23	2023/24	2024/25	2025/26	2026/27	
1	Capital expenditure To allow the authority to plan for capital financing as a result of the capital programme and enable the monitoring of capital budgets.	GF	£110.2m	£148.3m	£61.9m	£24.8m	£21.1m	
		HRA	£44.3m	£45.7m	£36.6m	£30.7m	£22.9m	
		Other LT	£0.0m	£0.0m	£3.4m	£0.5m	£0.5m	
		<u>Total</u>	<u>£154.5m</u>	<u>£194.0m</u>	<u>£101.9m</u>	<u>£56.0m</u>	<u>£44.5m</u>	
2	CFR Indicates the Council's underlying need to borrow money for capital purposes. The majority of the capital programme is funded through government support, government grant or the use of capital receipts. The use of borrowing increases the CFR.	GF	£327.4m	£390.6m	£402.6m	£406.0m	£408.8m	
		HRA	£146.4m	£146.4m	£149.8m	£153.4m	£153.4m	
		Other LT	£42.8m	£41.7m	£44.1m	£42.9m	£41.7m	
		<u>Total</u>	<u>£516.6m</u>	<u>£578.7m</u>	<u>£596.5m</u>	<u>£602.3m</u>	<u>£603.9m</u>	
3	Ratio of financing costs to net revenue stream An estimate of the cost of borrowing in relation to the net cost of Council services to be met from government grant and council taxpayers. In the case of the HRA the net revenue stream is the income from rents. <i>Note that in future years some of the forecast debt will be directly funded by business rates income and a number of other self financing schemes, where income is generated to meet the cost of investment in the scheme. Therefore the actual figure will be lower than shown here.</i>	GF	9.09%	13.91%	15.74%	16.60%	17.40%	
		HRA	12.29%	11.82%	11.56%	11.39%	11.22%	
		<u>Total</u>	<u>9.70%</u>	<u>13.50%</u>	<u>14.89%</u>	<u>15.54%</u>	<u>16.13%</u>	
4	External debt To ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital	Gross Debt	£401.1m	£470.0m	£496.0m	£510.8m	£522.1m	
		Invest	£48.6m	£15.0m	£15.0m	£15.0m	£15.0m	
		<u>Net Debt</u>	<u>£352.5m</u>	<u>£455.0m</u>	<u>£481.0m</u>	<u>£495.8m</u>	<u>£507.1m</u>	

	Prudential Indicator		2022/23	2023/24	2024/25	2025/26	2026/27	
	purpose and so not exceed the CFR.							
5 a	<p>Authorised limit for external debt</p> <p>The authorised limit is a level set above the operational boundary in acceptance that the operational boundary may well be breached because of cash flows. It represents an absolute maximum level of debt that could be sustained for only a short period of time. The council sets an operational boundary for its total external debt, gross of investments, separately identifying borrowing from other long-term liabilities.</p>	Borrowing / Other long term liabilities	<p>£525.0m</p> <p>£30.0m</p> <hr/> <p>£555.0m</p> <p>(£555.0m set at 2022/23 Strategy)</p>	<p>£588.7m</p> <p>£30.0m</p> <hr/> <p>£618.7m</p> <p>(Based on current CFR projection)</p>	<p>£606.5m</p> <p>£30.0m</p> <hr/> <p>£636.5m</p> <p>(Based on current CFR projection)</p>	<p>£612.3m</p> <p>£30.0m</p> <hr/> <p>£642.3m</p> <p>(Based on current CFR projection)</p>	<p>£613.9m</p> <p>£30.0m</p> <hr/> <p>£643.9m</p> <p>(Based on current CFR projection)</p>	
5 b	<p>Operational boundary for external debt</p> <p>The operational boundary is a measure of the most likely, prudent, level of debt. It takes account of risk management and analysis to arrive at the maximum level of debt projected as part of this prudent assessment. It is a means by which the authority manages its external debt to ensure that it remains within the self-imposed authority limit. It is a direct link between the Council's plans for capital expenditure; our estimates of the capital financing requirement; and estimated operational cash flow for the year.</p>	Borrowing / Short Term Liquidity Requirement	<p>£516.6m</p> <p>£8.4m</p> <hr/> <p>£525.0m</p> <p>(£525.0m set at 2022/23 Strategy)</p>	<p>£578.7m</p> <p>£10.0m</p> <hr/> <p>£588.7m</p> <p>(Based on current CFR projection)</p>	<p>£596.5m</p> <p>£10.0m</p> <hr/> <p>£606.5m</p> <p>(Based on current CFR projection)</p>	<p>£602.3m</p> <p>£10.0m</p> <hr/> <p>£612.3m</p> <p>(Based on current CFR projection)</p>	<p>£603.9m</p> <p>£10.0m</p> <hr/> <p>£613.9m</p> <p>(Based on current CFR projection)</p>	

	Prudential Indicator		2021/22	2022/23	2023/24	2024/25	2025/26	
6	<p>Maturity structure of fixed rate borrowing</p> <p>To minimise the impact of debt maturity on the cash flow of the Council. Over exposure to debt maturity in any one year could mean that the Council has insufficient liquidity to meet its repayment liabilities, and as a result could be exposed to risk of interest rate fluctuations in the future where loans are maturing. The Council therefore sets limits whereby long-term loans mature in different periods thus spreading the risk.</p>	Maturity profile of debt against approved limits	Maturity Profile	Debt (£)	Debt (%)	Approved Minimum Limit	Approved Maximum Limit	
			Less than 1 yr	£9.7m	3%	0%	30%	In line with the TMSS Lobo loans are shown as due at their next call date as this is the date the lender could require payment.
			1 to 2 yrs	£4.3m	1%	0%	30%	
			2 to 5 yrs	£44.8m	15%	0%	40%	
			5 to 10 yrs	£87.2m	29%	0%	40%	
			10 yrs and above	£160.0m	52%	30%	90%	
			Total	£306.0m	100%	-	-	
7	<p>Upper limit for total principal sums invested for over 364 days</p> <p>The Council sets an upper limit for each forward financial year period for the level of investments that mature in over 364 days. These limits reduce the liquidity and interest rate risk associated with investing for more than one year. The limits are set as a percentage of the average balances of the investment portfolio.</p>		£15.0m	£15.0m	£15.0m	£15.0m	£15.0m	

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Executive

9 December 2021

Report of the Director of Governance

Portfolio of the Executive Leader

Lord Mayoralty 2023/24

Summary

1. The purpose of this report is to invite the Executive to receive details of the annual nomination of the Lord Mayor for the City of York Council. The Executive will be asked to formally confirm those with the most points to qualify for nomination of the Lord Mayor for the forthcoming municipal year, 2023/2024

Recommendations

2. Members are asked to:
 - (i) consider the accumulated points system as set out in paragraphs 3-6 below; and to
 - (ii) invite the Liberal Democrat Group to consider accepting the nomination for Lord Mayor for 2023/2024, in line with the accumulated points system.

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

Background

3. The system for nominating the Lord Mayor is based on an accumulation of points determined by the number of seats held by each group or individual on the Council. The group (or individual) having the largest cumulative total of points on Lord Mayor's Day each year is invited to nominate the Lord Mayor for the following year. A group (or individual) loses 47 points when nominating the Lord Mayor or when not taking up the offer of nominating. It should be noted that currently a nominee for Lord Mayor requires at least

four years' service as a City of York Councillor, and be elected to serve a further term. (Article 5 of the Constitution, revised March 2022).

Current Points System

4. Should a group lose all its seats on the City Council, it may have any accumulated points frozen until seats are once again gained by that group on the Council.
5. Under the current points system, the number of points accumulated by each group or independent Member, as we move towards the Annual Meeting in May 2023, is as follows:

Party	Points at LM Day 2022	Loss for LM	Points at LM Day 2023*	Total
Labour	1		1 + 17	18
Lib Dem	2		2 + 21	23
Green	0		0 + 3	3
Conservatives	5		5 + 2	7
York Independents	6	-47	6 - 47	-41
*Councillor Warters (Independent)	10	-47 (for non acceptance)	10 - 47	-37
Councillor D Taylor (Independent)	2		2 + 1	3

***Note:** The position of Lord Mayor for 2022/23 was initially offered to Councillor Warters in accordance with the accumulated points system. Councillor Warters felt unable to accept the offer and as a result the position was offered to the York Independents with the next highest number of points. Both the York Independents and Councillor Warters have been deducted the usual points under the existing agreed process.

6. The above table shows that the Liberal Democrat Group, with a total of **23** points, will qualify for the Lord Mayoralty in 2023/2024 under the existing points system.

7. Traditionally, the outgoing Lord Mayor assumes the mantle of Deputy Lord Mayor following their year in office. This is to ensure there is an experienced Member to chair meetings of Full Council, should the incumbent Lord Mayor be absent for any Council meetings during their term. Otherwise, the role of Deputy Lord Mayor is very minimal, given that the civic standing of York requires it to have a Sherriff to work alongside and share duties with the Lord Mayor during their year of office.

Options

8. Under the existing points system, the available option to Members is:

To invite the Liberal Democrat Group to consider their nomination for the office of Lord Mayor for the Municipal Year 2023/2024, in line with the accumulated points system, set out in paragraphs 3-7 above.

Analysis

9. The nomination of a Lord Mayor is an annual event which is undertaken by way of a points system (to ensure a fair and robust outcome. This system has been in place for many years and has operated successfully in terms of rotating the role and honour of becoming Lord Mayor on a cross party basis.

Council Plan 2019 - 23

10. The appointment of the Lord Mayor in York is a fundamental part of the city's continuing historic traditions. The role of Lord Mayor is firmly enshrined in the Council's Constitution, as an ambassador for the city and its cultural and economic ambitions. As such, the appointee will promote all of the Council's priorities.

Implications

11. There are no direct implications in relation to financial, human resources, legal or equalities arising from the recommendations in this report.

Risk Management

12. Failure to appoint a Lord Mayor in the second most traditional city outside of London could have a significant impact on the Council's

reputation in terms of maintaining its civic heritage. It is important that an equitable and robust system is applied to the nomination process.

Contact Details

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Wards Affected: All			√
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Background Papers/Annexes:

None