

Meeting	Executive
Date	12 October 2023
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), Coles, Lomas, Pavlovic, Ravilious and Webb
Apologies	Councillor Kent (job shares with Councillor Ravilious)
Officers in Attendance	Ian Floyd – Chief Operating Officer Bryn Roberts – Director of Governance James Gilchrist - Director of Transport, Environment and Planning Julian Ridge - Sustainable Transport Manager Neil Ferris – Director of Place Kathryn Daly - Head of City Development Katie Peeke-Vout - City Development Programme Manager Pauline Stuchfield - Director of Customers & Communities Maxine Squire - Assistant Director, Education & Skills Danielle Johnson - Director Children's Services Safeguarding Guy Hanson - Design & Sustainability Manager Jamaila Hussain - Corporate Director of Adults and Integration Edward Njuguna - Commissioning Manager Judith Culleton - Commissioning Manager

PART A - MATTER DEALT WITH UNDER DELEGATED POWERS

32. Declarations of Interest (17:34)

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

Cllrs Ravilious and Ayre each confirmed a personal interest in relation to item 7 minute 38 that a member of their household was a blue badge holder.

33. Minutes (17:35)

Resolved: That the minutes of the Executive meeting held on 14 September 2023 be approved and then signed by the Chair as a correct record.

34. Public Participation (17:35)

It was reported that there had been 11 registrations to speak at the meeting under the Council's Public Participation Scheme.

Cllr Mason spoke in relation to city centre access and he highlighted the security advice from counter terrorism police that restricted access should include blue badge holders and stated that blue badge holders like himself should be restricted from driving in the foot street area like other road users.

Natasha Rawnsley spoke in relation to city centre access and outlined that the blue badge ban had been heart breaking. She asked why similar schemes in places like Bath had provided greater access when blue badge holders faced restrictions.

Gwen Swinburn questioned the level of engagement with residents the City Centre Vision would have. Regarding city centre access she noted that counter terrorism police had not changed their advice to the Council and asked that the Committee follow this advice to prevent access to all but emergency services.

Flick Williams thanked and asked the Executive to agree to remove the restrictions in the city centre to blue badge holders. She asked that the city ensure events can be accessed by all people and highlighted the current limitations in public transport such as wheelchair spaces on buses to allow disabled people to travel.

Diane Roworth highlighted the laws around equalities and the rights of disabled people in relation to blue badge holders having access to the city centre. She welcomed the results of the postcard campaign and consultation which highlighted the

harm done by a blue badge ban. She asked that the Executive support option 3 on the Consideration of changes to the City Centre Traffic Regulation order (Footstreets) item.

Tony May on behalf of the York Civic Trust spoke on the local transport plan. He suggested targets are set for each of the 10 areas as well as 2027, 2030, and 2037. He also suggested work needed to begin to access the costs and funding streams to meet the objectives within the plan.

Andy D'Agorne spoke on the transport strategy stating that York required greater access to cycling and bus travel. He spoke in favour of a York shuttle bus for the city centre. He welcomed work to restore and enhance blue badge holders access to the city and around events like the Christmas market.

Cllr Fenton spoke on the transport strategy he highlighted funding secured by the previous administration. He noted the Climate Change strategies targets such as for a reduction in traffic and asked that councillors be kept updated on consultations and on the membership of expert advisory groups to ensure they can promote resident engagement.

Andrew Lawson thanked the Executive for relaunching the city centre vision. He noted the growth in the experience economy that needs supporting. On city centre access he asked that once decisions on human rights and counter terrorism has been made that the Council work with businesses around supporting there use of the city centre.

Anna Semlyen asked that road safety be included as a key part of the Transport Strategy and asked that the Council look to introduce a 20mph speed limit highlighting the reduction in accidents and serious injuries that a reduction in speed delivers.

Vicki Hill spoke on behalf of What a Load of Bollards highlighting the disappointment of residents that £400,000 was spent installing bollards on Acomb Front street that were not wanted by residents. She requested that the Council remove the bollards and to create a pedestrianised open space in consultation with residents and businesses.

35. Forward Plan (18:12)

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.

36. Development of a new York Local Transport Strategy (18:42)

The Director of Transport, Environment and Planning introduced the report and outlined the proposal to go out to consult on the Transport Strategy and to establish an York Transport Expert Group to advise the Council. He confirmed that the strategy would go to the Economy, Place, Access, and Transport Policy and Scrutiny Committee and then the Executive Member for Economy and Transport Decision Session prior to the start of the Consultation and was then the finalised strategy would be brought to 21 March 2023 meeting of Full Council.

The Executive member for Economy and Transport welcomed the opportunity to launch the consultation for the strategy. He noted that the proposed strategy would meet the objectives in the Council Plan. He stated that the consultation would need to reach people across the city including hard to reach groups.

Members discussed the Council's plans to reach net zero carbon emissions and it was confirmed that Council strategies on car parking and clear air would follow the Transport Strategy.

Resolved:

- i. Endorsed the proposed new Transport Strategy as the basis for the consultation;
- ii. Approved the proposed consultation process (Annex A to this report);
- iii. Approved the establishing of an Expert Group to advise the Council, the terms of reference for which are attached as Annex C to this report.

Reason: To enable consultation to commence in November to allow a Strategy to be put before Full Council in March 2024 and adopted by City of York Council for presentation to the Mayoral Combined Authority and

the newly elected mayor at the start of their term of office.

37. Delivering the Vision for the City Centre (18:27)

The Corporate Director of Place introduced the report, he asked that the Executive support the overarching aims of the Vision for the City Centre as a way to relaunch it. The Executive welcomed the previous work on the Vision for the City Centre as well as the opportunity to deliver a clear strategy to rejuvenate the city.

Resolved:

- i. Supported the overarching aims of the Vision for the city centre approved in November 2021, which set out an inclusive vision for residents and business.

Reason: To re-launch the Vision for the city centre and re-focus partner collaboration and drive delivery.

- ii. Approved the updated themes which set out the key aims of the Vision and emphasise the focus on residents and city centre businesses through the change in name to “Our” City Centre.

Reason: To reflect the current priorities for the city, emphasising the importance of the city’s residents and of creating an inclusive city through the Vision and subsequent delivery strategy.

- iii. Instructed officers to work with the Economic Partnership to bring together key partners and stakeholders to promote effective collaboration on delivering the Vision for the city centre through the creation of a joint delivery strategy.

Reason: To ensure that the Our City Centre Vision is collectively owned by stakeholders and communities. A jointly owned delivery strategy is key to realising the Vision. Effective collaboration between partners and

stakeholders will drive delivery and maximise benefits. The detailed “actions” within the themes were only aspirations to be explored further through the drafting of a delivery strategy.

38. Consideration of changes to the City Centre Traffic Regulation Order (Footstreets) (18:39)

The Executive Leader welcomed the report and noted that the Executive would make a decision on the basis of all the advice they had received, and their decision would involve balancing the security of the city and the rights of the disabled.

The Director of Transport, Environment and Planning outlined the timeline of decisions on the access to the city centre for blue badge holders and other drivers. He explained the options within the report and confirmed that the security advice received from counter terrorism police remained the same, that no vehicles other than emergency services should be given access to the footstreet area.

Members welcomed the report and made acknowledgment of campaigning from residents, particularly blue badge holders highlighting the impact restrictions had had on the disabled. Having considered all of the information provided, the Executive agreed to permit blue badge holders to Blake Street, Lendal, St. Helen’s Square, Goodramgate (between Deangate and King’s Square), Church Street, Kings’ Square and Colliergate, through the Hostile Vehicle Measures.

Resolved:

- i. Noted the revised policy position of a new council plan, and how this changes decision making;
- ii. Noted the updated Our City Centre Strategy (to be considered at the same meeting);
- iii. Noted the advice of Counter Terrorism Policing contained within Annexes A and B attached to this report. At Economy, Place, Access and Transport Scrutiny Committee on the 26th of September, Counter Terrorism Policing Northeast confirmed their advice contained within Annex B remained their advice. The Executive have had a private briefing by Counter Terrorism Policing before

making this decision and the information provided should also be considered;

- iv. Noted the responses to the consultation on the principles for restoring Blue Badge access to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, King Square, and Colliergate during pedestrianised hours, contained with Annex C attached to this report.
- v. Acknowledged the positive impact of restoring Blue Badge access for disabled people.
- vi. Noted the impacts of increased risk of accidents between pedestrians and vehicles linked to additional vehicles within the pedestrianised streets, (including the potential negative impacts on some groups with protected characteristics under the Equality Act 2010) and the technical and practical challenges in administering an access regime;
- vii. Approved proceeding with option 3 within the report that the Hostile Vehicle Mitigation Measures will continue to operate but that Blue Badge access will be permitted to Blake Street, Lendal, St. Helen's Square, Goodramgate (between Deangate and King's Square), Church Street, Kings' Square and Colliergate through the Hostile Vehicle Mitigation Measures during pedestrianised hours as shown in Annex H to this report from January 2024. To start the process and consultation of developing an Anti-Terrorism Traffic Regulation Order and some events may mean access is restricted for the event;
- viii. Agreed that any additional ongoing costs, currently estimated at £200k, will need to be classed as priority growth as part of the 2024/25 budget process.

Reason: Executive are required to consider if the option to restore Blue Badge access is reasonable and proportionate having fully considered the Equalities Impact Assessment. Executive therefore need to weigh up the equalities and human rights benefits to Blue Badge holders of restoring access and if the proposed mitigation of introducing an Anti-Terrorism Traffic Regulation Order balances the wider public interest, including the right to life, the duty to protect life, and the potential negative impact that additional

vehicular traffic in the pedestrianised area could have on some groups with protected characteristics under the Equality Act 2010.

39. UK Shared Prosperity Fund (19:11)

The Corporate Director of Place outlined that the Council was halfway through the three years of Share Prosperity Funding (SPF) of which it had been allocated £5.5 Million. He confirmed that future funding would likely go directly to the new Combined Authority.

The Executive Member for Economy and Transport confirmed that the Executive had been reviewing the allocation of SPF and wanted to allocate these in line with Executive's policies. Funding for skill development in the city was discussed including encouraging more green construction skills.

The Executive also expressed its disappointment in the first phase of redevelopment of Acomb front street and the installation of 146 bollards. They confirmed that the second phase would alter the bollard installation and confirmed that funding would be used in consultation with residents.

Resolved:

- i. Agreed to the following non-material changes to the York SPF Investment Plan:
 - a. Skills funding is concentrated on inclusion and a new Construction Skills Initiative to ensure maximum impact and deliverability by March 2025;
 - b. High street improvement funding on intervention E1 is allocated to Phase 2 improvements to Acomb Front Street, including further engagement with the local community to respond to the petitioners' concerns to allow completion of the Acomb Front Street works and maximise impact and deliverability;
 - c. Unallocated capital funding from E22 (capital workspace) is re-focused to support other priorities in the Business Investment strand (revenue) and E1 (capital high street

improvements), recognising the need to focus on project deliverability in the remaining 18 months of the plan;

- d. Rural England Prosperity Fund (REPF) funding implementation plans are further refined in consultation with rural stakeholders, with recommendations to be brought back to the Executive Member early in 2024. To ensure that remaining rural funding reflects the needs of rural communities and businesses.

- ii. Agreed that the revised investment plan is implemented by extending the current delegation to the Corporate Director of Place in consultation with the Executive Member for Economy and Transport and taking advice the York SPF Partnership Board.

Reason: To enable efficient and effective decision making and implementation of programme priorities.

- iii. Agreed that the Council seek to proactively influence the future governance and approach to the York and North Yorkshire investment plan for SPF from April 2025 onwards, including seeking devolved responsibility for specific elements of the programme to a local level where appropriate.

Reason: To ensure that MCA investment of SPF funds continues to reflect York place priorities.

- iv. Agreed that the York SPF Partnership Board is expanded to include rural representation and trade unions and that the minutes and papers of future Partnership Board meetings are published.

Reason: To ensure good, open governance of the programme.

40. Establishing a York Community Fund (19:23)

The Assistant Director for Customer Services and Digital outlined the proposal for a permanent fund, which would aim deliver community-based projects as well as provide funding for a Universal Free School Meals (UFSM) pilot.

The Executive Member for Children, Young People and Education welcomed the opportunity to establish a community fund for York and stated that it would see the Council to work in partnership with people to deliver projects such as UFSM. Members discussed the need for business engagement with the fund to deliver projects.

Resolved:

- i. To establish, the YCF and agree to enter into a partnership agreement with an appropriate community fund manager;
- ii. Agreed to waive the requirements set out within the Council's CPRs within the Council's Constitution and delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to enter into a partnership agreement directly with a suitable Partner, without any prior procurement exercise;
- iii. Agreed to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance the drafting, negotiation, and completion of a partnership agreement with the successful community fund manager and other partners, as well as authority to draft, negotiate and complete any subsequent variations to the partnership agreement once in place;
- iv. Agreed to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to establish a supplementary ring-fenced fund within the YCF arrangements once in place, specifically to collect funding raised by the externally led UFSM fund raising campaign;
- v. Agreed to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance and other officers as and when required, to develop a Case for Support to support the fundraising for the delivery of a UFSM Pilot;
- vi. Agreed to delegate authority to the Chief Operating Officer, in consultation with the Chief Finance

Officer, the Director of Customer & Communities, and the Director of Governance to approve roles to, and delegate authority to, Council officers in the relevant structures and steering groups.

Reason: To establish a permanent community fund that will fund and deliver community projects and growth on a permanent basis, with the ability to have specific and targeted campaigns for an agreed set of projects aligned to the administration's priorities. By establishing the YCF, it provides the city with a fund-raising mechanism for additional opportunities that officers and partners can explore in partnership.

41. Biodiversity Net Gain (including information on Local Nature Recovery Strategy) (19:36)

The Director of Place outlined the request to delegate to the Executive Members for the Environment and Climate Change Emergency the development of the Local Nature Recovery Strategy (LNRS) ahead of the creation of the Combined Authority.

The Executive Member for Environment and Climate Emergency welcomed the opportunity to improve biodiversity due to the damage to the natural environment throughout the UK. Members agreed that the Council required a robust approach that protects the natural environment while allowing development.

Resolved:

- i. Noted the delays to the implementation of the BNG regime by Government;
- ii. Agreed to delegate to The Executive Members for the Environment and Climate Change Emergency the necessary Member decisions for the development of the LNRS and that officers convey those decisions for consideration of NYC as statutory Authority;
- iii. confirmed that whilst not statutory Authority they wish to reserve the agreement to adopt the LNRS as a key decision;

- iv. Agreed the one off £30k expenditure from the Government grant detailed in the financial implications to commission a 2-phase approach to enhanced BNG opportunities for York and along with sums negotiated for the delivery of the LNRS expenditure is delegated to the Director of Transport Highways and the Environment in consultation with the Executive Members for Environment and Climate Change Emergency.

Reason: To improve biodiversity net gain in York.

42. Capital Projects 2024/25 (19:48)

The Executive welcomed the opportunity to approve a £7.2 million package to enable the schemes in the Education Capital Programme. Members outlined that these schemes would improve things such as heating in schools, improvements to science labs, and an expansion to provisions for disabled and vulnerable children.

Resolved:

- i. Approved the £3,000,000 budget for capital maintenance works planned for 2024/25.

Reason: To complete the annual programme of maintenance works within the maintained school estate, dealing with the most urgent issues for 2024/25.

- ii. Approved the budget of £1,400,000 to build additional classrooms to accommodate a growth in pupil places at St Oswald's CE VC Primary.

Reason: To accommodate the demand for mainstream school pupil places.

- iii. Approved the budget of £1,100,000 to build additional classrooms to accommodate the demand SEN pupil places at Hob Moor Oaks Community Primary Academy.

Reason: To accommodate the demand for special school pupil

places for those children with complex special educational needs.

- iv. Approved the budget of £1,100,000 to refurbish the science labs at Huntingdon Secondary School.

Reason: To resolve health and safety issues within the existing science labs that mean teachers are unable to deliver the full science curriculum. This will ensure these labs are future-proofed for existing pupil numbers prior to the increased pupil numbers expected from planned housing developments.

- v. Approved the £600,000 budget to create outdoor learning areas at Danesgate Community Pupil Referral Unit.

Reason: To accommodate the increased demand for alternative teaching spaces for pupils with Social and Emotional Mental Health (“SEMH”).

- vi. Agreed to delegate approval of expenditure on individual schemes to the Corporate Director of Children’s Services and Education (or his delegated officers).

Reason: To ensure efficient spend and that decisions are made in a timely manner on individual schemes throughout the life of the capital programme.

- vii. Agreed to delegate authority to the Corporate Director of Children’s Services and Education (or his delegated officers), in consultation with the Director of Governance (or his delegated officers), to determine the provisions of any new works contracts necessary for the delivery of the Education Capital Programme, 2024/25, and to award and conclude each of these contracts following the appropriate competitive tendering processes.

Reason: This ensure compliance with LA’s Contract Procedure

Rules and its obligations under Public Procurement Law, as well as enable the Education Capital Programme, 2024/25 to be delivered on time.

43. Youth Justice Plan (19:56)

The Director Children's Services Safeguarding introduced the report and outlined that the Council had a statutory duty to agree a Youth Justice Plan. Members agreed to the plan welcoming the plans to focus on early intervention and preventing reoffending.

Resolved:

- i. Agreed the Youth Justice Plan.

Reason: To secure the Youth Justice Board funding for the financial year.

44. Approved Provider List ("APL") Dynamic Purchasing System (20:01)

The Corporate Director of Adults and Integration outlined the proposal to introduced a approved provider list to purchase 'beds' for care at pre-agreed prices. She outlined that the Council had previously been purchasing beds ad-hoc which had increased costs and been a specific challenge during the covid-19 pandemic as the Council sort to move residents out of hospitals.

Members welcomed the opportunity to add stability to purchasing and assist in trying to control costs while continuing to meet statutory services.

Resolved:

- i. Approved the established Approved Provider List (APL).

Reason: The proposed APL will ensure that services are procured in line with our statutory duties and obligations under the Care Act 2014 and the Public Contract Regulations 2015, as well as our own

standing orders set out within the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution, as well as ensure efficiencies and enable the Council to have more control of current and future contracts, for example ceiling rates.

- ii. Agreed to delegate authority to the Corporate Director of Adult Services and Integration ("DASS"), in consultation with the Director of Governance, to determine the provisions of the new APL, and to award positions on to the APL following an open, fair, and transparent competitive process and evaluation criteria.

Reason: To ensure the proposed APL is set up in accordance with and continues to be used/managed thereafter in line with the Light Touch Regime under the Public Contract Regulations 2015 and the Council's Contract Procedure Rules, to ensure open, fair and transparent commissioning of services required to meet our statutory duties under the Care Act 2014, and to ensure the APL is set up within the procurement timescales.

45. Recommission of the current York Reablement service (20:12)

The Executive welcomed the approach to commission a reablement service. They highlighted the positive feedback the Council received regarding carers employed by the Council, with 73% of users saying they would recommend the reablement service.

Resolved:

- i. Approved the approach to commission a reablement service through a competitive tendering process.

Reason: The option proposed will comply with CYC's Contract

Procedure Rules in terms of completing an open, fair, and transparent process as the market has not been approached since 2017. The procurement procedure is subject to the Light Touch Regime

under the Public Contracts Regulations 2015 and will be completed as an Open Procurement Procedure and within the timescales in Appendix A. The Open Procurement Procedure timetable will enable this to be completed prior to the expiry date of the current waiver. The provision of Reablement Services reduces the need for more costly residential care home services whilst maintaining peoples' independence via a short-term intervention enabling them to return home. The recommission of this service creates the potential to enhance the service with the inclusion of an Occupational Therapist at the front door determining the level of care and support, equipment and technology required to maximise customers independence, whilst increasing throughput through the service maximising the use of the Councils financial envelope and ultimately reducing the number of expensive residential care placements and better outcomes for people.

- ii. Agreed to delegate authority to the Corporate Director of Adult Services and Integration ("DASS"), in consultation with Chief Finance Officer (151 Officer) to determine the provisions of the new Contract, and to award and conclude the final Contract following the competitive tendering process.

Reason: This will enable the Contract Award to be implemented within the timescales outlined in Appendix A.

PART B - MATTERS REFERRED TO COUNCIL

46. Youth Justice Plan (19:56)

The Director Children's Services Safeguarding introduced the report and outlined that the Council had a statutory duty to agree a Youth Justice Plan. Members agreed to the plan welcoming the plans to focus on early intervention and preventing reoffending.

Recommended:

- i. That Council fully adopts the Youth Justice Plan.

Reason: To secure the Youth Justice Board funding for the financial year.

Cllr Douglas, Chair

[The meeting started at 5.34 pm and finished at 8.26 pm].