



**Notice of a public meeting of
Executive**

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

Date: Thursday, 13 January 2022

Time: 5.30 pm

Venue: Remote Meeting

Note: In view of the changing circumstances around the Covid-19 pandemic, this meeting will be held remotely. Any decisions made will form recommendations to the Chief Operating Officer.

AGENDA

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 Monday, 17 January 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, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of Annexes C, J, K and L to Agenda Item 12 (Future Libraries Investment Programme) on the grounds that they contain information relating to the financial or business affairs of particular persons (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. **Minutes** (Pages 1 - 34)

To approve and sign the minutes of the Executive meetings held on 18 November 2021 and 9 December 2021.

4. **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 committee.

Please note that our registration deadlines have changed to 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 Tuesday, 11 January 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 Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

5. **Forward Plan** (Pages 35 - 36)
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

6. **Coronavirus Update Including Support to Businesses** (Pages 37 - 42)

The Chief Operating Officer to present a report which provides an update on the Council's response to the recent wave of Covid-19, largely related to the Omicron variant, and seeks authority to progress the distribution of associated funding to businesses.

Note: The above item has been on the Forward Plan for less than 28 days before this meeting. As a non-key decision, it has been included on the agenda under informal urgency procedures due to the need to respond to the new coronavirus strain and deliver support to businesses as soon as possible.

7. **National Reforms to the NHS and Impact on the Council** (Pages 43 - 102)

The Director of Public Health to present a report which summarises progress on the national reforms to the NHS, health and care, and developments locally to plan for the changes due to come into force in April 2022, and considers the implications of the changes for the council.

8. **City Centre Access - Security Measures** (Pages 103 - 146)

The Corporate Director of Place to present a report which seeks approval to progress the installation of permanent hostile vehicle mitigation measures in the city centre.

9. **The Groves – The Future of the Low Traffic Neighbourhood Trial** (Pages 147 - 344)

The Corporate Director of Place to present a report which sets out the results of consultations on an 18 month Experimental Traffic Regulation Order (ETRO) in The Groves, along with an assessment of the impacts of the ETRO, and asks Executive to make a permanent decision about the Low Traffic Neighbourhood and the adoption of the Groves Community Plan.

Note: the background papers to the above report have been published online with this agenda.

10. Provision of Affordable Homes on New Developments Scrutiny Review - Final Report (Pages 345 - 360)

The Chair of the Housing & Safer Neighbourhoods Scrutiny Committee to present the committee's final report on their review of the Provision of Affordable Homes on New Developments, seeking approval of the review's recommendations to Executive.

11. Extension of Contract for Long-Acting Reversible Contraception (LARC) (Pages 361 - 382)

The Director of Public Health to present a report which seeks approval to award a contract to Nimbuscare Ltd for provision of LARC in Primary Care for a further two years following expiry of the current contract, pending the transition to the new Humber, Coast and Vale Integrated Care System Board.

12. Future Libraries Investment Programme (Pages 383 - 544)

The Assistant Director, Customer & Communities to present a report which provides an update on the Future Libraries Investment Programme and asks Executive to approve the new budget for the Programme, along with a number of property disposals, leases and other matters related to the Programme.

13. 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)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Executive
Date	18 November 2021
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Kilbane

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

48. Declarations of Interest

Members were asked to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No additional interests were declared.

49. Minutes

Resolved: That the minutes of the Executive meetings held on 30 September 2021 and 14 October 2021 be approved, and signed by the Chair as a correct record.

50. Public Participation and Comments of the Scrutiny Chair

Public Participation

It was reported that there were 22 people registered to speak at the meeting under the Council's Public Participation Scheme. The Chair agreed to waive the usual 30 minute time limit on this item to allow all the speakers to make representations, in view of the extent of public interest in the items relating to the footstreets.

Gwen Swinburn spoke on governance matters within the Executive's remit, including the need for consultation on the Constitution.

The following spoke on **Agenda Item 5** (My City Centre Strategic Vision – Adoption of Vision and Next Steps):

Steve Secker, of York Property Forum and a member of My City Centre Steering Group, spoke in support of the proposals.

Cllr Douglas supported the proposals, with the caveat that Make It York must take on board feedback and listen to residents.

Jamie Wood queried why only blue badge holders and disabled cyclists were excluded from the city centre.

Cllr Vassie was disappointed to see no mention of public transport and suggested the trialling of an electric shuttle bus.

The following spoke on **Agenda Item 6** (Strategic Reviews of City Centre Access and Council Car Parking):

Kate Ravilous stressed that York must be accessible to all, and asked Members to defer the decision on the Car Parking review.

Rob Ainsley, of York Cycle Campaign, urged Members to explore options for a trial cycle route and blue badge cycling in the centre.

Cristian Santabarbara, representing pedal cycle couriers, urged Members to consider the recommendations in the Martin Higgitt report (Annex 7)

Johnny Hayes criticised the data and methodology of the Car Parking review and said it should be rejected.

The following spoke on **Agenda Item 6** (as above) **and Agenda Item 7** (Consideration of Changes to the City Centre Traffic Regulation Order):

Helen Jones, on behalf of York Disability Rights Forum, said that banning blue badge holders was discrimination and there were other solutions that would meet counter-terrorism requirements.

Andrew Lowson, of York Bid, highlighted the success of the footstreets extension, while agreeing that the city centre should be safe and accessible for all.

Cllr Melly noted the benefits of excluding traffic from the city centre but stressed this did not require excluding blue badge holders.

Jane Albon supported the proposed access improvements, but requested an 'green badge' exit facility for disabled people such as her young granddaughter.

Sophie Jewett, as the owner of a business on Castlegate, highlighted the complexities of the situation there, stressing that it was not a case of businesses versus disabled people.

Cllr Lomas pointed out that consultation was not mitigation and that the proposals would have a disproportionate impact on disabled people.

Simon Williams, of the Federation of Small Businesses, highlighted the effects of access restrictions on some businesses and said there was need to focus on the practicalities of access for all.

The following spoke on **Agenda Item 7** (as above):

Diane Roworth urged Members to reject the proposals and work with those affected to find a solution. She circulated a statement supported by a number of organisations.

Ian Gillies said that the council should do more to bar unauthorised vehicles from the city centre and should prioritise access for blue badge holders over pavement cafes.

Alison Hume spoke against the proposals on behalf of York Accessibility Action, with reference to the petition she had started in 2020, which had been signed by 2,200 people (*this was circulated to Members at the meeting*).

Andrew Morrison, of York Civic Trust, supported the council's ambitions for the city centre but said more innovative and collaborative solutions were needed to realise them.

Anna Baldwin, on behalf of the Sight Loss Council, said that some venues were becoming inaccessible to those using buses and taxis; the council should meet people to work out solutions.

Karen Woodward, Office Manager for York Wheels, spoke on **Agenda Item 8** (Dial & Ride: Funding and Delivery Arrangements), supporting the proposals in the report.

Written Comments

Written comments were received from:

- Susan Leadley - on behalf of her disabled daughter, on lack of access to the footstreets;

- Sandra Hutchinson – a blue badge holder, on lack of access to the footstreets;
- Karen Wilson – on lack of access to the footstreets, specifically in the evening due to extended hours;
- Jason Hawkins – a Castlegate business owner, supporting the continued pedestrianisation of Castlegate.

Comments of the Scrutiny Chair

At the end of the Public Participation session, the Chair invited Cllr Crawshaw, as Chair of the Customer & Corporate Services Scrutiny Management Committee (CCSMC), to speak on the CCSMC's Recommendations / Comments to Executive published in the first Agenda Supplement.

Cllr Crawshaw outlined the discussions that had taken place at the CCSMC meeting on 8 November 2021, explaining the process that had led to the committee's recommendations. He commented on the exclusion of disabled people from the city centre, stated that the legal advice published in the second Agenda Supplement had not come from an equality law specialist, and urged Executive to defer their decisions in relation to access for blue badge holders.

51. Forward Plan

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

52. My City Centre Strategic Vision - Adoption of Vision and Next Steps

The Director of Housing, Regeneration & Economy and the Head of Regeneration & Economy presented a report which sought approval for *My City Centre Vision* (the Vision), an aspirational 10 year strategic vision for York city centre, developed through extensive public engagement and stakeholder involvement.

The My City Centre project had been commissioned by Executive in August 2019. The draft Vision, attached as Annex 1 to the report, responded to the challenges and opportunities presented by the changing nature of the high street and the impacts of the Covid pandemic. It aimed to put local residents

and families at the heart of the city centre, ensuring vibrant community use to support businesses and drive social and cultural activity. Details of public and stakeholder engagement were set out in the report and in Annexes 2-4. Feedback from the latest round of engagement indicated strong approval for the draft Vision, with 82% of respondents agreeing with the vision statement.

Members welcomed the report and the Vision; in particular, its focus on creating a family-friendly city centre that was also attractive to visitors, supporting employment opportunities, and putting York in the best place to secure funding. Having noted the comments made on this item under Public Participation and the advice of Scrutiny and officers' responses published in the agenda supplements, it was

Resolved: (i) That the My City Centre Strategic Vision set out in Annex 1 to the report be approved, and adopted as a guide to investment in the centre, to inform policy decision and as a material consideration in planning (where relevant).

Reason: To establish a long term social, environmental and economic strategic vision for a sustainable future for York city centre, and ensure that decisions are made in accordance with this vision.

(ii) That officers be instructed to prepare a delivery strategy for the vision, by working with partners including the project Stakeholder Group, which will be brought to a future Executive meeting.

Reason: To establish a means for delivering the vision, establish roles and responsibilities with partners, and prioritise the actions contained within the vision

53. Strategic Reviews of City Centre Access and Council Car Parking

The Director of Environment, Transport & Planning and the Head of Regeneration & Economy presented a report which summarised the outcomes of the Strategic Reviews of City Centre Access and Council Car Parking, commissioned by the Executive in November 2020, and recommended the adoption of the associated action plans.

The Access review, attached as Annex 1 to the report, was based on extensive public and stakeholder engagement and proposed a clear strategy for travel through the city centre and how access to and through the footstreets could be improved for disabled people, deliveries, cyclists and residents. The car parking review, at Annex 2, had two parts. It:

- identified information gaps in the use and provision of car parks that could be improved to guide future decision making in Local Transport Plan 4; and
- created a hierarchy of council car parks to inform both current investment decisions and responses to any future decline in demand.

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

- The Castle car park was not included in the Parking review because the decision had already been made to close it;
- All but two of the recommendations in the Martin Higgitt Associates report at Annex 7 had been captured in the Access action plan;
- The Access Officer, when appointed, would be able to examine the potential for disabled cycling in the city centre;
- Opportunities for blue badge parking on the edge of the footstreets could be kept under review;
- A progress report on the Access action plan could be brought back to Members..

Having noted the comments made under Public Participation and the advice of Scrutiny and officers' responses published in the agenda supplements, it was

Resolved: (i) That the Strategic Review of City Centre Access and associated Action Plan at Annex 1 to the report be approved, including the creation of an Access Officer post.

Reason: To agree a clear strategy for access to and through the city centre footstreets and approve the action plan (subject to the success of identified funding bids) to implement the improvements to access that have been developed through public and stakeholder engagement.

(ii) That the City Centre Access model set out in the Strategic Review of City Centre Access be approved as a key principle in Local Transport Plan 4.

Reason: To ensure the council's strategic priorities are aligned and consistent.

(iii) That the Strategic Review of Council Car Parking and associated Action Plan at Annex 2 be approved.

Reason: To allow the council to define and invest strategically in its priority car parks and to inform future decisions on which car parks could be used for alternative uses should future parking demand decline through either market conditions or policy based decisions.

(iv) That it be noted that a future report on whether to re-commence the paused procurement of a contractor to build St George's Field MSCP will be brought to Executive as part of a wider delivery update on the Castle Gateway project in February 2022.

Reason: To consider whether to proceed with St George's Field MSCP in light of the outcomes of the Strategic Review of Council Car Parking, a review of the business case, and the wider progress of the masterplan.

(v) That the Access Officer be asked to bring updates on the progress of implementing the Access Action Plan to the relevant portfolio holder for review.

Reason: To ensure that the progress of the plan is monitored.

(vi) That more opportunities be explored for blue badge parking on the edge of the footstreets.

Reason: To increase the availability of blue badge parking close to the city centre where possible.

54. Consideration of Changes to the City Centre Traffic Regulation Order

The Corporate Director of Place presented a report that considered the future operation of the footstreets, being those streets in the city centre that are pedestrianised during certain hours of the day. Members were asked to decide upon the time until which the footstreet hours should operate, the extent of counter-terrorism measures, and mitigations to improve access to the city centre, particularly for disabled people, should the officer recommendations be agreed.

In 2018, Executive had approved the first phase of hostile vehicle mitigation measures in response to counter-terrorism advice. These had retained the exemption allowing blue badge holders access to park on certain footstreets during pedestrianised hours, while identifying those streets for future phases. More recently, the exemption had been removed in response to the Covid-19 pandemic via a Temporary Traffic Regulation Order (TTRO) to increase space for social distancing, in line with government guidance. The TTRO had also extended the pedestrianised hours to 8pm. In July 2021, a statutory consultation had begun on proposals to remove the exemption permanently, with mitigations. Details of the responses to consultation were set out in paragraphs 59-88 of the report, and in the report annexes.

In presenting the report, officers recognised that for some the effects of removing the exemption could not be mitigated. They also referred to their revised proposals, prepared in response to the advice of the Customer & Corporate Services Scrutiny Management Committee (CCSMC) and published in Agenda Supplement 2. Supt. Mark Palmer of North Yorkshire Police commented on the proposals from a police perspective, in view of the recent increase of the UK terrorism threat to severe. In response to Members' questions, it was confirmed that:

- Advice on anti-terror protection had shifted towards protecting publicly accessible land, with footstreets a priority;
- Cities across the UK and Europe were moving towards hostile vehicle mitigation measures;
- The risk profile of authorities varied, so that measures in Bath, Chester etc. would not be identical to those in York;

Having noted the comments made on this item under Public Participation, the comments of the Police at the meeting, and the advice of CCSMC, officers' responses and legal advice published in the agenda supplements, it was

Resolved: Hostile Vehicle Mitigation (HVM) and Future Blue Badge Access to Footstreets

(i) That the responses to the statutory consultation on the removal of blue badge exemptions permitting access to footstreets during pedestrianised hours be noted.

Reason: To recognise the statutory consultation process as part of decision making.

(ii) That the impact of the proposals on Blue Badge holders and the disabled community, as identified through the statutory consultation and the wider engagement work the council has undertaken, be taken into account, noting that some members of this community have made clear that removal of the exemption will remove their ability to access the footstreets, as set out and duly considered within the Equalities Impact Assessment at Annex AA to the report.

Reason: To recognise the Council's duties under the Equalities Act and Human Rights Act and to ensure that the Council strikes the a proportionate balance between the rights of individuals and the interests of the community and to have due regard to the impacts that the proposals will have on some members of a community with a protected characteristic.

(iii) That, having considered (i) and (ii) above, officers' recommendation to remove the exemption on vehicles displaying a Blue Badge from accessing Blake Street, Church Street, Colliergate, Goodramgate between Deangate and Church Street, King's Square, Lendal, St Andrewgate between its junction with King's Square and a point

50 metres north east and St Helen's Square during the pedestrian hours be accepted and approved.

(iv) That all remaining vehicle access exemptions, such as bullion vehicles, be reviewed to explore how they can be removed or discouraged to protect the integrity of the counter-terrorism measures, and that a report be brought back on a date to be agreed with the Executive Member for Transport, to ensure that the police advice is followed in full.

Reason: To protect more of the footstreets from the risk of a terrorist attack, recognising the responsibilities of the council in relation to the European Convention of Human Rights Article 2, The Right to Life - this article places a positive duty on the state to protect life whilst considering the council's Equalities Duty.

(v) That, having considered (i) and (ii) above, officers' recommendation not to proceed with a permanent change to remove blue badge access to Castlegate at this stage be accepted and approved.

Reason: The case for change at Castlegate is presented in the Castle Gateway Masterplan. Any proposals for this location need to be considered once a delivery and phasing plan for the Castle Gateway project is approved.

(vi) That the additional Blue Badge parking that formed part of the statutory consultation be implemented, with the exception of the two bays on St Andrewgate nearest to its junction with Bartle Garth.

Reason: Recognising the consultation comments relating to St Andrewgate, and because the bays nearest to the junction with Bartle Garth cause an obstruction to vehicles and cycles as well as hindering access in/out of a private drive.

(vii) That, should the Active Travel Fund bid to Improve Disabled Access Routes into and around the city centre (including improved paving and dropped kerbs) be unsuccessful, authority be delegated to the Executive Member for Transport to reprioritise existing transport funding of £250,000, to ensure that this key element of the action plan in the Strategic Review of City Centre Access is delivered.

Reason: Recognising the impact that removing the exemption on vehicles displaying a blue badge from accessing the pedestrian area will have on the disabled community. Implementing these measures will improve access to the city centre.

(viii) That businesses be informed of, and given the option to comment on, the permanent HVM plans and specific barrier placements before these are brought to Executive for approval.

Reason: To enable businesses affected by the proposals to have an input.

Permanent Footstreet Hours

(ix) That a statutory consultation be commenced on a permanent change to footstreet hours, to be from 10:30 am to 7:00pm.

Reason: To give effect to the My City Centre Vision, which has an aspiration for long-term footstreet hours that run until 7pm, which was supported in the My City Centre consultation.

Covid Response Recommendations

(x) That it be agreed that Blue Badge access and parking will continue to be suspended on Castlegate until the end of September 2022, at which point Blue Badge exemptions to allow access will return and existing pavement café licenses granted to parklets on the street will not be renewed.

(xi) That a further temporary extension of footstreet hours to 8:00 pm be approved through to the end of the calendar year.

Reason: To extend the existing footstreet hours in line with Christmas Markets.

(xii) That a further temporary extension of footstreet pedestrian hours to 7:00pm be approved from January 2022 through to the end of September 2022, in line with the government's legislation for pavement café licenses, and that pavement café licenses be rescinded and re-issued with an amended finish of 8:00 pm instead of 7:00 pm.

Reason: Extending the existing footstreet hours in line with the government extension for pavement cafés will allow the temporary pavement café licences that have been awarded to continue, and amending the time to match the proposed permanent change to footstreet hours avoids confusion.

55. **Dial & Ride: Funding and Delivery Arrangements**

The Director of Transport, Environment and Planning presented a report which detailed options for the procurement of York's Dial & Ride services versus a grant funding model for the existing provider, York Wheels, following expiry of the current funding arrangements. A decision was also sought on the replacement of two life-expired Dial & Ride minibuses, and the funding of enhancements to the service after further engagement work with blue badge holders.

York Wheels had operated the service for many years under a service level agreement (SLA), in a manner which provided excellent value for money. However, the SLA required annual review, and a longer term agreement was needed to safeguard the future of the service. Two options were available, as detailed in paragraphs 35-56 of the report:

Option 1 – provide a revenue grant to York Wheels to enable them to operate both Dial & Ride and the Voluntary Car Share Scheme as an independent client organisation, as

recommended (cost: £121k per annum revenue funding plus approx. £15k per annum concessionary travel reimbursement). **Option 2-** provide grant funding to York Wheels to enable them to operate the Care Share Scheme only, as an independent client organisation, and undertake a competitive tender to find a Dial & Ride operator. Not recommended, due to the additional costs likely to be factored in by commercial operators, removal of the flexibility of the existing model and the risk of an adverse impact upon York Wheels as a charity.

Resolved: (i) That authority be delegated to the Corporate Director of Place, in consultation with the S.151 Officer and Director of Governance, to enter into a grant funding model with York Wheels for the Dial & Ride Service.

Reason: To ensure that local community transport services continue to operate at full strength on a stable financial basis.

(ii) That approval be given for the grant-funded replacement of two minibuses, in compliance with current council fleet replacement policies.

Reason: To ensure that the Dial & Ride service meets the highest reliability and safety standards going forward within the available budget.

(iii) That the additional cost of the service going forward be recognised, and that it be noted that this will be funded from Bus Service Operator Grant (BSOG).

Reason: To ensure that new service is funded within available budgets.

(iv) That the Corporate Director of Place be authorised to open discussions with York Wheels about how they may be able to support Blue Badge Holders with access to the City Centre up to the value of £50k.

Reason: To ensure that the Dial & Ride is part of the solution to ensuring disabled access to the city centre in the future.

56. York Railway Station Gateway - Project Update and LNER Funding & Development Agreement

The Corporate Director of Place presented a report which provided an update on progress on the design and delivery of the York Railway Station Gateway Scheme, including funding status, delivery of the works packages, land acquisition and legal agreements with strategic project partner, LNER.

Key milestones and current activity on the project were detailed in paragraphs 10-25 of the report. Work was ongoing to discharge the conditions of the planning consent achieved in February 2021. The contract for professional services had been re-procured due to the increased scope of this element of work. The preferred delivery strategy for the scheme, as agreed with project partners, was set out in Table 1 at paragraph 12, with the recommended procurement routes (Packages 1-4), along with their estimated costs, in Table 2. In addition to the updated WYCA funding for the scheme of £25.990m, LNER had confirmed funding of £0.5m to re-surface the station portico, bringing the total revised budget to £26.490m.

The Chair welcomed the report, and the continued focus on a project that would enhance sustainable transport links. The Executive Member for Transport highlighted the commitment to rail demonstrated by the project and noted that Package 5 (multi-storey car park) was not included in the funding and would be delivered by Network Rail and LNER.

Resolved: (i) That the progress made to date with the regard to the design and delivery of the York Station Gateway scheme in particular with respect to procurement of a new professional services contract, delivery of the Package 1: Enabling Works, Package 2: Highway Works, land acquisition, design, Contractor procurement, and current funding status, be noted.

Reason: To confirm that the Executive has been updated on project progress as a basis for future decisions.

(ii) That the updated budget and Delivery and Procurement Strategy of the scheme be approved, and authority be delegated to the Director of Place (in consultation with the s151 Officer and Director of

Governance or their delegated officers) to take such steps as are necessary to procure, award and enter into the resulting contracts for Package 2: Highway Works, Package 4: Loop Road Works (and Package 3: Station Works if agreement on the Funding and Development Agreement with LNER cannot be reached).

Reason: To enable arrangements to be put in place to proceed to procurement of a delivery contractor.

(iii) That approval be granted to enter into a Funding and Development Agreement between the CYC and LNER for the delivery of Package 3: Station Works and that authority be delegated to the Director of Place (in consultation with the s151 Officer and Director of Governance or their delegated officers) to take such steps as are necessary to negotiate and enter into the final agreement.

Reason: To progress the delivery of the station works elements of the scheme which will create space for revised taxi provision at the station and an increase in space for the public realm.

(iv) That approval be granted to enter into a Funding Agreement with WYCA to formalise the merging of the West Yorkshire-Plus Transport Fund and the Transforming Cities Fund, and that authority be delegated to the Director of Place (in consultation with the s151 Officer and Director of Governance or their delegated officers) to take such steps as are necessary to negotiate and enter into the final agreement.

Reason: To progress the delivery of the scheme.

(v) That approval be given to draw down further funds from West Yorkshire-Plus Transport Fund and/or Transforming Cities Fund, to provide funding for LNER to progress the detailed design of the Package 3: Station Works element of the scheme (and the procurement of a delivery Contractor if agreement on the Funding and Development

Agreement with LNER cannot be reached) and that authority be delegated to the Director of Place (in consultation with the s151 Officer and the Director of Governance or their delegated officers) to draw the funds down.

Reason: To enable the production of detailed cost plans and to progress the station works to procurement.

57. **Recommissioning of Carers Support Services**

The Director of Prevention and Commissioning / Corporate Director of People presented a report which sought approval to recommission the Carers Support Services for adults and young people via an open tender exercise.

The existing contract, which received a financial contribution from the Vale of York CCG, was due to expire on 31 March 2022. The CCG had agreed to continue their contribution under the new contract over the next 7 years. Three options were detailed in paragraph 5 of the report for Members' consideration:

Option 1 – recommission the services, as recommended.

Option 2 – do not recommission. Not recommended, as the full range of statutory obligations could not be met by the in-house Carers Support Workers alone.

Option 3 – move to an fully in-house delivery model. This could cause confusion, put more pressure on staff. and would not be in line with the principles of the Care Act 2014.

In supporting the recommendations, the Executive Member for Health & Adult Social Care highlighted the essential work carried out by carers and noted that the proposals aligned with the ambitions of York's 5-year Carer Strategy.

Resolved: (i) That Option 1 be approved and a tender exercise be undertaken to re-commission Carers Support Services for adults and young people, in line with the Key Decision criteria as set out in section 7.8 of the council's Contract Procedure Rules.

(ii) That authority to award the contract be delegated to the Director of Prevention and Commissioning, in consultation with the Executive

Member for Health & Adult Social Care, the Chief Finance Officer, and the Director of Governance.

Reason: To deliver a sustainable, integrated support model for carers, delivered by a competent and professional external provider who fully understands the needs of carers of all ages and from all backgrounds and works within the principles of the Care Act 2014, placing emphasis on prevention, early intervention and the maximisation of self-care.

58. Refresh of York's Parish Charter

The Assistant Director, Customer and Communities, presented a report which detailed the outcome of a review undertaken of the charter between City of York Council and the 31 parish and town councils within the York local authority area, and sought approval for a revised Charter.

The charter had last been reviewed in 2016. The current review had been co-ordinated by the York Parish Council Liaison Group, which included 6 parish councillors appointed by Yorkshire Local Councils Associations (YLCA) and representatives of City of York Council (CYC). The draft revised charter, attached as Annex 1 to the report, incorporated the amendments suggested by the Joint Standards Committee at their meeting on 6 July 2021.

Members were invited either to approve the draft charter for signing by CYC and the York Branch of the YLCA (Option 1), or to suggest further amendments (Option 2).

Resolved: (i) That the revised charter be approved, and that the Executive Member for Culture, Leisure & Communities be asked to sign it on behalf of the council.

(ii) That the revised charter be referred to the York Branch of the Yorkshire Local Councils Association (YLCA) for signature on behalf of the local councils.

Reason: To advance joint working between City of York Council and York's parish councils.

59. Merger of York Coroner Area with North Yorkshire County Council Coroner Areas

The Director of Governance presented a report which sought approval to submit a business case to the Ministry of Justice and Chief Coroner requesting permission to merge the existing City of York Council (CYC) coroner area and the North Yorkshire County Council (NYCC) coroner areas into one area, in order to improve the resilience and efficiency of the service.

Although coroners were not local authority employees, local authorities were responsible for their appointment and payment, and for meeting all costs of the service. It was the view of the Chief Coroner, set out in guidance attached at Annex 1 to the report, that the number of coroner areas should be reduced.

On 17 January 2019, Executive had granted approval to discuss a potential merger with NYCC (Minute 96 of that meeting refers). That merger was now possible, as North Yorkshire was considering the East and West areas due to the retirement of both their senior coroners. On 28 April 2021, NYCC had agreed, subject to formal approval by CYC, to submit a business case to merge all three existing coroners areas into one area. Members were recommended to grant this approval; the alternative, to seek permission to remain a separate area, was unlikely to gain the support of the Chief Coroner and Ministry of Justice.

- Resolved: (i) That approval be given to submit a business case to the Ministry of Justice and Chief Coroner seeking permission to merge the existing City of York Council coroner area and the North Yorkshire County Council coroner areas into one area, and that authority be delegated to the Chief Operating Officer (in consultation with the Director of Governance or her delegated officers) to make minor changes to the business case should they be required.
- (ii) That the proposed Service Level Agreement with North Yorkshire County Council be approved, and that authority be delegated to the Chief Operating Officer (in consultation with the Director of Governance or her delegated officers) to take such

steps as are necessary to finalise and enter into the resulting agreement.

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

60. 2021/22 Finance and Performance Monitor 2

The Chief Operating Officer presented a report which set out details of the council's overall finance and performance position for the period from 1 April 2021 to 30 September 2021, together with an overview of any emerging issues.

The Covid-19 pandemic continued to have a significant impact on the council's financial position and performance. The gross financial pressures facing the council were projected at £9.1m. After mitigation and further action, as set out in the report and Annex 1, it was considered that this could be brought down to a net position of £4.6m. The council had £6.9m of general reserves that would need to be called upon should the out-turn not be within the approved budget.

Despite the challenges faced, performance across the organisation, and levels of resident and customer satisfaction, had remained high. Performance against the core indicators in the Council Plan was set out in paragraphs 22-25 of the report and in Annex 2. The two indicators with a worsening direction of travel, due mainly to a direct adverse effect from Covid-19, were listed in paragraph 25.

Resolved: That the finance and performance information, and the actions needed to manage the financial position, be noted.

Reason: To ensure expenditure is kept within the approved budget.

61. Capital Programme - Monitor 2 2021/22

[See also under Part B]

The Chief Finance Officer presented a report which set out the projected outturn position of the council's 2021/22 capital programme, including any under/over spends and adjustments,

along with requests to re-profile budgets to/from current and future years.

A decrease of £15.142m on the current approved programme was reported, resulting in a revised programme for 2021/22 of £143.262m. Variances against each portfolio area were set out in Table 1 at paragraph 6 of the report and detailed in paragraphs 7-43. The revised 5-year programme resulting from these changes was summarised in Table 2 at paragraph 44 and detailed in Annex A.

Resolved: (i) That the 2021/22 revised budget of £143.262m, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the restated capital programme for 2021/22 – 2025/26, as set out in Table 2 at paragraph 44, be noted.

Reason: To enable the effective management and monitoring of the Council's capital programme.

62. Treasury Management Mid-Year Review and Prudential Indicators 2021/22

The Chief Finance Officer presented a report which provided an update on Treasury Management activity for the period 1 April 2021 to 30 September 2021.

The report, prepared in compliance with CIPFA's Code of Practice on Treasury Management, provided: an economic update for the first part of the 2021/22 financial year; a review of the Treasury Management Strategy Statement and Annual Investment Strategy; the prudential indicators; reviews of the council's investment portfolio and borrowing strategy; and a review of compliance with the Treasury and Prudential Limits.

It was confirmed that during the financial year to date, the council had operated within the treasury limits and Prudential Indicators, as set out in the report and Annex A.

Resolved: (i) That the Treasury Management activities to date in 2021/22 be noted.

(ii) That the Prudential Indicators set out in Annex A to the report, and the compliance with all indicators, be noted.

Reason: to ensure the continued performance of the Council's Treasury Management function.

PART B - MATTERS REFERRED TO COUNCIL

63. Capital Programme - Monitor 2 2021/22

[See also under Part A]

The Chief Finance Officer presented a report which set out the projected outturn position of the council's 2021/22 capital programme, including any under/over spends and adjustments, along with requests to re-profile budgets to/from current and future years.

A decrease of £15.142m on the current approved programme was reported, resulting in a revised programme for 2021/22 of £143.262m. Variances against each portfolio area were set out in Table 1 at paragraph 6 of the report and detailed in paragraphs 7-43. The revised 5-year programme resulting from these changes was summarised in Table 2 at paragraph 44 and detailed in Annex A.

Recommended: That the adjustments resulting in a decrease in the 2021/22 budget of £15.142m, as detailed in the report and contained in Annex A, be approved.

Reason: To enable the effective management and monitoring of the Council's capital programme.

Cllr K Aspden, Chair

[The meeting started at 5.33 pm and finished at 9.36 pm].

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Meeting	Executive
Date	9 December 2021
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley and Waller
Apologies	Councillor Widdowson
In Attendance	Cllr Douglas (in place of Cllr Kilbane)

64. Declarations of Interest

Members were asked to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No additional interests were declared.

65. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annex 3 to agenda item 6 (Securing the Future of the Bootham Park Hospital Site) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

66. Public Participation

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 within Executive's remit. She sought clarification of the consultation process on the council's budget papers and voiced concerns regarding the proposal in

Item 8 to sign up to the MoU (Minute 71 refers), which she considered to be a bid for recognition by the Executive Member.

Cllr Fisher spoke on Agenda Item 5 (Haxby Station – Site Selection), as Ward Member for Strensall. He supported the proposals in the report, stressing that access to the station was critical, including adequate bus links as well as car parking.

Cllr Pearson also spoke on Item 5, as Ward Member for Haxby & Wigginton. He highlighted the key concerns expressed by those residents who had contacted him about the station and asked that officers take these into account as the process moved forward.

Cllr Pavlovic spoke on Item 7 (Housing Delivery Action Plan). He criticised the current housing policy as a failure of vision, contrasting it with the record of previous Labour administrations and stressing the need for planning consents to get houses built.

Hon. Alderman Brian Watson spoke on Item 10 (Lord Mayoralty 2022/23), supporting the proposal in the report to allow the nominee time to consider, in the context of the difficulties faced generally by Independent Members.

Written representations were received from the following residents of Haxby in respect of Agenda Item 5:

- David Farnsworth, supporting the Site 2 option in the report on the grounds that it would bring many travel benefits to the local and wider area as well as preserving green space in Haxby;
- Tony and Carol Howit, objecting to the Site 2 option, on the grounds that it was on green belt / floodplain land and would increase traffic noise and congestion on Towthorpe Road.

67. Forward Plan

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

68. Haxby Station – Site Selection

The Director of Transport, Environment & Planning and the Senior Transport Manager presented a report which provided an assessment of the two potential locations for the new rail station at Haxby and asked Members to select a preferred site to take forward for further development.

The background to the Haxby Station project had been reported to Executive on 30 September 2021 (Minute 41 of that meeting refers). Since then, four additional sites had been considered and assessed for suitability but only two sites – Station Road (Site 1) and Towthorpe Road (Site 2) – had been assessed as feasible. Plans and assessments of both sites were annexed to the report.

The following options were detailed in report paragraphs 13-38:

Option 1 – Approve the Site 1 (Station Road) location. Not recommended due to the risks and costs of the land acquisition and concerns regarding timing and planning consent.

Option 2 – Approve the Site 2 (Towthorpe Road) location. This was the recommended option, as it presented the strongest case in terms of the key issues of land acquisition and constructability, and for the granting of funding to deliver the station.

Option 3 – Do nothing. Not recommended, as it would not achieve delivery of a station at Haxby.

In presenting the report, officers indicated that they wished to delete the reference in paragraph 16 to an issue with the land to the east of Site 1, as this had been negated by recent correspondence with the landowner. Members welcomed the proposals and the investment in rail, noting the public support for a station at Haxby and acknowledging the tight timescales for access to funding. Having taken into consideration the comments made under Public Participation and the written comments, it was

Resolved: (i) That the decisions made at Executive on 30 September 2021 concerning the Haxby Station project be noted.

(ii) That the deletion of the second half of paragraph 16 of the report (*from 'Furthermore' onwards*), as reported at the meeting, be noted.

(iii) That Site 2 – Towthorpe Road be approved as the preferred location for a station in Haxby to take forward for further development.

(iv) That the further public consultation planned to be undertaken during the next development stage, to understand any local concerns and the measures which should be considered to mitigate any impact of progressing the preferred site, be noted.

(v) That it be noted that further reports will be brought to Executive to update Members on progress.

Reason: To afford City of York Council the best opportunity to progress this project and present the strongest case possible to Central Government (the Department for Transport; and Treasury) for the granting of funding to enable the full delivery of a new rail station at Haxby.

69. Securing the Future of the Bootham Park Hospital Site

The Director of Housing, Economy & Regeneration presented a report which set out the terms negotiated with NHS Property Services Limited, Enterprise Retirement Living Limited and the York and Scarborough Teaching Hospitals NHS Foundation Trust (District Hospital Trust) to help secure the future of the former Bootham Park Hospital (BPH) site, and sought approval for a series of legal agreements and leases relating to public use of land around the site.

On 21 January 2020, Executive had agreed that the council would use its rights as the owner/landlord of a strip of access road to the combined District Hospital Trust and BPH site to secure beneficial public use of the parkland in front of the hospital building, improved pedestrian and cycle routes through the site, and the delivery of homes and services. Negotiations had now been concluded, and the outcomes secured, including £1.9m investment in the public realm, were detailed in the report.

Members welcomed the report and the Chair thanked everyone involved in reaching this point, including those who had shared

their views during extensive public engagement in 2018 and 2019.

Resolved: (i) That the good progress made by officers in negotiating and securing the desired outcomes of continued beneficial use of the parkland and improved pedestrian and cycle routes through the Combined Site required from the redevelopment of the BPH Site, as identified by citizens and stakeholders during extensive public engagement in 2018 and 2019, be noted.

Reason: To confirm that the aspirations of citizens and stakeholders concerning beneficial use of the parkland and improved pedestrian and cycle routes through the Combined Site can be secured.

(ii) That it be noted that, as part of the negotiated agreements, a financial consideration will be paid to the council in exchange for the council granting ERL a lease of the Accessway for a term of 999 years (“the Accessway Lease”).

Reason: To confirm that best value consideration has been secured.

(iii) That approval be given to establish a set of legal Agreements and Leases, as set out in the Legal Implications section of the report and in Annex 2, in order to:

- a. grant the Accessway Lease;
- b. receive the payment of a Premium and the proceeds pursuant to the terms of an Overage Share Agreement;
- c. secure, for a 999 year term, public access to and use of the majority of the Parkland in front of the hospital buildings as well as sport and curriculum use;
- d. secure the right of access for pedestrians and cyclists at all times and for all purposes through the Combined Site; and
- e. by way of a Development Agreement, the improvement of the Parkland, the

pedestrian and cycle paths and the railings that surround the BPH Site.

(iv) That authority be delegated to the Director of Housing Economy and Regeneration, in consultation with the Executive Member for Finance and Performance and the Executive Member for Transport, to agree the final specification of the Pedestrian and Cycle Path Works,.

(v) That authority be delegated to the Director of Governance, in consultation with the Director of Housing Economy and Regeneration, to finalise the terms of and for the council to enter into these Agreements and Leases.

Reason: So that the council can secure beneficial public use of the majority of the parkland in front of the hospital building and improved pedestrian and cycle routes through the Combined Site, delivering on the priorities of York citizens and stakeholders as expressed during extensive consultation in 2018 and 2019.

70. City of York Planning Policy Housing Delivery Action Plan

The Corporate Director of Place and the Development Officer, Forward Planning presented a report which sought approval for the council's first Planning Policy 'Housing Delivery Action Plan' (HDAP), prepared in response to the Government's introduction of the Housing Delivery Test (HDT) in November 2018.

The HDT measured the number of new homes actually delivered in the Local Planning Authority (LPA) area over the past 3 years as a percentage of those that should have been delivered. York's result in 2020 showed that the council had delivered 83.7% of the city's net requirement, which meant that an HDAP must be published. The draft HDAP, at Annex A to the report, set out the context of York's housing market and outlined a range of measures for the council's continued support of housing delivery, including working with housing associations and developers to maximise delivery in line with the emerging Local Plan.

In response to matters raised under Public Participation, officers confirmed that:

- targets were close to being met, even during 2019/20 with the difficulties caused by the pandemic;
- 97.7% delivery had been achieved against the Local Plan requirement, as stated in paragraph 12 of the report;
- the granting of planning permission did not necessarily result in developments.

The Executive Member for Finance & Performance and the Executive Member for Housing & Safer Neighbourhoods expressed their support for the proposals, and it was

Resolved: (i) That Housing Delivery Action Plan be approved and its implementation across corporate teams be supported.

Reason: To ensure that the council complies with its duties as set out within the NPPF and PPG (setting out appropriate actions for the council to consider and explore in the short, medium and long term in an attempt to increase housing supply and delivery) and to fulfil the council's approach for 'creating homes and world-class infrastructure' within the Council Plan 2019 – 2023.

(ii) That authority be delegated to the Executive Member for Economy & Strategic Planning to sign off the publication version of the HDAP.

Reason: To agree the presentation of the publication version of the HDAP.

71. Housing Energy Efficiency Programme Update - Utilising Grant Funding to Deliver Additional Retrofit Works

The Corporate Director of Place and the Head of Housing Delivery & Asset Management presented a report which provided an update on works to reduce carbon emissions within the housing sector in York and the sub-region, following the launch of the Housing Energy Efficiency Programme in December 2020 and a number of successful grant applications.

The report gave an update on projects currently under way to deliver energy efficiency improvements across all housing

tenures, along with opportunities for using additional grant funding for further retrofit works to reduce carbon emissions and fuel poverty. Members' approval was sought to procure a new retrofit delivery partner to undertake improvement works, and to enter into a Memorandum of Understanding (MoU) with the United Nations to support York becoming an International Centre of Excellence on High Performance Buildings. The MoU was attached at Annex 1.

In response to matters raised under Public Participation, officers pointed out that no legal obligations were attached to the MoU. In supporting the proposals, the Executive Member for Housing & Safer Neighbourhoods commended officers for their work on securing grants and noted that being an International Centre of Excellence was about exchanging research, experience and learning as a vital part of rising to the challenge of climate change.

- Resolved:
- (i) That the progress in securing funding under the LAD1B and LAD 2 rounds of the programme, including the challenges and risks associated with delivering works utilising short term funding and the progress in drafting an energy efficiency strategy document, be noted.
 - (ii) That the offer of additional grant funding of £2,380k under the LAD 3 funding round be noted.
 - (iii) That the submission of a grant application for £280k under the Social Housing Decarbonisation Fund be noted and, and if it is successful, that authority to accept this grant offer be delegated to the Director of Housing, Economy and Regeneration in consultation with the Executive Member for Housing and Safer Neighbourhoods.
 - (iv) That approval be given to use £353k of the approved £2m HRA Energy Efficiency Capital Programme budget to match fund the Social Housing Decarbonisation Fund grant (if successful), in order to deliver retrofit works to around 28 of the least energy efficient council houses.

(v) That the use of £440k of HRA investment to match fund LAD 2 grant funding to deliver solar PV installations on up to 50 council homes be noted.

(vi) That approval be given to procure a new retrofit delivery partner to undertake improvement works in accordance with the grant offers under the LAD3 and Social Housing Decarbonisation Fund (if successful), and that authority be delegated to the Corporate Director of Place (in consultation with the Director of Governance and S151 Officer) to take such steps as are necessary to procure, award and enter into the resulting final contract(s).

(vii) That approval be given to enter into a Memorandum of Understanding (MoU) with the United Nations to support York becoming an International Centre of Excellence on High Performance Buildings.

Reason: In order to tackle fuel poverty and to meet the ambition of York being carbon neutral by 2030, both reducing energy demand through building fabric upgrades and switching to low carbon/renewable forms of heating and energy generation across all tenures.

72. Domestic Abuse Act 2021

The Director for Public Health and the Nurse Consultant in Public Health presented a report which provided an update on the introduction of the Domestic Abuse Act 2021 (the Act) and the new statutory responsibilities for local authorities under the Act, and sought approval of proposed governance arrangements for a new statutory Domestic Abuse Local Partnership Board.

The Act had come into force on 29 April 2021. Details of its aims and provisions were set out in paragraphs 5-10 of the report. It placed statutory duties on upper tier and unitary local authorities to provide support for victims of domestic abuse and their children, and to establish a multi-agency Domestic Abuse Local Partnership Board. In York, this latter function was currently provided by the Domestic Abuse Joint Co-ordination Group for York & North Yorkshire. An independent assessment

of the council's readiness to undertake the requirements of Act had been commissioned, resulting in the advice attached at Annex 1. This presented a number of recommendations, including options for a new governance structure.

Members were asked to consider the following options, as detailed in paragraphs 18-22 of the report:

Option 1 – do nothing. Not recommended, as current arrangements did not fulfil the requirements of the Act.

Option 2 – establish a joint North Yorkshire and City of York Domestic Abuse Local Partnership Board. Not recommended, as it could result in York's needs being overlooked.

Option 3 – establish a City of York Domestic Abuse Local Partnership Board. Not recommended, as it would not ensure a continued common approach across services.

Option 4 – Establish a City of York Domestic Abuse Local Partnership Board with joint strategic commissioning. This was the recommended option.

In supporting the recommendations, the Executive Member for Health & Adult Social Care welcomed the establishment of a new Board, thanked officers for their work and noted that proposals for a new domestic abuse strategy would come to Executive in due course.

Resolved: (i) That the council's new statutory duties under the Domestic Abuse Act 2021 be noted.

(ii) That the proposed governance arrangements set out in option 4 at paragraph 22 of the report be approved, namely:

'Establish a City of York Domestic Abuse Local Partnership Board together with joint strategic commissioning across City of York Council, North Yorkshire County Council and Office of Police, Fire and Crime Commissioner for North Yorkshire.'

(iii) That the chairing of the York Domestic Abuse Local Partnership Board be delegated to the Director of Public Health.

Reason: to ensure that the council's new statutory duties and responsibilities are delivered.

73. Lord Mayoralty 2022/23

The Director of Governance presented a report which invited Members to consider the points system for the annual nomination of the Lord Mayor of York and to formally confirm who would qualify for nomination as Lord Mayor for the 2022 - 2023 municipal year.

The situation under the current points system was set out in the table at paragraph 5 of the report. This showed that the Independent Member, Cllr Warters, had a total of 10 points and would qualify for the Lord Mayoralty in 2022-23. Cllr Warters had indicated that he wished to consider his position over the Christmas break. It was confirmed that there was sufficient time to wait until the New Year before formally announcing the Lord Mayor Elect.

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

Resolved: That Cllr Warters be invited to consider accepting the nomination for Lord Mayor for 2022/2023, in line with the accumulated points system as set out in the report.

Reason: To ensure that the Council adopts an appropriate method by which to nominate Lord Mayors for Office.

Cllr K Aspden, Chair

[The meeting started at 5.30 pm and finished at 6.57 pm].

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Forward Plan: Executive Meeting: 13 January 2022

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 7 February 2022

Title and Description	Author	Portfolio Holder
<p>Capital Programme 2021/22 Monitor 3 Purpose of Report To provide Members with an update on the capital programme. Executive will be asked to: note the issues and recommend to Full Council any changes as appropriate.</p>	Emma Audrain	Executive Member for Finance & Performance
<p>Finance & Performance 2021/22 Monitor 3 Purpose of Report To present details of the overall finance and performance position. Executive will be asked to: note the report.</p>	Debbie Mitchell / Ian Cunningham	Executive Member for Finance & Performance
<p>Treasury Management Strategy Statement and Prudential Indicators 2022/23 Purpose of Report To set out the treasury management strategy, including the annual investment strategy and the minimum revenue provision policy statement and prudential indicators. Executive will be asked to: recommend the strategy to Full Council.</p>	Debbie Mitchell	Executive Member for Finance & Performance
<p>Financial Strategy 2022/23 to 2026/27 Purpose of Report To present the Financial Strategy, including detailed revenue budget proposals. Executive will be asked to: recommend the proposals to Full Council.</p>	Sarah Kirby	Executive Member for Finance & Performance
<p>Capital Programme Budget 2022/23 to 2026/27 Purpose of Report To present the capital programme, including detailed scheme proposals. Executive will be asked to: recommend the proposals to Full Council.</p>	Emma Audrain	Executive Member for Finance & Performance

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 17 March 2022

None currently listed

Table 3: Items Slipped on the Forward Plan

None



Executive**13 January 2022**

Report of the Chief Operating Officer & Director Customer & Communities
Portfolio of the Executive Leader

Coronavirus Update Including Support to Business**Summary**

1. This report provides an update on the Council's response to the recent wave of Covid-19, largely related to the Omicron variant.
2. Whilst the Council is well prepared and able to respond effectively to the challenges of Covid-19, there are some specific impacts which must be dealt with.
3. The Government has announced new funding for Business Support Grants in response to the latest wave of infection and the necessary controls, known as Plan B. Clarification and final details on all grant schemes are yet to be received at the time of writing. Therefore, Executive are asked to approve delegated authority to allow officers to progress the distribution of available funding as soon as possible in consultation with Executive Members, and for this to be formally reported back to public Executive Member Decision sessions as soon as practicable.

Recommendations

4. Executive is asked to:
 - a) Note the coronavirus update contained in paragraph 5 to 12
 - b) Approve the delegation for business support schemes as set out at paragraph 21.

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

Background

5. On 26 November 2021, the World Health Organisation designated the variant B.1.1.529 a variant of concern, named Omicron. This was based on the evidence that Omicron has several mutations that may have an impact on how it behaves, for example, on how easily it spreads or the severity of illness it causes.
6. Since then, Omicron has spread quickly, becoming the dominant variant in the UK and proving to be more infectious than previous variants. Early indications are that the severity of illness caused may be less than some other variants, but whilst this is positive it does not mean the variant carries less risk. As it is more infectious, as it becomes wider-spread through the community, the likelihood of infection for people who may be vulnerable to serious illness from this strain is greater. It is, therefore, being taken extremely seriously.
7. The latest validated rate of new Covid cases per 100,000 of population for the period 23.12.21 to 29.12.21 in York was 1,586.6 (3,348 cases). The national and regional averages at this date were 1,508.1 and 1,412.9 respectively. Early indications are that this rate is likely to continue to increase in the next period.
8. Uptake of vaccinations remains the most significant response. As at 2.1.22, a total of 157,257 CYC residents aged 16+ have had the first dose of the vaccine. This represents 88.2% of the estimated (16+) population of York (ONS 2020). 150,090 residents aged 16+ have had both doses of the vaccine, representing 84.2% of the estimated (16+) population.
9. 5,006 CYC residents aged 12-15 have had the first dose of the vaccine. This represents 59.8% of the estimated (12-15) population.
10. 112,174 eligible CYC residents have received the booster vaccine. This represents 64.3% of the estimated (18+) population.
11. Hospital admissions are beginning to increase but as yet not in line with infections, and whilst there remain very significant pressures within the health system, the severity of the illness appears to be lower than previous waves.
12. The Council has seen a significant increase in staff testing positive for Covid over the last two weeks, although with many staff on

annual leave over Christmas, the impacts of this are yet to be seen. This still only equates to around 2% of staff. This could increase, but pressures within service areas are being managed with business continuity plans in place to support if needed. No reductions in services are currently expected at this time as a result of staff unavailability.

New Government Business Support Grants

13. The Government have recently announced four new support grants for business linked to the recent rise in the Omicron variant and its financial effect on local businesses. The guidance was received on 30th December and is currently being looked at. The high level information is detailed below.
14. The level of funding is yet to be confirmed and there is a clarification session with central government on Monday 10th January. Following this meeting the funds will be distributed subject to consultation with the relevant Executive Members. This will be formally reported back to public Executive Member Decision sessions as soon as practicable.

Covid Additional Relief Fund (CARF)

15. This fund is intended to support those businesses affected by the pandemic that were ineligible for existing support linked to business rates. £1.5 billion has been allocated to local authorities based upon the estimated rateable value in each local authority rating list which falls within the scope of the fund, weighted for the Gross Value Added (GVA) impacts of COVID-19 per sector.
16. The support is delivered by way of a Section 47 business rate relief with the council been refunded for all awards through a Section 31 grant. Further clarification is yet to be received at the time of writing.

Hospitality & Leisure Grant (HLG)

17. This grant is to support Hospitality (accommodation, food & beverage services) and Leisure. Final clarification on distribution will be made at the meeting with central government on Monday 10th January.
18. The grant is based on rateable value (RV) as set out in Table 1 below:

Table 1

Rateable Value	£0 - £15k	>£15 - £51k	>£51k
Value of Grant	£2.7k	£4k	£6k

Additional Restrictions Grant (ARG)

19. The full details and further clarification regarding this grant, including the value of the additional award, are still to be received at the time of writing.

Cultural Recovery Fund (CRF)

20. The Government are providing £30 million in support to organisations in England such as theatres, orchestras and museums through the winter. Further clarification of this scheme including the value of any funding is awaited at the time of writing.

Council Schemes and Delegation

21. The details of all government support is expected in the next few weeks and where there is any discretion, a council scheme will be required. The funding for all support is coming from central government and will be expected to be distributed urgently. This paper recommends that, to facilitate this, a scheme approval where required is delegated as set out below through officer decisions in consultation with the Executive Members for Finance & Performance and Economy & Strategic Planning. All schemes will come back to the Executive Member Decision Session for Finance and Performance on 14th February for member review and endorsement in public.

CARF – The Director of Customer & Communities in consultation with the Corporate Director of Economy & Place.

HLG – The Director of Customer & Communities.

ARG – The Corporate Director of Economy & Place.

CRF – The Corporate Director of Economy and Place in consultation with the Assistant Director of Customer & Communities

Recommendations

22. Members are asked to:

- a. Note the coronavirus update contained in paragraph 5 to 12
- b. Approve the officer delegations outlined in paragraph 21 above in consultation with the Executive Members for Finance & Performance and Economy & Strategic Planning.

Consultation

23. There is no wider consultation required for this paper.

Implications

Financial

It is expected that the additional support outlined in this report will be fully funded through government grants. It is likely that there will be further work required to manage and maintain the grant schemes from a range of support services. These costs can be managed within existing budgets or from the additional burdens funding provided by government. No further funding is available beyond that provided by government and therefore it will continue to be important to ensure that the support provided is kept within the overall funding envelope outlined in this report.

Human Resources (HR)

Additional resources needed to support the grant process will be funded from separate grant funding

Equalities

This report will impact on all communities equally.

Legal

No implications

Crime and Disorder, Information Technology and Property

No implications

Risk Management

24. The key risk in relation to the new grants is fraud. There have been controls in place to manage this since the first grants were issued in 2020. The service works with Veritau to manage the risk and utilises the Government Spotlight tool Spotlight as well as using data matching from its own records. The risk is low.

Author responsible for the report:

Chief Officer responsible for the report:

David Walker

Pauline Stuchfield

Head of Customer & Exchequer Services

Assistant Director Customer and Digital Services

Will Boardman

Head of Corporate Policy and City Partnerships

Report Approved

Date 5/1/2022

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

[Agenda for Decision Session - Executive Member for Finance and Performance on Thursday, 3 December 2020, 10.00 am \(york.gov.uk\)](#)

Annexes

None



Executive**13 January 2022**

Report of the Director of Public Health
Portfolio of the Executive Member for Health and Adult Social Care

National Reforms to the NHS and Impact on the Council**Summary**

1. This report summarises progress on the national reforms to the NHS, health and care, and developments locally to plan for the changes which are due to come into force in April 2022. It follows a similar report to Executive at an earlier stage in the process on 18th March 2021.
2. The report also considers the implications of the changes for the Council, and how as an organisation we could fit within the new health and care system in order to maximise the benefits for the people of York, increase the join-up between health and care organisations in our city, and take the opportunities reform might present us to improve the health and wellbeing of our residents.
3. Recent developments have included local consideration of the draft constitution of the proposed Humber, Coast and Vale (“**HCV**”) Integrated Care Board (“**ICB**”) which will become a statutory body on 1st April 2022, subject to the passage of the Health and Care Bill through parliament and any subsequent legislation, and the proposed Humber, Coast and Vale Integrated Care Partnership (“**ICP**”).
4. These changes are coming into effect in the context of a sustained period of pressure within health and care services, and after two years of impact on the social, mental and physical health of the population arising from the pandemic. They present an opportunity to amplify the voice of York residents in the health and care system, to better understand and tackle the gap in healthy life expectancy between different groups and areas in the city, and to focus on the opportunities an integrated care system brings to enhance healthcare quality and health outcomes for the residents of York.

Recommendations

5. The Executive is asked to:

- a) Note and comment on the developments, including the proposed structure and arrangements for the NHS and care within our region from next financial year

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

- b) Note and comment on the draft constitution of the proposed NHS Humber and North Yorkshire ICB and Humber and North Yorkshire ICP included at Annex A

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

Background

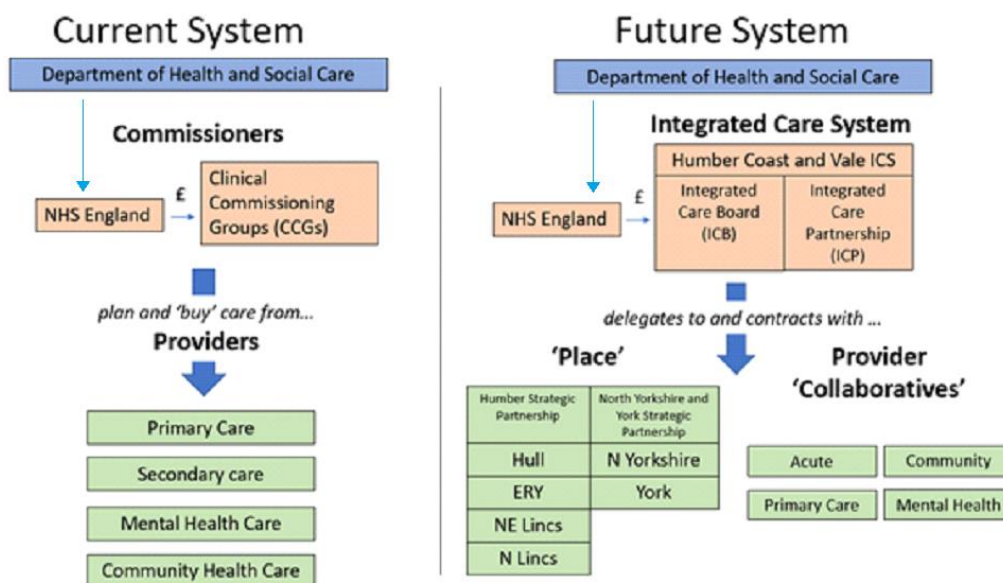
Update on current plans and governance of Integrated Care Systems

6. The NHS White Paper 'Integration and Innovation' was published in February 2021; this led to the Health and Care Bill, published in July 2021 which set out key legislative proposals for the NHS reforms. In summary, if the Bill is approved and subsequent legislation comes into force, this will lead to Integrated Care Systems ("**ICs**") being established on a statutory footing and taking on the statutory and allocative duties of Clinical Commissioning Groups ("**CCGs**"); from this point CCGs will cease to exist.
7. HCV has operated as a non-statutory partnership for several years now, and in 2020 was designated an ICS. Once it is formally established, the proposal is that it will be renamed, with the two arms of the ICS being known as 'NHS Humber and North Yorkshire Integrated Care Board' and 'Humber and North Yorkshire Health and Care Partnership'.
8. Plans for the Humber Coast and Vale ICS have been emerging over the last nine months, and in October the existing Humber, Coast and Vale Health and Care Partnership consulted on a draft constitution of the ICS.

9. This sets out the proposed arrangements for the commissioning and planning of health and social care in our region based on:

- Six places - East Riding of Yorkshire, Hull, North East Lincolnshire, North Lincolnshire, North Yorkshire and City of York;
- Four sector-based provider collaboratives - Mental Health, Learning Disabilities and Autism, Acute, Community Health & Care and Primary Care;
- a Humber, Coast and Vale wide Integrated Care Board - operating through 2 strategic partnerships of the Humber and North Yorkshire & York and a number of committees and forums
- a Humber, Coast and Vale-wide Integrated Care Partnership

10. An overview of the changes showing the current structures of the NHS locally and a simplified version of the new structures is shown below:



11. The ICB will be directly accountable for NHS spend and performance within the system. The proposed outline membership for the ICB for the HCV region is:

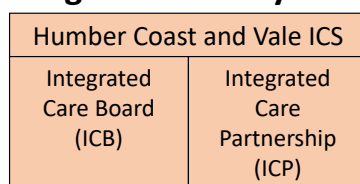
- Independent lay members (Chair and 2 non-executive directors)
- Place perspective (one local authority member)
- Provider perspective (one member each from acute trust, mental health trust and primary medical services (general practice))

- System executive, including the chief executive, chief operating officer, director of finance, director of nursing, director of clinical and professional services, both strategic partnership directors, the people director, the director of transformation,)
 - Subject matter experts (Voluntary Sector, Public health, communities representative)
12. The ICP is part of the ICS tasked with setting strategic direction and including a wide range of partners. The proposal is that HCV ICP base membership should be the six Health and Wellbeing Board chairs or other local government member, six place leaders, the ICB chair and chief executive, and other members of the ICS Executive in attendance as required.
13. HCV ICS has recently announced that it has appointed Sue Symington as its designate Chair, and therefore designate Chair of the anticipated ICB and ICP. In addition, it has recently announced that it has appointed Professor Stephen Eames as its designate Chief Executive, and therefore designate Chief Executive of the anticipated ICB and ICP. Final appointment to the role of Chair and Chief Executive of the ICB and ICP is dependent on the passage of the Health and Care Bill through Parliament, and any potential amendments made to the Bill and the subsequent legislation.

Place-based partnership: implications for York

14. A key part of the reforms aims to reflect that planning of health and care service best works at three geographic levels:
- Neighbourhood (population between 30,000 and 50,000 people)
 - Place (population between 200,000 and 500,000 people)
 - System (population between 1m and 2m people)
15. The national guidance and legislation makes clear that 'place' in the new structure should be coterminous with a local authority area, and that the development of place-based arrangements between local authorities, the NHS and providers of health and care will be left to local areas to arrange. Five governance options are available to use for ICSs as laid out in national guidance. HCV have indicated that two of these options are their preferred choice for 'place':

Integrated Care System



delegates to and contracts with ...

York 'Place'

2 governance options:

Committee of a Statutory Body

Helpful for making decisions of the ICB based on a range of views

A committee provided with delegated authority to make decisions about the use of NHS resources, including the agreement of contracts for relevant services. This committee could include members from outside the organisation. However, the decisions reached are the decisions of the ICB, in line with the organisation's scheme of delegation. The terms of references and scope are set by the ICB and agreed to by the committee members. A delegated budget can be set by the ICS NHS body to describe the level of NHS resources available to cover the remit of the committee.

Joint committee

Helpful for making joint decisions between relevant partners

A committee established between partner organisations, such as the ICB, local authorities, statutory NHS providers or NHS England and NHS Improvement. The committee may appoint representatives of non-statutory providers to participate in the committee or attend meetings to take part in discussions without being members, but only where the convening statutory bodies consider it appropriate. The relevant statutory bodies can agree to delegate defined decision-making functions to the joint committee in accordance with their respective schemes of delegation. A budget may be defined by the bodies delegating statutory functions to the joint committee, to provide visibility of the resources available to deliver the committee's remit.

16. On the face of it, the joint committee option would appear to give the council more control and decision making power for York place, together with creating greater implications for the Council in terms of accountability and finance around health and care. Given the legislation is not yet in force and the ICB has not yet been established, the detail of how these arrangements would work in practice is yet to be determined.

17. It is however clear that the future health and care governance at York 'place' will need to:

- Use existing mechanisms to embed collaboration, including joint commissioning and joint working (subject to the Council's decision making framework and legislative/statutory framework).
- Support the NHS to determine the most appropriate governance arrangements for the Integrated Care System by facilitating the emerging environment in York e.g. the Health and Care Alliance Board.
- Ensure a clear line of sight between the Council's health and wellbeing budget and joint arrangements, to ensure exit

arrangements are in place, with the Council remaining accountable for its own delegated spend and cost controls.

- Provide corporate assurance through officer-led engagement in the place based ICS partnership and member-led engagement in the York Health and Wellbeing Board (“**HWBB**”).
 - Broaden the functions and role of the HWBB to support the place-based ICS partnership, providing opportunity for members to scrutinise activities through the work of the Board.
18. The York Health and Care Alliance (“**the Alliance**”) was established in April 2021 as York’s response to these national health and care changes, and to start the work which will be needed if York is to have a place-based partnership able to take on significant responsibility.
 19. The Alliance was established as a sub-group of the HWBB through consultation with the Board and through Full Council in April 2021. Papers relating to the establishment of the Alliance board, including a description of its purpose and its terms of reference, can be found in Council Executive papers from their meeting on 18th March 2021.
 20. Regular papers and updates on the progress of the Alliance over this last year are taken through the HWBB, and its minutes are also published.
 21. It is anticipated that HCV are soon to announce the process for identifying managerial and clinical leadership at ‘place’ level, including the process for appointing a Place Director in each area.

Roles of Health and Wellbeing Boards in the future system

22. The new legislation includes several references to the role of HWBBs.
23. Before the start of each financial year, the ICB and its partner NHS trusts and NHS foundation trusts must prepare a plan setting out how they propose to exercise their functions in the next five years. The ICB board and its partner NHS trusts and NHS foundation trusts must, in particular:
 - give each relevant HWBB a draft of the plan or (as the case may be) the plan as revised, and
 - consult each relevant HWBB on whether the draft takes proper account of each local Joint Health and Wellbeing Strategy

published by it which relates to the period (or any part of the period) to which the plan relates

24. In addition, HWBBs are asked to give an opinion on ICB / Trust forward plans, joint capital resource use plans, annual reports (which must reflect local Joint Health and Wellbeing Strategies), and performance assessment of ICBs which is the responsibility of NHS England and NHS Improvement.
25. A relevant ICB must appoint a person to represent it on each local HWBB. Functions of a local authority under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 are to be exercised by the HWBB and the ICB jointly.
26. Given this, it is imperative that we develop a strong role for the York HWBB in the new system, both through the voice the Chair will have as a member of the HCV ICP, and as the body which sets the strategic direction for health and wellbeing which the York Alliance will work to.

Implications for the Council of these changes

27. An internal officer group has been working on implications for the council of the local and regional reforms. The items below have been the key areas of work so far:
 - The future of jointly held commissioning arrangements between the CCG and the Council under Section 75 arrangements (Better Care Fund, Long Acting reversible Contraception, Mental Health Accommodation)
 - The future of jointly held commissioning arrangements between the CCG and the Council not covered by Section 75 arrangements (Multi-Agency Safeguarding Hub, sharing of Special and Educational Needs advice and support service, joint funded packages of care, infection, prevention and control specialist support to adult social care providers)
 - Managing officer roles currently shared with the CCG, shared assets and liabilities between the Council and the CCG, including office space
 - Redrafting the Terms of Reference, membership and functions of the HWBB in relation to the ICB and the York Alliance.

28. In addition, as part of the Council's role to advocate for investment and the needs of the city, there has been active engagement in the process of planning the future of a large range of statutory and non-statutory functions, significant contracts and budgets, and a large number of staff related to the CCG, with the majority of these planned to transfer directly to the ICS on once it is formally established.
29. It is clear that over the next few years, the Council needs to role model what it means to be a good partner, provider and contributor across the system, recognising when to compromise or deliver through others to improve resident health outcomes, and bring good practice into the Council so we can benefit from emerging approaches.

Draft Constitution of the ICS

30. The draft Constitution of the ICS was published in November 2021 and is included at Annex A. It was discussed at the HWBB in their public meeting on the 17th November 2021.
31. The constitution has raised a number of key issues for partners in the City, including:
 - How 'Place' is adequately represented at both the ICP (where strategy and vision for the system will be decided) and the ICB (where the day-to-day running and financial allocation decisions for the NHS will be made);
 - What the implications are of the proposed creation of an intermediate 'tier' of governance, the 'North Yorkshire and York Strategic Partnership';
 - Whether place-based partnerships (in York, the Alliance) will be statutory sub-committees or joint committees of the ICB;
 - What the relationship between the HWBB and the ICP will be;
 - What the future of local authority Health Overview and Scrutiny functions will be, which are not covered in detail in the document.
32. We anticipate that some of these issues will be addressed by the forthcoming 'Scheme of Delegation', which will set out more details on which functions previously held by CCGs will be delegated to forums below the ICB, for instance place-based partnerships or provider collaboratives.

33. Conversations are being held with ICS partners including with the designate Chair and Chief Executive to discuss these matters further.

Consultation

34. This paper sets out an update on the progress of national and local reforms, and summarises a policy position taken by partners in York. Therefore most consultation has taken place within the Council, including with members, and officers from public health, social care, legal, governance, finance, and policy and strategy teams. In addition, consultation on the Council's position has been sought at the Alliance Board and with partners in public at the HWBB. Currently, a broad public and third sector consultation is taking place led by the Alliance as part of their Prospectus work, around the type of things which characterise good health and wellbeing in the city, under the banner 'York's Health and Care Big Question'. As the development of a York place-based partnership proceeds, it is anticipated that much more public involvement, consultation and indeed co-production where possible is incorporated into this work.

Council Plan

35. This report aligns with the Council's Plan 2019-23 (Making History, Building Communities), specifically the priority around 'Good Health and Wellbeing'.

Implications

Financial

36. As the largest spender of public money in the city, local NHS services constitute a huge financial resource for the city, along with risks and challenges. Whilst there are no direct financial implications to the council as a result of this report, the council's close involvement with these services, which are undergoing reform, as part of an integrated care system should be noted, and members assured that work is already underway to assess and manage the financial risks associated with any transition.

Human Resources (HR)

37. As the largest employer in the city, local NHS services are a major part of the city's workforce and economic landscape. Whilst there are no direct HR implications to the council as a result of this report, the

council's close involvement with these services, which are undergoing reform, as part of an integrated care system should be noted, and members assured that work is already underway to assess and manage the HR and workforce risks associated with any transition.

One Planet Council / Equalities

38. There are no direct One Planet Council / Equalities implications of this report. The aspiration to tackle health inequalities through partnership working and building an equitable health and care system in York is shared by all partners and within the ICS.

Legal

39. With less than three months to go before ICSs are due to come into effect on 1 April 2022, uncertainty remains regarding:
- a) The legislative timetable (the NHS reforms outlined in this report are dependent on the passage of the Health and Care Bill 2021 through Parliament and subsequent legislation coming into force); and
 - b) The proposed structure and governance arrangements for:
 - i) NHS Humber and North Yorkshire ICB;
 - ii) Humber Coast and Vale ICP; and
 - iii) York 'place'
39. Guidance from both the NHS and the Department of Health and Social Care have consistently referenced 1 April 2022 as the date ICSs will come into effect. However, no further updates have been provided in recent months and it remains to be seen whether the legislation will be passed early in 2022 or whether Parliament intend to delay.
40. A significant amount of work has been carried out at both a regional and local level to prepare for the new ICSs. However, until the legislation comes into force, all work and preparation completed to date remains subject to change. If significant amendments are introduced to the Health and Care Bill as it passes through Parliament and/or if there is a delay to the current timetable this may result in abortive work and/or further consideration regarding governance arrangements.

41. The NHS and Department of Health and Social Care guidance has confirmed that ICB constitutions are to be developed in consultation with ICS partners including local authorities. It is noted that the draft constitution has raised a number of key issues for partners in the City of York. Whilst conversations are ongoing and the Council await further clarification, there is no indication of what further recourse might be available in the event York partners feel these matters have not been sufficiently addressed.
42. The ICB constitution will require sign off from NHS England prior to finalisation. The Health and Care Bill states that NHS England must give effect to the proposed constitution unless it considers that the relevant groups have not carried out an appropriate consultation in which case NHS England can determine the final terms of the constitution.
43. There are two core elements of ICSs; one is the ICB (which will become an NHS statutory body on 1 April 2022 and be a separate corporate entity in its own right) and the other is ICPs (which will become the statutory committee of the ICS). ICBs and local authorities will be the statutory members of the ICP and form an equal partnership.
44. In relation to the place-based arrangements, the governance implications for the Council will depend on whether the joint committee or sub-committee option is chosen. Whilst the national guidance has confirmed that the development of place-based arrangements will be left to local areas to arrange, it is currently unclear as to how and when a final decision will be reached.
45. It is important that the Council continue to work closely with the CCG in relation to the joint commissioning arrangements. Further information and assurances from the CCG should be obtained regarding the ongoing due diligence process. If the Health and Care Bill is approved and subsequent legislation comes into force all statutory functions of the CCG, including commissioning responsibilities and contractual liabilities, will transfer to the ICB (from 1 April 2022 or such later date as may be determined if the legislation is delayed) and CCG's will be abolished. From this point onwards, the Council will continue the joint commissioning arrangements with the ICB in place of the CCG.
46. Whilst the existing Section 75 agreements will automatically novate to the ICB by operation of law, it is vital that Council and CCG staff work together prior to the transition to fully understand and document any

unwritten arrangements to ensure no knowledge is lost and to allow continuity of commissioning and service delivery.

47. In preparation for the establishment of the ICS, the Council is continuing to work in collaboration with a number of parties including the CCG, NHS partners and local providers of health and care. Whilst this remains a key component of the new ICS ethos, the interdependencies complicate both the risk profile and the decision making process. There is a significant amount of detail still to be worked through prior to the 1st April 2022 deadline for the abolition of the CCG's and the statutory implementation of the ICSs. This should be kept under review in the coming weeks to ensure the Council is kept fully informed and is able to progress those elements within its control as expeditiously as possible.

Crime and Disorder

48. There are no direct crime and disorder implications of this report

Information Technology (IT)

49. There are no direct IT implications of this report

Property

50. There are no direct property implications of this report

Risk Management

51. There are no direct risks arising from this report. The risks around the legislative and system changes for the ICS are substantial and subject to significant due diligence processes. The risks arising to CYC of these reforms are substantial and the work of the project group referenced at section 28 has included the generation of a risk register.

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Report
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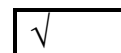
31/12/2021

Specialist Implications Officer(s)

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

All



For further information please contact the author of the report

Background Papers:

Health and Care Bill 2021
<https://bills.parliament.uk/bills/3022>

Executive report 18 March 2021 “Plans for the Future of the Health and Care System in York”
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=12509&Ver=4>

Annexes

Humber, Coast and Vale Integrated Care Board Draft Constitution v1.6 Nov 21

List of Abbreviations Used in this Report

ICS	Integrated Care System
ICSs	Integrated Care Systems
CCG	Clinical Commissioning Group
HCV	Humber, Coast and Vale
HWBB	Health and Wellbeing Board
ICB	Integrated Care Board
ICP	Integrated Care Partnership
York Health and Care Alliance	Alliance

Draft subject to the passage of the Health and Care Bill through Parliament

Humber, Coast and Vale

Integrated Care Board

Draft Constitution v1.6 Nov 21

(Based on NHSE Model Constitution Template)

Notes

The draft constitution has been completed with reference to the NHS England supporting notes and superscript numbers in red within the document indicate the relevant supporting note which should be referred to.

Text in black indicates a legal or policy requirement and should be retained unless agreed otherwise with NHS England

Text in green / blue indicates an optional clause which has been subject to local completion. NHSE's supporting notes explain more about what is required and may also provide suitable examples for content.

Text highlighted in yellow indicates where guidance is awaited which will mean additional information or update will be added or the information require updating such as the hyperlinks to the website.

Commented [NM(HC1): Final confirmation required on naming convention – to be consistently applied in document.

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[Insert ICB logo]

**Humber, Coast and Vale
Integrated Care Board**

CONSTITUTION

Draft subject to the passage of the Health and Care Bill through Parliament

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1. Introduction¹

- 1.1 The Humber, Coast and Vale Health and Care Partnership comprises the NHS, top tier local authorities and other health and care providers, including the voluntary, community and social enterprise sectors. It covers a geographical area of more than 1500 square miles taking in cities, market towns and remote rural and coastal communities.
- 1.2 The Partnership operates as an Integrated Care System (ICS) and collaborates to achieve the triple aim of:
- better health and wellbeing for everyone,
 - better care for all people, and
 - the sustainable use of resources.
- 1.3 The vision of the Partnership is to improve the health and wellbeing of our people and address inequalities in our communities, with the aim of ensuring that local people are able to start well, live well, age well and end life well.
- 1.4 The Partnership has also agreed a core set of shared leadership principles that underpins all of its work. These can be found here ([hyperlink to relevant section of ICS website be provided here](#)):
- 1.5 As a Partnership, Humber, Coast and Vale has endorsed and agreed operating arrangements based on:
- Six Places, namely:
 - o East Riding of Yorkshire
 - o The City of Kingston upon Hull
 - o North East Lincolnshire
 - o North Lincolnshire
 - o North Yorkshire, and
 - o The City of York.
 - Four sector-based provider collaboratives:
 - o Mental Health, Learning Disabilities and Autism
 - o Acute
 - o Community Health & Care, and
 - o Primary Care.

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- A Humber, Coast and Vale Integrated Care Board, operating with the support of two strategic partnerships – one for the Humber and one for North Yorkshire & York, and
- A Humber, Coast and Vale Integrated Care Partnership – operating as a joint partnership between the Humber, Coast and Vale Integrated Care Board and wider system partners, adopting a collective and symbiotic approach to decision-making and facilitating mutual accountability across the ICS.

1.6 The Humber, Coast and Vale Integrated Care Board is a statutory NHS body with those functions and duties conferred to it as set out within the Health and Care Act 2021.

1.7 Name

1.7.1 The name of this Integrated Care Board is Humber, Coast and Vale² (“the ICB”).

1.8 Area Covered by the Integrated Care Board

1.8.1 The area covered by the ICB³ is the collective area served by:

- East Riding of Yorkshire Council.
- Hull City Council.
- North East Lincolnshire Council.
- North Lincolnshire Council.
- North Yorkshire County Council (except Craven), and
- City of York Council.⁴

1.9 Statutory Framework

1.9.1 The ICB is established by order made by NHS England under powers in the 2006 Act.

1.9.2 The ICB is a statutory body with the general function of arranging for the provision of services for the purposes of the health service in England and is an NHS body for the purposes of the 2006 Act.

1.9.3 The main powers and duties of the ICB to commission certain health services are set out in sections 3 and 3A of the 2006 Act. These provisions are supplemented by other statutory powers and duties that apply to ICBs, as well as by regulations and directions (including, but not limited to, those made under the 2006 Act).⁵

1.9.4 In accordance with section 14Z25(5) of, and paragraph 1 of Schedule 1B to, the 2006 Act the ICB must have a constitution, which must comply with the requirements set out in that Schedule. The ICB is required to publish its

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constitution (section 14Z29). This constitution is published at [\(hyperlink to relevant section of ICS website be provided here\)](#)

1.9.5 The ICB must act in a way that is consistent with its statutory functions, both powers and duties. Many of these statutory functions are set out in the 2006 Act but there are also other specific pieces of legislation that apply to ICBs. Examples include, but are not limited to, the Equality Act 2010 and the Children Acts. Some of the statutory functions that apply to ICBs take the form of general statutory duties, which the ICB must comply with when exercising its functions. These duties include but are not limited to:

- a) Having regard to and acting in a way that promotes the NHS Constitution (section 2 of the Health Act 1989 and section 14Z32 of the 2006 Act);
- b) Exercising its functions effectively, efficiently and economically (section 14Z33 of the 2006 Act);
- c) Duties in relation children including safeguarding, promoting welfare etc (including the Children Acts 1989 and 2004, and the Children and Families Act 2014)
- d) Adult safeguarding and carers (the Care Act 2014)
- e) Equality, including the public-sector equality duty (under the Equality Act 2010) and the duty as to health inequalities (section 14Z35); and
- f) Information law, (for instance, data protection laws, such as the EU General Data Protection Regulation 2016/679 and Data Protection Act 2018, and the Freedom of Information Act 2000).
- g) Provisions of the Civil Contingencies Act 2004

1.9.6 The ICB is subject to an annual assessment of its performance by NHS England which is also required to publish a report containing a summary of the results of its assessment.

1.9.7 The performance assessment will assess how well the ICB has discharged its functions during that year and will, in particular, include an assessment of how well it has discharged its duties under—

- h) section 14Z34 (improvement in quality of services),
- i) section 14Z35 (reducing inequalities),
- j) section 14Z38 (obtaining appropriate advice),
- k) section 14Z43 (duty to have regard to effect of decisions)
- l) section 14Z44 (public involvement and consultation),
- m) sections 223GB to 223N (financial duties), and
- n) section 116B(1) of the Local Government and Public Involvement in Health Act 2007 (duty to have regard to assessments and strategies).

1.9.8 NHS England has powers to obtain information from the ICB (section 14Z58 of the 2006 Act) and to intervene where it is satisfied that the ICB is failing,

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or has failed, to discharge any of its functions or that there is a significant risk that it will fail to do so (section 14Z59).

1.10 Status of this Constitution

1.10.1 The ICB was established on 01 April 2022 by [*name and reference of establishment order to be inserted, when issued*], which made provision for its constitution by reference to this document.

1.10.2 Changes to this constitution will not be implemented until, and are only effective from, the date of approval by NHS England.

1.11 Variation of this Constitution

1.11.1 In accordance with paragraph 14 of Schedule 1B to the 2006 Act this constitution may be varied in accordance with the procedure set out in this paragraph. The constitution can only be varied in two circumstances:

- a) where the ICB applies to NHS England in accordance with NHS England's published procedure⁶ and that application is approved; and
- b) where NHS England varies the constitution of its own initiative, (other than on application by the ICB).

1.11.2 The procedure for proposal and agreement of variations to the constitution is as follows:⁷

- a) Applications to NHS England for amendment to this constitution will be approved by the ICB.
- b) The ICB will engage with the Humber, Coast and Vale ICP on any proposed amendments to its constitution and will have due regard to its comments or recommendations prior to submission to NHS England.

1.11.3 The Chief Executive may periodically propose amendments to the constitution which shall be considered and approved by the ICB, as appropriate. That notwithstanding, the constitution shall be reviewed not less than annually.

- a) Proposed amendments to this constitution will not be implemented until an application to NHS England for variation has been approved.

1.12 Related Documents

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1.12.1 This Constitution is also supported by a number of documents which provide further details on how governance arrangements in the ICB will operate.

1.12.2 The following are appended to the constitution and form part of it for the purpose of clause 1.6 and the ICB's legal duty to have a constitution:

- a) **Standing orders**– which set out the arrangements and procedures to be used for meetings and the selection and appointment processes for the ICB committees.

1.12.3 The following do not form part of the constitution but are required to be published.

- a) **The Scheme of Reservation and Delegation (SoRD)**⁸– sets out those decisions that are reserved to the Board of the ICB and those decisions that have been delegated in accordance with the powers of the ICB and which must be agreed in accordance with and be consistent with the constitution. The SoRD identifies where / who functions and decisions have been delegated to.
- b) **Functions and Decision map**⁹- a high level structural chart that sets out which key decisions are delegated and taken by which part or parts of the system. The Functions and Decision map also includes decision making responsibilities that are delegated to the ICB (for example, from NHS England).
- c) **Standing Financial Instructions** – which set out the arrangements for managing the ICB's financial affairs.
- d) **The ICS Governance Handbook**¹⁰– which includes:
- Terms of reference for all committees and sub-committees of the Board that exercise ICB functions¹¹.
 - Delegation arrangements¹² for all instances where ICB functions are delegated, in accordance with section 65Z5 of the 2006 Act, to another ICB, NHS England, an NHS trust, NHS foundation trust, local authority, combined authority or any other prescribed body; or to a joint committee of the ICB and one or those organisations in accordance with section 65Z6 of the 2006 Act.
 - Terms of reference of any joint committee of the ICB and another ICB, NHS England, an NHS trust, NHS foundation trust, local authority, combined authority or any other prescribed body; or to a joint committee of the ICB and one or those organisations in accordance with section 65Z6 of the 2006 Act.
 - [The Scheme of Reservation and Delegation](#)
 - [A Functions and Decisions Map](#)
 - [The Operational Scheme of Delegation](#)

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- Other Governance Structures
 - Other Relevant policies and procedures
- e) **Key policy documents¹³** - including:
- Standards of Business Conduct Policy
 - Conflicts of interest policy and procedures
 - Policy for public involvement and engagement

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2 Composition of The Board of the ICB

2.1.1 This part of the constitution describes the membership of the Integrated Care Board. Further information about the criteria for the roles and how they are appointed is in [section xxx3](#).

2.1.2 Further information about the individuals who fulfil these roles can be found on our website at [\(hyperlink to relevant section of ICS website be provided here\)](#)¹⁴

2.1.3 In accordance with paragraph 3 of Schedule 1B to the 2006 Act, the membership of the ICB (referred to in this constitution as “the Board” and members of the ICB are referred to as “Board Members”) consists of:

- a) a Chair
- b) a Chief Executive
- c) at least three Ordinary members.

2.1.4 The Ordinary¹⁵ Members include at least three members who will bring knowledge and a perspective from their sectors. These members (known as Partner Members) are identified and appointed in accordance with the procedures set out in Section 3 below:

- NHS trusts and foundation trusts who provide services within the ICB’s area and are of a prescribed description
- the primary medical services (general practice) providers within the area of the ICB and are of a prescribed description
- the local authorities whose area coincides with or includes the whole or any part of the ICB’s area.

While the Partner Members will bring knowledge and experience from their sector and will contribute the perspective of their sector to the decisions of the board, they are not to act as delegates of those sectors.

2.1.5 The ICB has [three](#)¹⁶ Partner Members.

2.1.6 As per NHS England Policy¹⁷, the ICB has appointed the following additional Ordinary Members:

- a) three executive members, namely:
 - Director of Finance and Investment
 - Director of Clinical and Professional Services including the responsibilities of the Medical Director
 - Director of Nursing and Quality
- b) [Two](#)¹⁸ independent non-executive members; one who will act as the chair of the audit committee and lead on (other portfolio aspects to be included here) and one who will act as remuneration

Commented [NM(HC2)]: Eligibility of CiCs to be confirmed

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committee chair (other summary portfolio responsibilities included here).

2.1.7 The ICB has also appointed the following further Ordinary Members: to the Board¹⁹

- a) To be confirmed.

2.2 Regular Participants and Observers at Board Meetings²⁰

2.2.1 The Board may invite specified individuals to be Participants or Observers at its meetings in order to inform its decision-making and the discharge of its functions as it sees fit.

2.2.2 Participants²¹ will receive advanced copies of the notice, agenda and papers for Board meetings. They may be invited to attend any or all of the Board meetings, or part(s) of a meeting by the Chair. Any such person may be invited, at the discretion of the Chair, to ask questions and address the meeting but may not vote and will not count towards the quorum.²²

- a) Strategic Partnership Lead (Humber)
- b) Strategic Partnership Lead (North Yorkshire and York)
- c) Director of People
- d) Director of Transformation
- e) The vice-chair of the Integrated Care Partnership
- f) A participant with appropriate knowledge and experience of Public Health
- g) A participant with appropriate knowledge and experience of the Voluntary, Community and Social Enterprise (VCSE) sector.
- h) A participant with appropriate knowledge and experience of the Community Interest Company (CIC) sector.
- i) A communities' participant with knowledge and experience of the communities served by Humber, Coast and Vale
- j) The ICB Director / senior officer with lead responsibility for governance (who shall act as the Board Secretary)
- k) The ICB Director / senior officer with lead responsibility for communication

2.2.3 Observers²³ will receive advanced copies of the notice, agenda and papers for Board meetings. They may be invited to attend any or all of the Board meetings, or part(s) of a meeting by the Chair. Any such person may not address the meeting and may not vote.

Commented [NM(HC3): TBC – dependant upon whether CiCs are eligible for consideration for the Trust / FT

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3 Appointments Process for the Board

3.1 Eligibility Criteria for Board Membership:

3.1.1 Each member of the ICB must:

- a) Comply with the criteria of the “fit and proper person test”²⁴
- b) Be willing to uphold the Seven Principles of Public Life (known as the Nolan Principles)
- c) Fulfil the requirements relating to relevant experience, knowledge, skills and attributes set out in a role specification.

3.2 Disqualification Criteria for Board Membership²⁵

3.2.1 A Member of Parliament, or member of the London Assembly.

3.2.2 A member of a local authority in England and Wales or of an equivalent body in Scotland or Northern Ireland.

3.2.3 A person who, within the period of five years immediately preceding the date of the proposed appointment, has been convicted—

- a) in the United Kingdom of any offence, or
- b) outside the United Kingdom of an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence in that part, and, in either case, the final outcome of the proceedings was a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

3.2.4 A person who is subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, sections 56A to 56K of the Bankruptcy (Scotland) Act 1985 or Schedule 2A to the Insolvency (Northern Ireland) Order 1989 (which relate to bankruptcy restrictions orders and undertakings).

3.2.5 A person who, has been dismissed within the period of five years immediately preceding the date of the proposed appointment, otherwise than because of redundancy, from paid employment by any Health Service Body.

3.2.6 A person whose term of appointment as the chair, a member, a director or a governor of a health service body, has been terminated on the grounds:

- a) that it was not in the interests of, or conducive to the good management of, the health service body or of the health service that the person should continue to hold that office
- b) that the person failed, without reasonable cause, to attend any meeting of that health service body for three successive meetings,

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- c) that the person failed to declare a pecuniary interest or withdraw from consideration of any matter in respect of which that person had a pecuniary interest, or
- d) of misbehaviour, misconduct or failure to carry out the person's duties;

3.2.7 A health care professional (within the meaning of section 14N of the 2006 Act) or other professional person who has at any time been subject to an investigation or proceedings, by any body which regulates or licenses the profession concerned ("the regulatory body"), in connection with the person's fitness to practise or any alleged fraud, the final outcome of which was—

- a) the person's suspension from a register held by the regulatory body, where that suspension has not been terminated
- b) the person's erasure from such a register, where the person has not been restored to the register
- c) a decision by the regulatory body which had the effect of preventing the person from practising the profession in question, where that decision has not been superseded, or
- d) a decision by the regulatory body which had the effect of imposing conditions on the person's practice of the profession in question, where those conditions have not been lifted.

3.2.8 A person who is subject to—

- a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002, or
- b) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of administration order against an individual).

3.2.9 A person who has at any time been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners for England and Wales, the Charity Commission, the Charity Commission for Northern Ireland or the High Court, on the grounds of misconduct or mismanagement in the administration of the charity for which the person was responsible, to which the person was privy, or which the person by their conduct contributed to or facilitated.

3.2.10 A person who has at any time been removed, or is suspended, from the management or control of any body under:—

- a) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(f) (powers of the Court of Session to deal with the management of charities), or
- b) section 34(5) or of the Charities and Trustee Investment (Scotland) Act 2005 (powers of the Court of Session to deal with the management of charities).

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3.3 Chair²⁶

- 3.3.1 The ICB Chair²⁷ is to be appointed by NHS England, with the approval of the Secretary of State.
- 3.3.2 In addition to criteria specified at 3.1, this member must fulfil the following additional eligibility criteria
- a) The Chair will be independent.
- 3.3.3 In addition to criteria specified in 3.2, individuals will not be eligible if:
- a) They hold a role in another health and care organisation within the ICB area.
 - b) Any of the disqualification criteria set out in 3.2 apply
- 3.3.4 The term of office for the Chair will be **three years** and the total number of terms a Chair may serve is **3 terms**²⁸.

3.4 Chief Executive

- 3.4.1 The Chief Executive will be appointed by the Chair of the ICB in accordance with any guidance issued by NHS England.²⁹
- 3.4.2 The appointment will be subject to approval of NHS England in accordance with any procedure published by NHS England³⁰
- 3.4.3 The Chief executive must fulfil the following additional eligibility criteria
- a) Be an employee of the ICB or a person seconded to the ICB who is employed in the civil service of the State or by a body referred to in paragraph 18(4)(b) of Schedule 1B to the 2006 Act³¹
- 3.4.4 Individuals will not be eligible if
- a) Any of the disqualification criteria set out in 3.2 apply
 - b) Subject to clause 3.4.3(a), they hold any other employment or executive role

3.5 Partner Member - NHS Trusts and Foundation Trusts³²

- 3.5.1 This Partner Member **description to be inserted in accordance with the regulations**³³:
- a) East Midlands Ambulance Service NHS Trust
 - b) Harrogate and District NHS Foundation Trust
 - c) Hull University Teaching Hospitals NHS Trust
 - d) Humber Teaching NHS Foundation Trust

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- e) Northern Lincolnshire and Goole NHS Foundation Trust
- f) Rotherham, Doncaster and South Humber NHS Foundation Trust
- g) South Tees Hospitals NHS Foundation Trust
- h) Tees, Esk and Wear Valleys NHS Foundation Trust
- i) York and Scarborough Teaching Hospitals NHS Foundation Trust
- j) Yorkshire Ambulance Service NHS Trust
- k) Any other NHS trust or NHS foundation trust who receives more than 10% of their income from Humber, Coast and Vale.

(Subject to confirmation of eligibility by NHSE in this section)

- l) Care Plus Group
- m) City Healthcare Partnership CIC
- n) Navigo
- o) Any other community interest company who receives more than 10% of their income from Humber, Coast and Vale.

- 3.5.2 This member must fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria
- a) Be an Executive Director of one of the NHS Trusts or FTs (or CiC, subject to confirmation from NHSE) within the ICB's area³⁴
- 3.5.3 Individuals will not be eligible if
- a) Any of the disqualification criteria set out in 3.2 apply
- 3.5.4 This member will be appointed by³⁵ the ICB board subject to the approval of the Chair
- 3.5.5 The appointment process will be as follows³⁶:
- a) Nomination of candidates who meet the eligibility criteria by any NHS trust or foundation trust within the ICB area, followed by a selection process led by the ICB Chair and Chief Executive.
- 3.5.6 The term of office³⁷ for this Partner Member will be three years and the total number of terms they may serve is not limited.

3.6 Partner Member - Providers of Primary Medical Services.

3.6.1 This Partner Member is *description to be inserted in accordance with the regulations*.

- 3.6.2 This member must fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria
- a) Specify any other criteria set out by NHS England's guidance³⁸
- 3.6.3 Individuals will not be eligible if:
- a) Any of the disqualification criteria set out in 3.2 apply

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- b) Add any criteria set out in NHS E guidance

3.6.4 This member will be appointed by³⁹ the ICB board subject to the approval of the Chair

3.6.5 The appointment process will be as follows⁴⁰:

- a) Nomination of candidates who meet the eligibility criteria by any provider of primary medical services within the ICB area, followed by a selection process led by the ICB Chair and Chief Executive.

3.6.6 The term of office⁴¹ for this Partner Member will be three years and the total number of terms they may serve is not limited.

3.7 Partner Member - local authorities

3.7.1 This Partner Member *description to be inserted in accordance with the regulations* from the local authorities whose areas coincide with, or include the whole or any part of, the ICB's area. Those local authorities are:

- a) East Riding of Yorkshire Council.
- b) Hull City Council.
- c) North East Lincolnshire Council.
- d) North Lincolnshire Council.
- e) North Yorkshire County Council, and
- f) City of York Council

3.7.2 This member will fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria

- a) Be the Chief Executive or relevant Executive level role of one of the bodies listed at 3.7.1
- b) Any other criteria set out by NHS England's guidance

3.7.3 Individuals will not be eligible if

- a) Any of the disqualification criteria set out in 3.2 apply
- b) ~~Any further criteria set out in NHS E guidance~~

3.7.4 This member will be appointed by⁴² the ICB board subject to the approval of the Chair

3.7.5 The appointment process will be as follows⁴³:

- a) Nomination of candidates who meet the eligibility criteria by any local authority within the ICB area, followed by a selection process led by the ICB Chair and Chief Executive.

3.7.6 The term of office⁴⁴ for this Partner Member will be three years and the total number of terms they may service is not limited.

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3.8 Clinical and Professional Services Director (Medical Director)⁴⁵

- 3.8.1 This member will fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria
- a) Be an employee of the ICB⁴⁶ or a person seconded to the ICB who is employed in the civil service of the State or by a body referred to in paragraph 18(4)(b) of Schedule 1B to the 2006 Act
 - b) Be a registered Medical Practitioner
 - c) Specify any other criteria set out by NHS England's guidance
- 3.8.2 Individuals will not be eligible if:
- a) Any of the disqualification criteria set out in 3.2 apply
 - b) Any further criteria set out in NHS E guidance
- 3.8.3 This member will be appointed by⁴⁷ ICB Chief Executive subject to the approval of the Chair.

3.9 Director of Nursing and Quality⁴⁸

- 3.9.1 This member will fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria
- a) Be an employee⁴⁹ of the ICB or a person seconded to the ICB who is employed in the civil service of the State or by a body referred to in paragraph 18(4)(b) of Schedule 1B to the 2006 Act
 - b) Be a registered Nurse or Midwife
 - c) Specify any other criteria set out by NHS England's guidance
- 3.9.2 Individuals will not be eligible if:
- a) Any of the disqualification criteria set out in 3.2 apply
 - b) Any further criteria set out in NHS E guidance
- 3.9.3 This member will be appointed by⁵⁰ the ICB Chief Executive subject to the approval of the Chair.

3.10 Director of Finance and Investment⁵¹

- 3.10.1 This member will fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria
- a) Be an employee of the ICB⁵² or a person seconded to the ICB who is employed in the civil service of the State or by a body referred to in paragraph 18(4)(b) of Schedule 1B to the 2006 Act
 - b) Hold a current registration with a relevant professional body as set out in their role profile
 - c) Specify any other criteria set out by NHS England's guidance
- 3.10.2 Individuals will not be eligible if:
- a) Any of the disqualification criteria set out in 3.2 apply

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- b) Any further criteria set out in NHS E guidance

3.10.3 This member will be appointed by⁵³ the ICB Chief Executive subject to the approval of the Chair

3.11 [Two⁵⁴] Independent Non-Executive Members⁵⁵

3.11.1 The ICB will appoint two independent Non-Executive Members

3.11.2 These members will be appointed by⁵⁶ the ICB Board subject to the approval of the Chair.

3.11.3 These members will fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria

- a) Not be employee of the ICB or a person seconded to the ICB
- b) Not hold a role in another health and care organisation in the ICS area
- c) One shall have specific knowledge, skills and experience that makes them suitable for appointment to the Chair of the Audit Committee
- d) Another should have specific knowledge, skills and experience that makes them suitable for appointment to the Chair of the Remuneration Committee
- e) Any other criteria set out by NHS England's guidance⁵⁷

3.11.4 Individuals will not be eligible if

- a) Any of the disqualification criteria set out in 3.2 apply
- b) They hold a role in another health and care organisation within the ICB area
- c) Any further criteria set out in NHS E guidance

3.11.5 The term of office for an independent non-executive member will be three years and the total number of terms an individual may serve is three⁵⁸ terms after which they will no longer be eligible for re-appointment.

3.11.6 Subject to⁶⁰ a satisfactory appraisal by the Chair and no objections having been received from the ICB, the Chair may approve the re-appointment of an independent non-executive member up to the maximum number of terms permitted for their role. The member shall also be subject to the completion of a satisfactory annual review, in the event that they serve a third term of office.

3.12 Other Board Members⁶¹

3.13 Director of People

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3.13.1 This member will fulfil the eligibility criteria set out at 3.1 and also the following additional eligibility criteria

- a) Be an employee of the ICB⁵² or a person seconded to the ICB who is employed in the civil service of the State or by a body referred to in paragraph 18(4)(b) of Schedule 1B to the 2006 Act
- b) Hold a current registration with a relevant professional body specified in the role profile

3.13.2 Individuals will not be eligible if:

- a) Any of the disqualification criteria set out in 3.2 apply
- b) Any further criteria set out in NHS E guidance

3.13.3 This member will be appointed by⁵³ the ICB Chief Executive subject to the approval of the Chair

3.14 Board Members: Removal from Office.

3.14.1 Arrangements for the removal from office of Board members is subject to the term of appointment, and application of the relevant ICB policies and procedures.

3.14.2 With the exception of the Chair, Board members shall be removed from office if any of the following occurs:

3.14.3 :

- a) If they no longer fulfil the requirements of their role or become ineligible for their role as set out in this constitution, regulations or guidance
- b) If they fail to attend a minimum of 75% of meetings to which they are invited unless agreed with the Chair in extenuating circumstances.
- c) If they are deemed to not meet the expected standards of performance at their annual appraisal
- d) If they have behaved in a manner or exhibited conduct which has or is likely to be detrimental to the honour and interest of the ICB and is likely to bring the ICB into disrepute. This includes but it is not limited to dishonesty; misrepresentation (either knowingly or fraudulently); defamation of any member of the ICBS (being slander or libel); abuse of position; non-declaration of a known conflict of interest; seeking to manipulate a decision of the ICB in a manner that would ultimately be in favour of that member whether financially or otherwise
- e) Are deemed to have failed to uphold the Nolan Principles of Public Life, or
- f) Are subject to disciplinary proceedings by a regulator or professional body⁶²

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3.14.4 Members may be suspended pending the outcome of an investigation into whether any of the matters in 3.14.3 apply.

3.14.5 Executive Directors (including the Chief Executive) will cease to be Board members if their employment in their specified role ceases, regardless of the reason for termination of the employment.

3.14.6 The Chair of the ICB may be removed by NHS England, subject to the approval of the Secretary of State.

3.14.7 If NHS England is satisfied that the ICB is failing or has failed to discharge any of its functions or that there is a significant risk that the ICB will fail to do so, it may:

3.13.7.1 terminate the appointment of the ICB's Chief Executive; and

3.13.7.2 direct the Chair of the ICB as to which individual to appoint as a replacement and on what terms.

3.15 Terms of Appointment of Board Members

3.15.1 With the exception of the Chair, Non-executive members and Chief Executive, arrangements for remuneration⁶³ and any allowances will be agreed by the Remuneration Committee in line with the ICB remuneration policy and any other relevant policies published at [\(hyperlink to relevant section of ICS website be provided here\)](#) and any guidance issued by NHS England or other relevant body. Remuneration for Chairs, Non Executives and chief executives will be set by NHS England.

3.15.2 Other terms of appointment will be determined by the [ICB board](#).

3.15.3 Terms of appointment of the Chair will be determined by NHS England.

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4 Arrangements for the Exercise of our Functions.

4.1 Good Governance

- 4.1.1 The ICB will, at all times, observe generally accepted principles of good governance. This includes the Nolan Principles of Public Life and any governance guidance issued by NHS England.
- 4.1.2 The ICB has agreed a code of conduct and behaviours⁶⁴ which sets out the expected behaviours that members of the board and its committees will uphold whilst undertaking ICB business. It also includes a set of principles that will guide decision making in the ICB. The ICB Standards of Business Conduct Policy is contained within the Governance Handbook.

4.2 General

- 4.2.1 The ICB will:
- a) comply with all relevant laws including but not limited to the 2006 Act and the duties prescribed within it and any relevant regulations;
 - b) comply with directions issued by the Secretary of State for Health and Social Care
 - c) comply with directions issued by NHS England;
 - d) have regard to statutory guidance including that issued by NHS England; and
 - e) take account, as appropriate, of other documents, advice and guidance issued by relevant authorities, including that issued by NHS England.
 - f) respond to reports and recommendations made by local Healthwatch organisations within the ICB area
- 4.2.2 The ICB will develop and implement the necessary systems and processes to comply with (a)-(e) above, documenting them as necessary in this constitution, its governance handbook and other relevant policies and procedures as appropriate.

4.3 Authority to Act

- 4.3.1 The ICB is accountable for exercising its statutory functions and may grant authority to act on its behalf to:
- a) any of its members or employees
 - b) a committee or sub-committee of the ICB
- 4.3.2 Under section 65Z5 of the 2006 Act, the ICB may arrange with another ICB, an NHS trust, NHS foundation trust, NHS England, a local authority, combined authority or any other body prescribed in Regulations, for the ICB's functions to be exercised by or jointly with that other body or for the functions of that other body to be exercised by or jointly with the ICB. Where

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the ICB and other body enters such arrangements, they may also arrange for the functions in question to be exercised by a joint committee of theirs and/or for the establishment of a pooled fund to fund those functions (section 65Z6). In addition, under section 75 of the 2006 Act, the ICB may enter partnership arrangements with a local authority under which the local authority exercises specified ICB functions or the ICB exercises specified local authority functions, or the ICB and local authority establish a pooled fund.

4.3.3 Where arrangements are made under section 65Z5 or section 75 of the 2006 Act the board must authorise the arrangement, which must be described as appropriate in the SoRD.

4.4 Scheme of Reservation and Delegation

4.4.1 The ICB has agreed a scheme of reservation and delegation (SoRD) which is published in full at [\(hyperlink to relevant section of ICS website be provided here\)](#)

4.4.2 Only the Board may agree the SoRD and amendments to the SoRD may only be approved by the Board

4.4.3 The SoRD sets out:

- a) those functions that are reserved to the board;
- b) those functions that have been delegated to an individual or to committees and sub committees;
- c) those functions delegated to another body or to be exercised jointly with another body, under section 65Z5 and 65Z6 of the 2006 Act

4.4.4 The ICB remains accountable for all of its functions, including those that it has delegated. All those with delegated authority are accountable to the Board for the exercise of their delegated functions.

4.5 Functions and Decision Map

4.5.1 The ICB has prepared a Functions and Decision Map which sets out at a high level its key functions and how it exercises them in accordance with the SoRD.

4.5.2 The Functions and Decision Map is published at [\(hyperlink to relevant section of ICS website be provided here\)](#)

4.5.3 The map includes:

- a) Key functions reserved to the Board of the ICB
- b) Commissioning functions delegated to committees and individuals.

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- c) Commissioning functions delegated under section 65Z5 and 65Z6 of the 2006 Act to be exercised by, or with, another ICB, an NHS trust, NHS foundation trust, local authority, combined authority or any other prescribed body;
- d) functions delegated to the ICB (for example, from NHS England).

4.6 Committees and Sub-Committees⁶⁵

4.6.1 The ICB may appoint committees and arrange for its functions to be exercised by such committees. Each committee may appoint sub-committees and arrange for the functions exercisable by the committee to be exercised by those sub-committees.

4.6.2 All committees and sub-committees are listed in the SoRD.

4.6.3 Each committee and sub-committee established by the ICB operates under terms of reference and membership **agreed by the Board⁶⁶**. All terms of reference are published in **the Governance Handbook**.

4.6.4 The Board remains accountable for all functions, including those that it has delegated to committees and subcommittees and therefore, appropriate reporting and assurance arrangements are in place and documented in terms of reference. All committees and sub committees that fulfil delegated functions of the ICB, will be required to: ⁶⁷

- a) **Submit the confirmed minutes of each of its meetings, for information, to the ICB board.**
- b) **Provide a committee chairs' update report to the ICB board, summarising the decisions taken by the committee and the assurances that can be provided to the ICB board on its activities.**
- c) **An annual report to the ICB on the work of the committee_which will form part of the Annual Governance Statement, and**
- d) **Not less than annually undertake an annual assessment of the effectiveness of the committee, review the committee's terms of reference and submit a report and recommended changes for consideration by the ICB board.**

4.6.5 Any committee or sub-committee established in accordance with clause 4.6 may consist of, or include, persons who are not ICB Members or employees.

4.6.6 All members of committees and sub-committees are required to act in accordance with this constitution, including the standing orders as well at the SFIs and any other relevant ICB policy.

4.6.7 The following committees will be maintained:

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- a) **Audit Committee⁶⁸**: This committee is accountable to the Board and provides an independent and objective view of the ICB's compliance with its statutory responsibilities. The committee is responsible for arranging appropriate internal and external audit.

The Audit Committee will be chaired by an independent non-executive member (other than the Chair of the ICB) who has the qualifications, expertise or experience to enable them to express credible opinions on finance and audit matters.

- b) **Remuneration Committee⁶⁹**: This committee is accountable to the Board for matters relating to remuneration, fees and other allowances (including pension schemes) for employees and other individuals who provide services to the ICB.

The Remuneration Committee will be chaired by an independent non-executive member other than the Chair or the Chair of Audit Committee.

4.6.8 The terms of reference for each of the above committees are published in the governance handbook⁷⁰.

4.6.9 The Board has also established a number of other committees to assist it with the discharge of its functions. These committees are set out in the SoRD and further information about these committees, including terms of reference, are published⁷¹ in the Governance Handbook.

4.7 Delegations made under section 65Z5 of the 2006 Act

4.7.1 As per 4.3.2 The ICB may arrange for any functions exercisable by it to be exercised by or jointly with any one or more other relevant bodies (another ICB, NHS England, an NHS trust, NHS foundation trust, local authority, combined authority or any other prescribed body).

4.7.2 All delegations made under these arrangements are set out in the ICB Scheme of Reservation and Delegation and included in the Functions and Decision Map.

4.7.3 Each delegation made under section 65Z5 of the Act will be set out in a delegation arrangement which sets out the terms of the delegation⁷². This may, for joint arrangements, include establishing and maintaining a pooled fund. The power to approve delegation arrangements made under this provision will be reserved to the Board.

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- 4.7.4 The Board remains accountable for all the ICB's functions, including those that it has delegated and therefore, appropriate reporting and assurance mechanisms are in place as part of agreeing terms of a delegation and these are detailed in the delegation arrangements, summaries of which will be published [in the governance handbook](#).
- 4.7.5 In addition to any formal joint working mechanisms, the ICB may enter into strategic or other transformation discussions with its partner organisations on an informal basis.

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5 Procedures for Making Decisions⁷³

5.1 Standing Orders

5.1.1 The ICB has agreed a set of standing orders which describe the processes that are employed to undertake its business. They include procedures for:

- conducting the business of the ICB
- the procedures to be followed during meetings; and
- the process to delegate functions.

5.1.2 The Standing Orders apply to all committees and sub-committees of the ICB unless specified otherwise in terms of reference which have been agreed by the Board.

5.1.3 A full copy of the Standing Orders⁷⁴ is included in Appendix 2 and form part of this constitution.

5.2 Standing Financial Instructions (SFIs)

5.2.1 The ICB has agreed a set of SFIs which include the delegated limits of financial authority set out in the SoRD.

5.2.2 A copy of the SFIs published at [\(hyperlink to relevant section of ICS website be provided here\)](#)

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6 Arrangements for Conflict of Interest Management and Standards of Business Conduct

6.1 Conflicts of Interest⁷⁵

[DN: subject to change in line with NHS England guidance⁷⁶]

- 6.1.1 As required by section 14Z30 of the 2006 Act, the ICB has made arrangements to manage any actual and potential conflicts of interest to ensure that decisions made by the ICB will be taken and seen to be taken without being unduly influenced by external or private interest and do not, (and do not risk appearing to) affect the integrity of the ICB's decision-making processes.
- 6.1.2 The ICB has agreed policies and procedures for the identification and management of conflicts of interest which are published on the website at [\(hyperlink to relevant section of ICS website be provided here\)](#)⁷⁷
- 6.1.3 All Board, committee and sub-committee members, and employees of the ICB, will comply with the ICB policy on conflicts of interest in line with their terms of office and/ or employment. This will include but not be limited to declaring all interests on a register that will be maintained by the ICB.
- 6.1.4 All delegation arrangements made by the ICB under Section 65Z5 of the 2006 Act will include a requirement for transparent identification and management of interests and any potential conflicts in accordance with suitable policies and procedures comparable with those of the ICB.
- 6.1.5 Where an individual, including any individual directly involved with the business or decision-making of the ICB and not otherwise covered by one of the categories above, has an interest, or becomes aware of an interest which could lead to a conflict of interests in the event of the ICB considering an action or decision in relation to that interest, that must be considered as a potential conflict, and is subject to the provisions of this Constitution, the [Conflicts of Interest Policy and the Standards of Business Conduct Policy](#)⁷⁸.
- 6.1.6 The ICB has appointed the Audit Chair to be the Conflicts of Interest Guardian⁷⁹. In collaboration with the ICB's Director / Senior Manager with responsibility for governance, their role is to:
- a) Act as a conduit for members of the public and members of the partnership who have any concerns with regards to conflicts of interest
 - b) Be a safe point of contact for employees or workers to raise any concerns in relation to conflicts of interest
 - c) Support the rigorous application of conflict of interest principles and policies

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- d) Provide independent advice and judgment to staff and members where there is any doubt about how to apply conflicts of interest policies and principles in an individual situation
- e) Provide advice on minimising the risks of conflicts of interest.

6.2 Principles⁸⁰

6.2.1 In discharging our functions the ICB will abide by the following principles (in accordance with the Nolan Principles for public life):

- a) *Selflessness* – holders of public office will act solely in terms of the public interest.
- b) *Integrity* – holders of public office will avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They will not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They will declare and resolve any interests and relationships.
- c) *Objectivity* – holders of public office will act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d) *Accountability* – holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e) *Openness* – holders of public office will act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f) *Honesty* – holders of public office will be truthful.
- g) *Leadership* – holders of public office will exhibit these principles in their own behaviour. They will actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

6.3 Declaring and Registering Interests

6.3.1 The ICB maintains registers⁸¹ of the interests of:

- a) Members of the ICB
- b) Members of the Board's committees and sub-committees
- c) Its employees

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- 6.3.2 In accordance with section 14Z30(2) of the 2006 Act registers of interest are published on the ICB website at ([hyperlink to relevant section of ICS website be provided here](#))⁸²
- 6.3.3 All relevant persons as per 6.1.3 and 6.1.5 must declare any conflict or potential conflict of interest relating to decisions to be made in the exercise of the ICB's commissioning functions.
- 6.3.4 Declarations should be made as soon as reasonably practicable after the person becomes aware of the conflict or potential conflict and in any event within 28 days. This could include interests an individual is pursuing. [Interests will also be declared on appointment](#) and during relevant discussion in meetings.
- 6.3.5 All declarations will be entered in the registers as per 6.3.1
- 6.3.6 The ICB will ensure that, as a matter of course, declarations of interest are made and confirmed, or updated at least annually.
- 6.3.7 [Interests⁸³ \(including gifts and hospitality\) of decision-making staff will remain on the public register for a minimum of six months. In addition, the ICB will retain a record of historic interests and offers/receipt of gifts and hospitality for a minimum of six years after the date on which it expired. The ICB's published register of interests states that historic interests are retained by the ICB for the specified timeframe and details of whom to contact to submit a request for this information.](#)
- 6.3.8 [Activities funded in whole or in part by third parties who may have an interest in ICB business such as sponsored events, posts and research will be managed in accordance with the ICB policy to ensure transparency and that any potential for conflicts of interest are well-managed.](#)
- 6.4 Standards of Business Conduct**
- 6.4.1 Board members, employees, committee and sub-committee members of the ICB will at all times comply with this Constitution and be aware of their responsibilities as outlined in it. They should:
- a) act in good faith and in the interests of the ICB;
 - b) follow the Seven Principles of Public Life; set out by the Committee on Standards in Public Life (the Nolan Principles);
 - c) comply with the ICB [Standards of Business Conduct Policy](#), and [any](#) requirements set out in the policy for managing conflicts of interest.

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- 6.4.2 Individuals contracted to work on behalf of the ICB or otherwise providing services or facilities to the ICB will be made aware of their obligation to declare conflicts or potential conflicts of interest. This requirement will be written into their contract for services and is also outlined in the ICB's [Standards of Business Conduct policy](#).

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7 Arrangements for ensuring Accountability and Transparency

7.1.1 The ICB will demonstrate its accountability to local people, stakeholders and NHS England in a number of ways, including by upholding the requirement for transparency in accordance with paragraph 11(2) of Schedule 1B to the 2006 Act.

7.2 Principles⁸⁴

7.2.1 Local principles to be added

7.3 Meetings and publications

7.3.1 Board and committee meetings will be held in public except where a resolution is agreed to exclude the public on the grounds that it is believed to not be in the public interest.

7.3.2 Papers and minutes of all meetings held in public will be published.

7.3.3 Annual accounts will be externally audited and published.

7.3.4 A clear complaints process will be published.

7.3.5 The ICB will comply with the Freedom of Information Act 2000 and with the Information Commissioner Office requirements regarding the publication of information relating to the ICB.

7.3.6 information will be provided to NHS England as required.

7.3.7 The constitution and governance handbook will be published as well as other key documents including but not limited to:

- Conflicts of interest policy and procedures
- Registers of interests⁸⁵
- Key policies and other relevant documents.

7.3.8 The ICB will publish, with our partner NHS trusts and NHS foundation trusts, a plan at the start of each financial year that sets out how the ICB proposes to exercise its functions during the next five years. The plan will explain how the ICB proposes to discharge its duties under:

- section 14Z34 (improvement in quality of services),
- section 14Z35 (reducing inequalities),
- section 14Z43 (have regard to effect of decisions)
- section 14Z44 (public involvement and consultation), and
- sections 223H and 223J (financial duties).

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And

- a) proposed steps to implement the joint local health and wellbeing strategies in the Humber, Coast and Vale area⁸⁶

7.4 Scrutiny and Decision Making

- 7.4.1 At least three independent non-executive members will be appointed to the board including the Chair; and all of the board and committee members will comply with the Nolan Principles of Public Life and meet the criteria described in the Fit and Proper Person Test.
- 7.4.2 Healthcare services will be arranged in a transparent way, and decisions around who provides services will be made in the best interests of patients, taxpayers and the population, in line with the rules set out in the NHS Provider Selection Regime.
- 7.4.3 The ICB will comply with the requirements of the NHS Provider Selection Regime including:
 - a) Details to be confirmed⁸⁷.
- 7.4.4 The ICB will comply with local authority health overview and scrutiny requirements.

7.5 Annual Report

- 7.5.1 The ICB will publish an annual report in accordance with any guidance published by NHS England and which sets out how it has discharged its functions and fulfilled its duties in the previous financial year and in particular how it has discharged its duties under sections
 - a) 14Z34 (improvement in quality of services),
 - b) 14Z35 (reducing inequalities),
 - c) 14z43 (have regard to the effect of decisions)
 - d) 14Z44 (public involvement and consultation), and
- 7.5.2 The annual report will also review the extent to which the ICB has exercised its functions in accordance with the plans published under section
 - a) 14Z50 (Integrated Care System plan), and
 - b) 14Z54 (capital resource use plan), and
- 7.5.3 Review any steps the board has taken to implement any joint health and wellbeing strategy to which it was required to have regard under section 116B(1) of the Local Government and Public Involvement in Health Act 2007.

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8 Arrangements for Determining the Terms and Conditions of Employees.

8.1.1 The ICB may appoint employees, pay them remuneration and allowances as it determines and appoint staff on such terms and conditions as it determines.

8.1.2 The Board has established a Remuneration Committee⁸⁸ which is chaired by a Non-Executive member other than the Chair or Audit Chair.

8.1.3 The membership of the Remuneration Committee is determined by the Board. No employees may be a member of the Remuneration Committee but the Board ensures that the Remuneration Committee has access to appropriate advice by:

- a) Senior representation at each meeting from a specialist HR officer.
- a)b) Other senior ICB officer representation tbc

8.1.4 The Board may appoint independent members or advisers to the Remuneration Committee who are not members of the board.

8.1.5 The main purpose of the Remuneration Committee is to exercise the functions of the ICB relating to paragraphs 17 to 19 of Schedule 1B to the 2006 Act. The terms of reference agreed by the board are published at [\(hyperlink to relevant section of ICS website be provided here\)](#)

8.1.6 The duties of the Remuneration Committee include⁸⁹:

- a) Setting the ICB pay policy (or equivalent) and standard terms and conditions
- b) Making arrangements to pay employees such remuneration and allowances as it may determine
- c) Set remuneration and allowances for members of the board
- d) Set any allowances for members of committees or sub-committees of the ICB who are not members of the board
- e) Any other relevant duties

8.1.7 The ICB may make arrangements for a person to be seconded to serve as a member of the ICB's staff.

9 Arrangements for Public Involvement

9.1.1 In line with section 14Z44(2) of the 2006 Act the ICB has made arrangements to secure that individuals to whom services which are, or are to be, provided pursuant to arrangements made by the ICB in the exercise of

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its functions, and their carers and representatives, are involved (whether by being consulted or provided with information or in other ways) in:

- a) the planning of the commissioning arrangements by the Integrated Care Board
- b) the development and consideration of proposals by the ICB
- c) for changes in the commissioning arrangements where the implementation of the proposals would have an impact on the manner in which the services are delivered to the individuals (at the point when the service is received by them), or the range of health services available to them, and
- d) decisions of the ICB affecting the operation of the commissioning arrangements where the implementation of the decisions would (if made) have such an impact.

9.1.2 In line with section 14Z52 of the 2006 Act the ICB has made the following arrangements to consult its population on its system plan:

- a) TBC

9.1.3 The ICB has adopted the ten principles set out by NHS England for working with people and communities⁹⁰.

- a) Put the voices of people and communities at the centre of decision-making and governance, at every level of the ICS.
- b) Start engagement early when developing plans and feed back to people and communities how it has influenced activities and decisions.
- c) Understand your community's needs, experience and aspirations for health and care, using engagement to find out if change is working.
- d) Build relationships with excluded groups – especially those affected by inequalities.
- e) Work with Healthwatch and the voluntary, community and social enterprise sector as key partners.
- f) Provide clear and accessible public information about vision, plans and progress to build understanding and trust.
- g) Use community development approaches that empower people and communities, making connections to social action.
- h) Use co-production, insight and engagement to achieve accountable health and care services.
- i) Co-produce and redesign services and tackle system priorities in partnership with people and communities.
- j) Learn from what works and build on the assets of all partners in the ICS – networks, relationships, activity in local places.

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9.1.4 In addition, the ICB has agreed the following:⁹¹

9.1.5 These principles will be used when developing and maintaining arrangements for engaging with people and communities.

9.1.6 These arrangements, include⁹²:

a) ICB to specify other local arrangements⁹³

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Appendix 1: Definitions of Terms Used in This Constitution

2006 Act	National Health Service Act 2006, as amended by the Health and Social Care Act 2012 and the Health and Care Act 2022
ICB Board	Members of the ICB
Area	The geographical area that the ICB has responsibility for, as defined in part 2 of this constitution
Committee	A committee created and appointed by the ICB Board.
Sub-Committee	A committee created and appointed by and reporting to a committee.
Integrated Care Partnership	The joint committee for the ICB's area established by the ICB and each responsible local authority whose area coincides with or falls wholly or partly within the ICB's area.
Place-Based Partnership	Place-based partnerships are collaborative arrangements responsible for arranging and delivering health and care services in a locality or community. They involve the Integrated Care Board, local government and providers of health and care services, including the voluntary, community and social enterprise sector, people and communities, as well as primary care provider leadership, represented by Primary Care Network clinical directors or other relevant primary care leaders.
Ordinary Member	The Board of the ICB will have a Chair and a Chief Executive plus other members. All other members of the Board are referred to as Ordinary Members.
Health Service Body	Health service body as defined by section 9(4) of the NHS Act 2006 or (b) NHS Foundation Trusts.

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Appendix 2: Standing Orders

1. Introduction⁹⁴

- 1.1. These Standing Orders have been drawn up to regulate the proceedings of **Humber, Coast and Vale** Integrated Care Board so that the ICB can fulfil its obligations as set out largely in the 2006 Act (as amended). They form part of the ICB's Constitution⁹⁵.

2. Amendment and review

- 2.1. The Standing Orders are effective from **01 April 2022**⁹⁶
- 2.2. Standing Orders will be reviewed on an annual basis or sooner if required.
- 2.3. Amendments to these Standing Orders will be made as per [refer to the **clause number in the constitution for making amendments**].
- 2.4. All changes to these Standing Orders will require an application to NHS England for variation to the ICB constitution and will not be implemented until the constitution has been approved.

3. Interpretation, application and compliance

- 3.1. Except as otherwise provided, words and expressions used in these Standing Orders shall have the same meaning as those in the main body of the ICB Constitution and as per the definitions in Appendix 1.
- 3.2. These standing orders apply to all meetings of the Board, including its committees and sub-committees unless otherwise stated. All references to Board are inclusive of committees and sub-committees unless otherwise stated.
- 3.3. All members of the Board, members of committees and sub-committees and all employees, should be aware of the Standing Orders and comply with them. Failure to comply may be regarded as a disciplinary matter.
- 3.4. In the case of conflicting interpretation of the Standing Orders, the Chair, supported with advice from **ICB Director / Senior Officer with responsibility for governance** will provide a settled view which shall be final.
- 3.5. All members of the Board, its committees and sub-committees and all employees have a duty to disclose any non-compliance with these Standing Orders to the Chief Executive as soon as possible.
- 3.6. If, for any reason, these Standing Orders are not complied with, full details of the non-compliance and any justification for non-compliance and the

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circumstances around the non-compliance, shall be reported to the next formal meeting of the Board for action or ratification and the Audit Committee for review.

4. Meetings of the Integrated Care Board

4.1. Calling Board Meetings⁹⁷

- 4.2. Meetings of the Board of the ICB shall be held at regular intervals⁹⁸ at such times and places⁹⁹ as the ICB may determine.
- 4.3. In normal circumstances, each member of the Board will be given not less than **one month's** notice in writing of any meeting to be held. However:
- a) The Chair may call a meeting at any time by giving not less than **10 working days'** notice in writing.
 - b) **One third** of the members of the Board may request the Chair to convene a meeting by notice in writing, specifying the matters which they wish to be considered at the meeting. If the Chair refuses, or fails, to call a meeting within **five working days** of such a request being presented, the Board members signing the requisition may call a meeting by giving not less than **10 working days'** notice in writing to all members of the Board specifying the matters to be considered at the meeting.
 - c) In emergency situations the Chair may call a meeting with **two working¹⁰⁰ days'** notice by setting out the reason for the urgency and the decision to be taken.

- 4.3.1. A public notice of the time and place of the meeting and how to access the meeting shall be given by posting it at the offices of the ICB body and electronically at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened.
- 4.3.2. The agenda and papers for meetings will be published electronically in advance of the meeting excluding, if thought fit, any item likely to be addressed in part of a meeting is not likely to be open to the public.

4.4. Chair of a meeting

- 4.4.1. The Chair of the ICB shall preside over meetings of the Board.
- 4.4.2. If the Chair is absent, or is disqualified from participating by a conflict of interest, **a chair will be selected to preside over the meeting by those Members present.**¹⁰¹

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- 4.4.3. The Board shall appoint a Chair to all committees and sub-committees that it has established. The appointed committee or sub-committee Chair will preside over the relevant meeting. Terms of reference for committees and sub-committees will specify arrangements for occasions when the appointed Chair is absent.

4.5. Agenda, supporting papers and business to be transacted

- 4.5.1. The agenda for each meeting will be drawn up and agreed by the Chair¹⁰² of the meeting, *in discussion with the Chief Executive or their nominated representative.*
- 4.5.2. Except where the emergency provisions apply, supporting papers for all items must be submitted at least *seven working days* before the meeting takes place. The agenda and supporting papers will be circulated to all members of the Board at least *five working days* before the meeting.
- 4.5.3. Agendas and papers for meetings open to the public, including details about meeting dates, times and venues, will be published on the ICB's website at *([hyperlink to relevant section of ICS website be provided here](#))*

4.6. Petitions

- 4.6.1. Where a petition has been received by the ICB it shall be included as an item for the agenda of the next meeting of the Board.

4.7. Nominated Deputies¹⁰³

- 4.7.1. With the permission of the person presiding over the meeting, the *Officer Members and Partner Members* may nominate a deputy to attend a meeting of the Board that they are unable to attend. *The deputy may present papers and may contribute to discussions but are not eligible to vote and do not count towards quorum.*
- 4.7.2. The decision of person presiding over the meeting regarding authorisation of nominated deputies is final.

4.8. Virtual attendance at meetings¹⁰⁴

- 4.8.1. *The Board of the ICB and its committees and sub-committees may meet virtually using telephone, video and other electronic means when necessary, unless the terms of reference prohibit this.*

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4.9. Quorum¹⁰⁵

- 4.9.1. The quorum for meetings of the Board will be four members, including:
 - a) At least one independent member (including the Chair)
 - b) Either the Chief Executive or the Director of Finance and Investment
 - c) Either the Clinical and Professional Services Director (Medical Director) or the Director of Nursing and Quality
 - d) At least one Partner Member
- 4.9.2. For the sake of clarity:
 - a) No person can act in more than one capacity when determining the quorum.
 - b) An individual who has been disqualified from participating in a discussion on any matter and/or from voting on any motion by reason of a declaration of a conflict of interest, shall no longer count towards the quorum.
- 4.9.3. For all committees and sub-committees, the details of the quorum for these meetings and status of deputies are set out in the appropriate terms of reference.

4.10. Vacancies

- 4.10.1. In the event of vacancy or defect in appointment the following temporary arrangement for quorum will apply - where a quorum cannot be convened from the membership of the Board, owing to the issues of vacant posts, the Chair may invite, on a temporary basis, one or more individuals, as appropriate, to make up the quorum so that the CCG can progress the item of business.

4.11. Decision making

- 4.11.1. The ICB has agreed to use a collective model of decision-making that seeks to find consensus between system partners and make decisions based on unanimity as the norm, including working through difficult issues where appropriate.
- 4.11.2. Generally it is expected that decisions of the ICB will be reached by consensus. Should this not be possible then a vote will be required. The process for voting, which should be considered a last resort, is set out below:

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- a) All members of the Board who are present at the meeting will be eligible to cast one vote each.
- b) In no circumstances may an absent member vote by proxy¹⁰⁶. Absence is defined as being absent at the time of the vote but this does not preclude anyone attending by teleconference or other virtual mechanism from participating in the meeting, including exercising their right to vote if eligible to do so.
- c) For the sake of clarity, any additional Participants and Observers¹⁰⁷ (as detailed within paragraph 5.6. of the Constitution) will not have voting rights.
- d) A resolution will be passed if more votes are cast for the resolution than against it.
- e) If an equal number of votes are cast for and against a resolution, then the Chair (or in their absence, the person presiding over the meeting) will have a second and casting vote.
- f) Should a vote be taken, the outcome of the vote, and any dissenting views, must be recorded in the minutes of the meeting.

Disputes

- 4.11.3. if consensus cannot be reached, the chair may make decisions on behalf of the board where there is disagreement. Where necessary boards may draw on third party support such as peer review or mediation by NHS England and NHS Improvement.

Urgent decisions

- 4.11.4. In the case urgent decisions and extraordinary circumstances, every attempt will be made for the Board to meet virtually. Where this is not possible the following will apply.
- 4.11.5. Where it is neither practical or reasonable to call an urgent meeting of the Board, the powers which are reserved or delegated to the Board may be exercised by the Chair, or a Non-executive Director in the absence of the Chair, having first consulted two other Members of the Board, one of whom shall be either Chief Executive or Director of Finance ¹⁰⁸.
- 4.11.6. The exercise of such powers shall be reported to the next formal meeting of the Board for formal ratification and the Audit Committee for oversight.

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4.12. Minutes

- 4.12.1. The names and roles of all members present shall be recorded in the minutes of the meetings.
- 4.12.2. The minutes of a meeting shall be drawn up and submitted for agreement at the next meeting where they shall be signed by the person presiding at it.
- 4.12.3. No discussion shall take place upon the minutes except upon their accuracy or where the person presiding over the meeting considers discussion appropriate.
- 4.12.4. Where providing a record of a meeting held in public, the minutes shall be made available to the public.

4.13. Admission of public and the press

- 4.13.1. In accordance with Public Bodies (Admission to Meetings) Act 1960 All meetings of the ICB at which public functions are exercised will be open to the public.
- 4.13.2. The Board may resolve to exclude the public from a meeting or part of a meeting where it would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings or for any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time.
- 4.13.3. The person presiding over the meeting shall give such directions as he/she thinks fit with regard to the arrangements for meetings and accommodation of the public and representatives of the press such as to ensure that the Governing Body's business shall be conducted without interruption and disruption.
- 4.13.4. As permitted by Section 1(8) Public Bodies (Admissions to Meetings) Act 1960 as amended from time to time) the public may be excluded from a meeting suppress or prevent disorderly conduct or behaviour.
- 4.13.5. Matters to be dealt with by a meeting following the exclusion of representatives of the press, and other members of the public shall be confidential to the members of the Board.

5. Suspension of Standing Orders

Draft subject to the passage of the Health and Care Bill through Parliament

- 5.1. In exceptional circumstances, except where it would contravene any statutory provision or any direction made by the Secretary of State for Health and Social Care or NHS England, any part of these Standing Orders may be suspended by the Chair in discussion with **at least 2** other members,
- 5.2. A decision to suspend Standing Orders together with the reasons for doing so shall be recorded in the minutes of the meeting.
- 5.3. A separate record of matters discussed during the suspension shall be kept. These records shall be made available to the Audit Committee for review of the reasonableness of the decision to suspend Standing Orders.

6. Use of seal and authorisation of documents.

- 6.1 The ICB may have a seal for executing documents, where necessary. Any two of the following individuals are authorised to authenticate its use by their signature:
 - a) the Chief Executive;
 - b) the Chair;
 - c) the Director of Finance and Investment;
 - d) another Executive Director of the ICB;
- 6.2 Any two of the following individuals are authorised to execute a document on behalf of the ICB by their signature.
 - a) the Chief Executive;
 - b) the Chair;
 - c) the Director of Finance and Investment;
 - d) another Executive Director of the ICB;

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Executive**13 January 2022**

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

City Centre Access – Security Measures**Summary**

1. Keeping residents and visitors safe by protecting the public is a key role and priority for the Council. The Executive have previously made a number of decisions to minimise the likelihood of a hostile vehicle attack on the city.
2. The Government have recently consulted on proposals for local councils to have a “Duty to Protect”, which will have wide reaching implications with regard to the obligations on local councils to respond to counter terrorism advice to protect publicly accessible locations.
3. At the Executive meeting in November 2021, members decided to minimise vehicle access to the City footstreets by regulation to respond to the risk of a hostile vehicle attack on the city, following advice received by North Yorkshire Police and the North East Counter Terrorism Police (see Annex E).
4. Regulation alone will unfortunately not protect the footstreets, therefore, physical Hostile Vehicle Mitigation (HVM) measures are necessary. The proposed installation of these measures is the primary purpose of this report.
5. To strengthen the effectiveness of the new regulations and the HVM, as requested by Executive, all remaining exemptions to accessing footstreets by the use of a vehicles have been reviewed. Annex D lists the existing exemptions and the proposed revised list,

which will be subject to Statutory Consultation. It is proposed that the majority of the exemptions will be removed. The existing waiver system will be replaced with a new system that will require all drivers, other than the emergency services, to apply for a time-limited waiver access. For security reasons and to follow the Police advice in full, it is proposed that only those vehicles essential to safety in the city centre will be granted these time limited waivers.

6. Executive have previously recognised the need to consider appropriate temporary safety measures until permanent measures are in place. Christmas 2021 again saw the deployment of additional temporary barriers, as advised by the North Yorkshire Police and the North East Counter Terrorism Police. The Council will continue to be advised by the Police as to the deployment of such temporary measures. Until September 2022 the Temporary Traffic Regulation Order will remain in place, the barriers that have been in place over the last year will therefore remain and are currently staffed, for which there is an on-going cost.
7. This report seeks to progress the installation of permanent hostile vehicle mitigation measures in the locations detailed in Annex A.
8. The design and appearance of the bollards was approved at the August 2019 Executive meeting, imagery is attached in Annex B.

Recommendations

9. Members are asked to consider the following recommendations:
 - a) To note the locations of static and sliding bollards as detailed in Annex A and give delegation to the Director of Transport Highways and Environment for minor amendments to exact locations in consultation with the Executive Member for Transport.

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

- b) To approve an additional £500k from unallocated highways funding to increase the Hostile Vehicle Measures capital budget to £1,832k.

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

- c) To approve that a procurement process be undertaken to engage contractors to supply, install and maintain the permanent hostile vehicle mitigation measures and to delegate to the Director Transport Highways and Environment, in consultation with the Director of Governance and Chief Finance Officer, the authority to take such steps as are necessary to both award and enter in to the resulting contracts.

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

- d) To approve the statutory consultation for the advertisement of the revocation of the exemptions as proposed in Annex D.

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

- e) Request that Officers report to the Executive Member for Transport to present an update on the statutory consultation to remove the remaining exemptions to access the footstreets and a summary of the operational protocols and procedures and associated risks. This will include confirmation of the ongoing revenue costs.

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

- f) To approve the continuation of the staffing of the current temporary city centre barriers. The cost of this is between £67k and £93k and is met from existing budgets.

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

Background

10. Like many ongoing capital projects during COVID, the original HVM installation project was paused. COVID also further raised issues that needed resolving, such as the scope of the project in light of the way the footstreets were used in response to COVID safety measures and the emerging My City Centre Vision, which has now been approved.
11. Delivery of an effective secure boundary against hostile vehicles is dependent on two main factors. Firstly, restricting the number of vehicles within the identified area, keeping exemptions to the lowest possible level, and secondly, installing HVM measures that meet national standards. Executive has determined the first of these factors in November 2021, as advised by the Counter Terrorism Security Adviser for York and taking into account the impact on Blue Badge Holder access.
12. Further update on the delivery of the city centre access improvement action plan, as agreed by Executive in November 2021, is set to be brought to Executive Member for Transport for review in spring 2022, which will include an update on the progress of mitigation measures for blue badge access into the city centre.
13. The Executive approved the design of the bollard to be used for the permanent measures and the procurement and installation of the static bollards at the end of Parliament Street that comply with the national standards. Six of these static permanent bollards were installed at the south eastern end of Parliament Street before the Christmas market in 2019. The approved design maximises pedestrian permeability, including for those with wheelchairs and mobility scooters.
14. Following the November Executive decision, the detailed designs for the hostile vehicle PAS68/IWA14 rated measures for the area to be protected are nearing completion.

15. The proposed measures consist of static bollards – as installed at Parliament Street prior to the 2019 Christmas market – and sliding bollard systems at each of the access and egress points, illustrated in Annex B.
16. The sliding bollard systems are proposed at the following junctions, see plan Annex A:
 - Parliament Street – Piccadilly/Coppergate/High Ousegate
 - Spurriergate – Nessgate/High Ousegate/Low Ousegate
 - Lendal – east of Museum Street
 - Blake Street – south of Duncombe Place
 - High Petergate – Duncombe Place
 - Goodramgate - Deangate
 - Colliergate – St Saviourgate
 - The Shambles – Pavement
17. Locations have been selected to minimise the impacts on adjacent properties, maintain pedestrian and disabled user access and provide safe space for waiting vehicles as far as possible.
18. Businesses adjacent to the proposed measures have been contacted at the start of 2022, primarily with respect to the trial holes/ground investigation. The detailed designs will be finalised once these investigations are complete and businesses will be engaged again.
19. Once implemented, the permanent measures will reduce the need for specific temporary HVM measures during the Christmas Market or other special events in the city centre throughout the year. Temporary measures may still be used for events prior to completion of the installation, to offer flexibility in the areas protected at different times, and for future events outside the secure area. As far as possible, the installation of the permanent measures will be programmed to minimise the impact of temporary barriers, should the work be expected to continue in to 2023. The uncertainty over dates for the completion of the permanent scheme is due to the fact contract is yet to be secured and the scheme could be affected by on-going supply chain issues and contractor availability.

20. The proposed scheme will provide a method of control which will only allow access for authorised vehicles in to the secure area and reduce the overall number of vehicles accessing the footstreets during pedestrianised hours. This will also improve safety for pedestrians in the controlled area. In addition a means to prevent vehicles legitimately remaining parked in the footstreets area after 10:30 is also being considered.
21. Officers have liaised with the emergency services and other agencies and this work will be featured in the operational protocols and procedures for the operation of the scheme. The outcome of this work will be reported to the Executive Member for Transport at a later decision session.
22. As agreed at the November 2021 Executive, the exemptions to the city centre TRO and the traffic waiver system for the footstreets area have been reviewed to minimise the permitted access during the pedestrianised hours. Annex D lists the existing and proposed exemptions. The outcome of the statutory process will be the subject of future reports to the Executive Member for Transport.
23. The Traffic Regulation Order regulates the access to the footstreets, and the statutory consultation will involve all affected city centre residents and businesses in the process to remove exemptions during footstreet hours. Engagement with businesses with premises adjacent to the proposed security measures started with notice given prior to excavation of trial holes.
24. Any change to footstreet hours on a permanent basis beyond 5pm will be subject to a separate statutory consultation later in the year.
25. It is proposed that the council's CCTV and security contractor will be trained to operate the system to ensure that legitimate access is maintained whilst preventing, as far as possible, unauthorised vehicle access into the protected area. An important part of this role will be to ensure that emergency services access is available without delay.
26. The estimated capital cost of the phase 3 scheme is £1,800k.

27. The current capital allocation for the scheme is £1,332k. An additional £500k has been identified from highway capital funding to increase the current capital budget allocation.
28. Investment is required to connect the CCTV and communications to the existing fibre network. There are no links currently to the area around the Minster meaning that High Petergate and Goodramgate have no nearby infrastructure in place. This will add CCTV coverage in an area without any as an additional benefit.
29. There will be ongoing costs associated with the servicing, maintenance and operation of these measures. It is currently estimated to be in the order of £120k for the 7 day a week control room requirement plus annual maintenance and servicing of the bollards, the CCTV and communications equipment. This work is yet to be subjected to commercial negotiation and benchmarking so is an estimate at this stage. A significant proportion of the cost is for supervision, oversight and operation to ensure that these measures support a safe city centre whilst allowing emergency access. A dedicated CCTV operator will be assigned to the monitoring and operation of the proposed eight access/exit locations during footstreets hours.

Implications

30. The following are the identified implications.
 - **Financial** – The capital costs are estimated to be approximately £1,800k which will be within the proposed capital budget allocation of £1,832k but the market is subject to significant cost increases currently. The scheme will be procured through an open tender to ensure best value. As identified in paragraph 29 there will be additional revenue costs in operating the city centre access measures. Whilst there is an indicative value of £120k in a full year this still needs to be finalised. There is currently £60k revenue budget available to support this expenditure which will be utilised for 2022/23 as operation will be for a part year. Future funding will need to be considered as part of the annual budget process.

- **Human Resources** – additional resource will be required to manage the operation and maintenance of the measures.
- **Equalities** – An Equalities Impact Assessment is included in Annex C.
- **Legal** – Any contract commissioned for the supply, install and maintain the permanent hostile vehicle mitigation measures will need to be subject to a robust procurement/commissioning strategy that is line with both the Council's Contract Procedure Rules and the Council's legal obligations under the Public Contract Regulations 2015.

Any existing supply, service or works contracts that need to be amended as a result of these proposals must also be varied in accordance with the Council's Contract Procedure Rules and the Council's legal obligations under the Public Contract Regulations 2015.

The Council's Legal Services Team will need to be involved in the preparation of the protocols, the procurement process and in the necessary adjustments to any other existing contracts.

- **Crime and Disorder** - These measures give effect to the decisions made by Executive in November 2021 and are in accordance with the advice from the Police and considered by the November Executive annexe C with the aim to deter and prevent vehicular access, during the agreed hours when the city is busiest, in the interests of public safety primarily from the vehicle as a weapon threat.
- **Information Technology (IT)** – Investment in IT to monitor and remotely operate some of these measures will be required.
- **Property** - There are no property implications for this report or its recommendations but there may be a planning review and permission requirement associated with the required CCTV cameras.

- **Risk Management** – This programme is tasked with delivering suitable measures to protect areas of high footfall and concentrations of people, in the city centre against the threat of a vehicle as a weapon and the risk to public safety based on Police, consultant and security services advice. Once in operation, the Council and their partners will be responsible for ensuring reasonable endeavours are taken to maintain the security of the area during the footstreet hours.

Contact Details

Author:

Catherine Higgins
Senior Transport Projects
Manager

Chief Officer Responsible for the report:

James Gilchrist
Director of Transport, Environment and
planning

Neil Ferris
Corporate Director of Place

**Report
Approved**



Date 5.01.2022

Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers:

13 February 2020, Executive report and minutes that agreed the locations for the phase one scheme plus additional funding.

City Centre Access – Phase 1 Proposals (update)

<http://modgov.york.gov.uk/mgAi.aspx?ID=53404>

29 August, 2019, City Centre Access Experimental Traffic Order Conclusion and Phase 1 Proposals

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=11108&Ver=4>

8 February, 2018, Executive report and minutes that agreed to the implementation of the hostile vehicle mitigation measures in the city centre.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=10196&Ver=4>

27 September, 2018, Executive report and minutes that agreed to the implementation of the hostile vehicle mitigation measures in the city centre.

<http://modgov.york.gov.uk/documents/s126199/Executive%20Report%2027%20September%202018%20-%20City%20Centre%20Access%20Update%20and%20Priority%201%20Proposals%20Post%20Scruti.pdf>

Annexes

Annex A - City Centre map showing location of proposed measures

Annex B – Illustration of measures

Annex C – Equalities Impact Assessment

Annex D – Existing and proposed TRO exemptions

Annex E (1 and 2) – Advice received from the North Yorkshire Police and the North East Counter Terrorism Police. These are extracts from the November 2021 Footstreets report Annexes D and O.

List of Abbreviations Used in this Report

CCTV – Closed Circuit Television

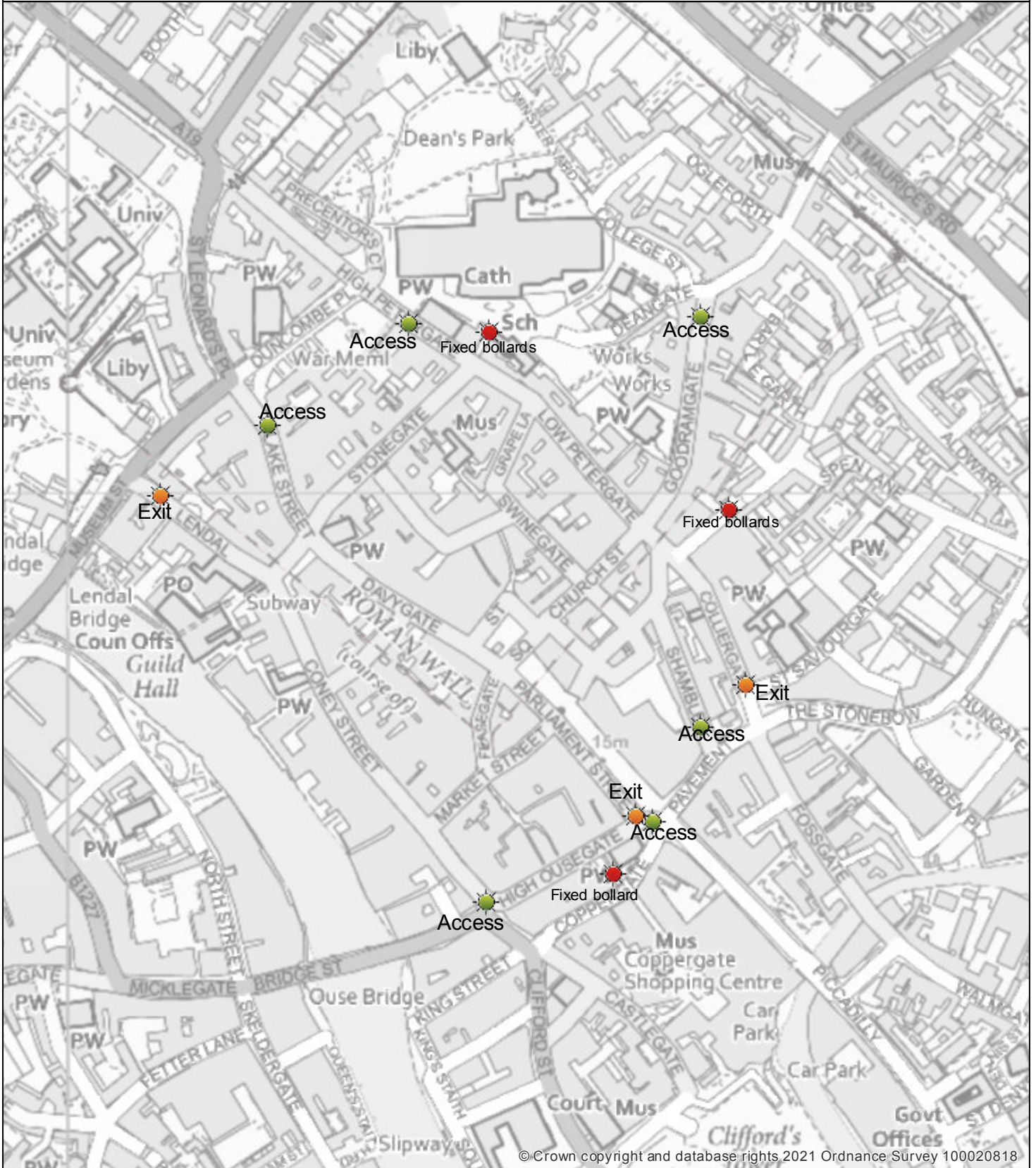
HVM – Hostile vehicle mitigation

PAS 68/IWA14 - the latest Publicly Available Specification for vehicle security barriers and bollards

TRO – Traffic Regulation Order



HVM location plan

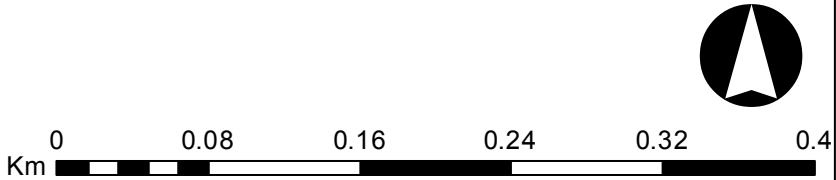


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Date: 26 Nov 2021

Author: City of York Council

Scale: 1:4,000



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Annex B

Illustration of proposed hostile vehicle mitigation measures.



This sliding bollard system in South Shields includes additional black bollards which are not proposed for York.



Static bollards in Parliament Street.

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Transport		
Name of the proposal :	City Centre Access Hostile Vehicle Mitigation		
Lead officer:	Catherine Higgins		
Date assessment completed:	05 January 2022		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Catherine Higgins	Senior Transport Project Manager	CYC	Transport
James Gilchrist	Director of Transport, Environment and Planning	CYC	Transport, Environment and Planning
Heidi Lehane	Senior Solicitor	CYC	Legal

Step 1 – Aims and intended outcomes

<p>1.1</p>	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>Protection of the core foot streets (pedestrianised area) and event locations from hostile vehicle attack.</p> <p>The scheme will physically close the main footstreets area during the pedestrianised hours by means of remotely operated barriers at Parliament Street, Spurriergate, Lendal, Blake Street, High Petergate, Goodramgate, Colliergate and The Shambles. There will also be static bollards to complete the secure perimeter at Minster Gates, St Andrewgate and the path between Coppergate and High Ousegate. This provides effect to the Traffic Regulation Order changes approved at the November 2021 Executive and previously at the August 2019 Executive.</p> <p>Further changes to the Traffic Regulation Order, including to timing and to exemptions, are separate projects.</p> <p>The operation of the measures is key to the security of the city centre areas with the highest footfall. Vehicles will only be permitted access in limited circumstances. Emergency services access will be retained as will Dial a Ride access.</p>
<p>1.2</p>	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>The proposal is based on Counter Terrorism / Police advice to protect the city centre crowded spaces from vehicle as a weapon attack at the times when the area is busiest.</p> <ul style="list-style-type: none"> • Protect Duty consultation documents (www.gov.uk/government/consultations/protect-duty) • Hostile Vehicle Mitigation guidance (www.gov.uk/government/publications/crowded-places-guidance/hostile-vehiclemitigation-hvm#vehicle-as-a-weapon-vaw)

1.3	Who are the stakeholders and what are their interests?
	All users of the core city centre area – businesses, service providers, residents and visitors – who will benefit from increased protection from terrorist attack.
1.4	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.
	The primary outcome is the security of the city centre - to reduce as far as possible the risk and impact of a terrorist act involving a vehicle in the city centre's crowded places. The Council Plan has a key priority that includes safe communities. In addition the physical exclusion of the majority of vehicles in the core city centre foot streets at the busiest times will also contribute to a cleaner greener city.

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
	Consultation exercises related to the traffic restrictions (Traffic Regulation Orders)	This has informed the decision making regarding changes to the legal restrictions on vehicular access to the city centre. The project aims to implement physical measures that will enforce the legal restrictions meaning that the impact is now

	limited to the installation of street furniture. The operation of the secure access system will be reported at a future Executive Member for Transport meeting.
Analysis of collision data	To determine the possible impact of physically excluding vehicles from the city centre.
Surveys of traffic including blue badge parking and access.	Surveys were carried out to determine the numbers and types of vehicles accessing the footstreets, this included blue badge holders parking legitimately and where/how far they travelled from the parking location. Surveys also determined the proportion of those parking who were local. This has informed the decision making regarding changes to the legal restrictions.

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
	The procedures and protocols for access through the barriers are being finalised. The requirements for booking essential access and the procedures to check the vehicle and driver identity are being developed.	As the procedures are finalised the security system will be tested. Once the measures are installed the operation will be tested before the operational procedures are fully adopted.
	Medium and long term impact on stakeholders	Review of terror threat levels and consideration of adjustment to restrictions if threat level allows.

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	<p>The proposals have been identified as having a mixed impact, particularly on older people.</p> <p>Positive impacts - Pedestrians of all ages will benefit from the physical exclusion of the majority of vehicles, not just those with hostile intent, making the city centre streets safer and more comfortable to use.</p> <p>Negative impacts – As identified In the Equalities Impact Assessment included in the November 2021 Executive report older people are more likely to hold a Blue Badge and to have used the footstreets for access and to park in the city centre. Physically removing the ability to drive and park in these streets will increase the distance people with reduced mobility have to travel on foot or using a wheelchair or mobility scooter, making shops and services in the footstreet area less accessible during footstreet hours. This is also applicable to families with young children where a family member is a Blue Badge holder.</p> <p>The Dial a Ride vehicle will continue to benefit from an exemption, guaranteeing access to the St Sampson’s Centre.</p>	<p>Mixed: + & -</p>	<p>Positive – high Negative - high</p>
Disability	<p>The proposals have been identified as having a mixed impact on people living with a disability/mobility impairment primarily through the Traffic Regulation Order changes as detailed in the Equalities Impact Assessment included in the November 2021 Executive report.</p> <p>Positive impacts - All pedestrians will benefit from the physical exclusion of the majority of vehicles making the city centre streets safer and more comfortable to use.</p>	<p>Mixed: + & -</p>	<p>Positive – high Negative - high</p>

	<p>The measures have a positive impact for the blind & partially sighted by the exclusion of moving vehicles, particularly as technology changes and vehicles become quieter. The physical measures may assist with way-finding.</p> <p>Negative impacts – Vehicular access for blue badge holders will be physically prevented during footstreets hours as opposed to legal exclusion through the Traffic Regulation Order. For those who are not able to walk the greater distances, and are not able to use alternative solutions, the removal of the ability to park in these footstreets has had and will continue to have a significant impact, and could reduce the prospects of them visiting the city centre.</p> <p>The measures may have a negative impact for the blind & partially sighted as they are physical obstructions.</p>		
Gender	No differential impact anticipated.		
Gender Reassignment	No differential impact anticipated.		
Marriage and civil partnership	No differential impact anticipated.		
Pregnancy and maternity	No differential impact anticipated but see also the Equalities Impact Assessment included in the November 2021 Executive report for the impact of the TRO changes.		
Race	No differential impact anticipated.		
Religion and belief	No differential impact anticipated but see also the Equalities Impact Assessment included in the November 2021 Executive report for the impact of the TRO changes.		
Sexual orientation	No differential impact anticipated.		
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		

Carer	The impact on carers, considering carers who may care for an adult or child living with a disability or impairment and eligible for a Blue Badge, reflects the impacts (both positive and negative) on those living with disabilities, as described above.	Mixed: + & -	Positive – high Negative - high
Low income groups	No differential impact anticipated.		
Veterans, Armed Forces Community	No differential impact anticipated.		
Other	Not applicable		
Impact on human rights:			
List any human rights impacted.	The Convention rights applicable are Article 2 - protects the right to life. In this case, its applicability relates to the requirement placed on the Government to take appropriate measures to safeguard life by making laws to protect people. Public authorities should also consider the right to life when making decisions that might put people in danger or that affect their life expectancy	Positive (Article 2)	High

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 being done to optimise opportunities to advance equality or foster good relations?

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:
<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.

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	<p>This proposal physically enforces the Traffic Regulation Order changes approved at the November 2021 Executive and previously at the August 2019 Executive and also the proposed further changes to exemptions.</p> <p>Impacts on blue badge holders are considered separately in the MY CITY CENTRE project though originally some of the changes to the restrictions were made as part of this project. Mitigation measures are being developed further and will be reported later this year.</p> <p>The procedures and protocols for access through the barriers are being finalised. The requirements for booking essential access and the procedures to check the vehicle and driver identity are being developed. This work will be reported to the Executive Member for Transport later this year.</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
City centre access for vehicles	Procedures and protocols to be finalised and then tested once the physical measures are installed.	Catherine Higgins	November 2022

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?
	Once operational the physical measures will be monitored and access arrangements reviewed in line with counter terrorism police advice.

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Current Exemptions to Driving Restrictions

<u>Column 1</u>	<u>Column 2</u>
<u>(Designation)</u>	<u>(Exemption)</u>
A or B or 2.	A Vehicle being used for fire brigade, ambulance or police purposes.
A or B or 3.	A Vehicle proceeding upon the direction or with the permission of a police constable in uniform or a traffic warden or proceeding with the permission of the Council's Head of Traffic or a person authorised to grant such permission on behalf of the Council's Head of Traffic.
B or 4.	A Vehicle being used for Works or in accordance with the conditions of a Skip Licence.
B or 5.	A Vehicle being used in the service of a local authority, water authority or statutory undertaker in the exercise of statutory powers or duties.
C or 6.	A Pedal Cycle (only in the market Area)
F or G or 15.	A Vehicle being used in connection with Medical Requirements.
F or G or 16.	A Vehicle being used at premises situate on or adjacent to that road in connection with a wedding or funeral provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.
F or 17.	<p>A Vehicle:</p> <ol style="list-style-type: none"> 1) proceeding so as to gain access to a road in the Footstreet Areas by the most direct route in accordance with any other Exemption; or 2) having had access within the terms of Paragraph (1) of this Exemption proceeding by the most direct route and by way only of roads within the Footstreet Areas either to a road not within the Footstreet Areas or to its point of origin if that point is within the Footstreet Areas <p>except that this Exemption shall not apply to:</p> <ol style="list-style-type: none"> (a) any other Exemption in which a route is specified; or (b) a Vehicle proceeding:

- (i) in Jubbergate (other than for 25m from the highway boundary line on the north east side of Parliament Street);
King's Court;
Newgate;
Little Shambles (other than for 9m from its junction with Great Shambles);
Newgate/Little Shambles Link Road;
New Road;
Patrick Pool; or
Silver Street
unless its destination is in one of those eight roads or in the case of King's Court it is lawfully proceeding from one of those roads, from Great Shambles or the remaining 9m of Little Shambles;
- (ii) in Great Shambles and Little Shambles for 9m from its junction with Great Shambles unless its destination is other than Shamble Market and is on one of those two roads;
or
- (iii) from Little Stonegate into Stonegate.

20. A marked Vehicle being used by a universal service provider for the collection of postal packets in the course of the provision of a universal postal service along routes through:
- (a) Blake Street, St Helen's Square and Lendal;
or
 - (b) Goodramgate, King's Square and Colliergate.
22. A Horse Drawn Hackney carriage proceeding along a route through Blake Street, Davygate, St Sampson's Square, Church Street, King's Square and Colliergate.
27. A Vehicle being:
- (a) used in connection with the removal of furniture provided that notice is given at least twenty four hours in advance to the police or to the Council's Head of Traffic or a person authorised to act on behalf of the Council's Head of Traffic and consent is obtained;
 - (b) a Non-motorised Vehicle used in connection with the delivery or collection of goods to or from premises on or adjacent to that road; or
 - (c) a Specialist Vehicle
28. A Vehicle being used on:
Granary Court;
St Andrew Place;

St Andrewgate

between points 51m and 126m from the projected highway boundary line on the north east side of Colliergate;

or

Spenn Lane:

(a) in connection with the delivery or collection of goods or persons to or from premises on or adjacent to and only accessible from one of those roads;

(b) to go on to or having come off land or premises not forming part of the highway provided such land or premises are only accessible from one of those roads;

or

(c) in accordance with Exemption B

provided such Vehicle is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity it is not a Local Bus.

30. On any day after an Officer has closed Shamble Market early a Vehicle being used by a stallholder in connection with the conveyance of stallholders stock and equipment along a route through Goodramgate, Church Street, King's Square and Colliergate provided such Vehicle is not constructed or adapted to carry more than 16 seated passengers excluding the driver.

31. A Vehicle proceeding along a route through Blake Street, St Helen's Square and Lendal being used to convey guests and their luggage to or from 9 Lendal at the commencement or termination of their residence provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.

32. A Vehicle proceeding along a route through Goodramgate, Church Street, Swinegate, Grape Lane, Low Petergate, Kings Square and Colliergate being used to convey guests and their luggage to or from 54 Low Petergate at the commencement or termination of their residence provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.

I or 41. A Security Carrier being used for going to or coming from premises on that road.

- I or 42. A Specialist Vehicle or Non-motorised Vehicle.
- J or 43. A Handcart used in accordance with a Market Access Permit.
- J or 44. A Specialist Vehicle or a Non-motorised Vehicle not being
(a) a Pedal Cycle being pushed;
or
(b) a Handcart.
48. A Vehicle on which is displayed a Valid Disabled Person's Badge, proceeding along:
(a) Blake Street, St Helen's Square or Lendal and being used in connection with the conveyance of a Disabled Person to or from premises in one of those streets or for the purpose of waiting or having waited in one of those Streets;
(b) Goodramgate, King's Square, St Andrewgate from the highway boundary line on the north east side of Colliergate for 50m or Colliergate and being used in connection with the conveyance of a Disabled Person to or from premises in one of those streets or for the purpose of waiting or having waited in one of those Streets;
or
(c) Castlegate and being used in connection with the conveyance of a Disabled Person to or from premises in that street or for the purpose of waiting or having waited in that street
in accordance with the provisions of this Order, provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.
49. The Vehicle is a Disabled Person's Vehicle displaying a Valid Disabled Persons Badge which is being used in connection with the conveyance of a Disabled Person and which:
(a) lawfully entered one of the roads in the Footstreet Areas other than those roads and lengths of road subject of exemption at Designation 48 before 10.30am on a Sunday and
(b) has lawfully waited thereon from 10.30am until the commencement of the current journey and
(c) is proceeding between 10.30am and 1pm on a Sunday by the most direct route in order to exit the Footstreets Areas
provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated

passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.

114. A Motor Vehicle when displaying a Valid "Shamble Market Area" Permit.

121 A Dial a Ride Bus

Current Exemptions by Street

Streets	Exemptions during Pedestrian period
Back Swinegate	B, F, I, 49
Blake Street	B, F, I, 20, 22, 31, 48, 49
Church Street	B, F, I, 22, 30, 32, 49, 121
Colliergate	B, G, J, 20, 22, 30, 32, 48, 49, 121
Coney Street	B, F, I, 49
Davygate	B, F, I, 22, 49, 121
Feasgate	B, F, I, 49
Finkle Street	B, F, I, 49
Goodramgate	B, F, I, 20, 30, 32, 48, 49
Grape Lane	B, F, I, 32, 49
High Ouesgate	B, F, I, 49
High Petergate	B, F, I, 49
Jubbergate	B, G, J, 6, 114 (Continuous Period)
King's Square	B, F, I, 20, 22, 30, 32, 48, 49, 121
Lendal	B, F, I, 20, 31, 42, 48, 49
Little Stonegate	B, F, I, 49
Low Petergate	B, F, I, 32, 49
Market Street	B, F, I, 49
Newgate	B, G, J, 6, 114 (Continuous Period)
New Street	B, F, I, 49
Parliament Street	B, F, I, 49
Patrick Pool	B, G, J, 6, 114 (Continuous Period)
Peter Lane	B, F, I, 49
St Andrewgate	B, F, I, 28, 48, 49
St Helen's Square	B, F, I, 20, 32, 48, 49
St Sampson's Square	B, F, I, 22, 49, 121
Shambles	B, F, J
Silver Street	B, G, J, 6, 114 (Continuous Period)
Spurriergate	B, F, I, 49
Stonegate	B, G, 27, 42 (Except between 5am & 10.30am)
Swinegate	B, F, I, 32, 49

Proposed Exemptions to Driving Restrictions

<u>Column 1</u>	<u>Column 2</u>
<u>(Designation)</u>	<u>(Exemption)</u>
A or B or 2.	A Vehicle being used for fire brigade, ambulance or police purposes.
A or B or 3.	A Vehicle proceeding upon the direction or with the permission of a police constable in uniform or a traffic warden or proceeding with the permission of the Council's Head of Traffic or a person authorised to grant such permission on behalf of the Council's Head of Traffic.
F or G or 15.	A Vehicle being used in connection with Medical Requirements.
F or 17.	<p>A Vehicle:</p> <ol style="list-style-type: none"> 1) proceeding so as to gain access to a road in the Footstreet Areas by the most direct route in accordance with any other Exemption; or 2) having had access within the terms of Paragraph (1) of this Exemption proceeding by the most direct route and by way only of roads within the Footstreet Areas either to a road not within the Footstreet Areas or to its point of origin if that point is within the Footstreet Areas <p>except that this Exemption shall not apply to:</p> <ol style="list-style-type: none"> (a) any other Exemption in which a route is specified; or (b) a Vehicle proceeding: <ol style="list-style-type: none"> (i) in Jubbergate (other than for 25m from the highway boundary line on the north east side of Parliament Street); King's Court; Newgate; Little Shambles (other than for 9m from its junction with Great Shambles); Newgate/Little Shambles Link Road; New Road; Patrick Pool; or Silver Street <p>unless its destination is in one of those eight roads or in the case of King's Court it is lawfully proceeding from one of those roads, from Great Shambles or the remaining 9m of Little Shambles;</p>

(ii) in Great Shambles and Little Shambles for 9m from its junction with Great Shambles unless its destination is other than Shamble Market and is on one of those two roads;

or

(iii) from Little Stonegate into Stonegate.

I or 42.

A Specialist Vehicle or Non-motorised Vehicle.

121

A Dial a Ride Bus

Proposed Exemptions

Streets	Exemptions during Pedestrian period
Back Swinegate	2, 3, 15, 17, 42
Blake Street	2, 3, 15, 17, 42, 121
Church Street	2, 3, 15, 17, 42, 121
Colliergate	2, 3, 15, 17, 42, 121
Coney Street	2, 3, 15, 17, 42
Davygate	B, F, I, 22, 49, 121
Feasgate	2, 3, 15, 17, 42
Finkle Street	2, 3, 15, 17, 42
Goodramgate	2, 3, 15, 17, 42, 121
Grape Lane	2, 3, 15, 17, 42
High Ouesgate	2, 3, 15, 17, 42
High Petergate	2, 3, 15, 17, 42
Jubbergate	2, 3, 15, 17, 42 (Continuous Period)
King's Square	2, 3, 15, 17, 42, 121
Lendal	2, 3, 15, 17, 42
Little Stonegate	2, 3, 15, 17, 42
Low Petergate	2, 3, 15, 17, 42
Market Street	2, 3, 15, 17, 42
Newgate	2, 3, 15, 17, 42 (Continuous Period)
New Street	2, 3, 15, 17, 42
Parliament Street	2, 3, 15, 17, 42
Patrick Pool	2, 3, 15, 17, 42 (Continuous Period)
Peter Lane	2, 3, 15, 17, 42
St Andrewgate	2, 3, 15, 17, 42
St Helen's Square	B, F, I, 20, 32, 48, 49, 121
St Sampson's Square	2, 3, 15, 17, 42, 121
Shambles	2, 3, 15, 17, 42
Silver Street	2, 3, 15, 17, 42 (Continuous Period)
Spurriergate	2, 3, 15, 17, 42
Stonegate	2, 3, 15, 17, 42 (Except between 5am & 10.30am)
Swinegate	2, 3, 15, 17, 42

Summary of Proposed Exemptions

<u>Column 1</u> <u>(Designation)</u>	<u>Column 2</u> <u>(Exemption)</u>	<u>Column 3</u> <u>Summary of Exemptions</u>
A or B or 2	A Vehicle being used for fire brigade, ambulance or police purposes.	Emergency Services Vehicles
A or B or 3	A Vehicle proceeding upon the direction or with the permission of a police constable in uniform or a traffic warden or proceeding with the permission of the Council's Head of Traffic or a person authorised to grant such permission on behalf of the Council's Head of Traffic.	A Vehicle which has received permission from either a Police constable, Traffic Warden or by/behalf of the Council's Head of Traffic
F or G or 15	A Vehicle being used in connection with Medical Requirements.	A vehicle which is required to help provide medical assistance
F or 17	<p>A Vehicle: 1) proceeding so as to gain access to a road in the Footstreet Areas by the most direct route in accordance with any other Exemption; or 2) having had access within the terms of Paragraph (1) of this Exemption proceeding by the most direct route and by way only of roads within the Footstreet Areas either to a road not within the Footstreet Areas or to its point of origin if that point is within the Footstreet Areas except that this Exemption shall not apply to:</p> <p>(a) any other Exemption in which a route is specified; or</p> <p>(b) a Vehicle proceeding: (i) in Jubbergate (other than for 25m from the highway boundary line on the north east side of Parliament Street); King's Court; Newgate; Little Shambles (other than for 9m from its junction with Great Shambles); Newgate/Little Shambles Link Road; New Road; Patrick Pool; or Silver Street unless its destination is in one of those eight roads or in the case of King's Court it is lawfully proceeding from one of those roads, from Great Shambles or the remaining 9m of Little Shambles;</p> <p>(ii) in Great Shambles and Little Shambles for 9m from its junction with Great Shambles unless its destination is other than Shamble Market and is on one of those two roads; or</p> <p>(iii) from Little Stonegate into Stonegate.</p>	A vehicle travelling by the most direct route to either access or exit a street within the footstreets, unless a route is specified.

I or 42	A Specialist Vehicle or Non-motorised Vehicle.	<p>"Specialist Vehicle" means a Vehicle not being a Pedal Cycle: (a) which is propelled by the physical effort of a person carried by it; or (b) which is an invalid carriage within the meaning of The Use of Invalid Carriages on Highways Regulations 1988 and used within the terms of those regulations. "Non-motorised Vehicle" means a Pedal Cycle which is either stationary or being pushed and a Vehicle which is propelled by the physical effort of a person not carried by it such Vehicle being constructed and not merely adapted to be so propelled.</p>
121	A Dial a Ride Bus	A Bus that offers the Dial a Ride service.

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Annex D

Our ref: LR/SR

Your ref:

Date: 17 August 2018

Name and address: Mary Weastell
Chief Executive
City of York Council
West Officers
Station Rise
York
YO1 6GA



Dear Mary,

North Yorkshire Police support for Hostile Vehicle Mitigation (HVM) measures

Thank you for the recent invitation to meet Executive Members which took place on Monday 6th August 2018. Following my attendance, I would like to place on record my support, on behalf of North Yorkshire Police, in relation to the proposed HVM measures planned for the City of York.

As I am sure you are aware, the national threat level remains at severe. This means that a terrorist attack is highly likely and any attack is likely to come without notice. Further, there has been a clear shift in attack methodology, from complex pre-planned coordinated attacks such as those seen at the World Trade Center to the more recent attacks on mainland Europe and those in the United Kingdom where attack planning is very basic, including the use of hire vehicles and knives as weapons.

Public spaces are currently the most favoured locations because they have ready access to a large number of potential victims. York has very tight streets where there are large crowds of people regularly going about their daily business. Any attack carried out by a vehicle is therefore likely to result in multiple fatalities and many significant injuries.

Currently there are no suitable vehicle mitigation measures in York. My colleague, Superintendent Mark Khan, a specialist Security Coordinator, is of the opinion that this is an unacceptable risk for the city to carry. I would echo this view, especially when we, as public authorities, have responsibilities in relation to the European Convention of Human Rights (ECHR). This is particularly relevant when Article 2, The Right to Life, is considered as this article places a positive duty on the state (i.e. public bodies) to protect life.

Hostile vehicle mitigation can work in two ways. It can be a visible deterrent and also a physical barrier. I am therefore in full support of the proposed measures and look forward to continuing to support City of York Council as this work moves forward.

Yours sincerely

Superintendent Lindsey Robson
Area Commander York & Selby

I am employed as a Counter Terrorism Security Advisor and work for the North East Counter Terrorism Police. I oversee counter terrorism protected security in York district and am a permanent member of the CYC Counter Terrorism Task Group.

For some years I have been advising the council and private businesses on Hostile Vehicle Mitigation (HVM) for both the city centre and some outlying venues.

HVM is an effective and proven security measure for protecting crowded places such as the centre of York, many examples of HVM can be seen at other large city and town centres throughout the UK. They have been put in place to protect the public from the various terrorist attack methodologies using vehicles. This includes vehicles that contain explosives as well as everyday vehicles that are used to drive into crowded areas (known as Vehicle as Weapon attacks).

When considering a vehicle access scheme involving the use of security hardware which mitigates or prevents a vehicle gaining access to the designated protected area, it is necessary to create a sterile zone free from all vehicles at times when the area is a crowded place. Entry to such areas must be restricted to emergency response vehicles which can be done during the planning phase of any such scheme.

I am aware that CYC have a well-developed plan to introduce such a vehicle access scheme to the centre of York, it has been subject to consultation and has received advice from the likes of myself as well as my colleagues from CPNI (Centre for the Protection of National Infrastructure) who have advised on other projects nationally.

To have an effective scheme in place it would be necessary to exclude **all vehicles** from access to the sterile area when it is operational ie when it is busy with pedestrians, this unfortunately includes 'blue badge' holders. Terrorists plan attacks meticulously and hold no regard to blue badge holders, they do not follow the everyday rules that you and I would and would see the use of a vehicle displaying a blue badge as an opportunity rather than something that is in place to assist others.

I therefore would advocate that any vehicle having 'blue badge' status should be excluded from entry to the vehicle access zone within the city centre during the times when it is operational.

I understand that the council is consulting to find alternative parking for such vehicles as close to the city centre as is possible and this hopefully will enable parking for 'blue badge' holders and their vehicles.

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Executive**13 January 2022**

Report of the Director of Housing, Economy and Regeneration and the Director of Environment, Planning and Transport

Portfolio of the Executive Member of Housing and Safer Neighbourhoods and the Executive Member of Transport

The Groves - The Future of the Low Traffic Neighbourhood Trial**Summary**

1. The Executive Member for Transport approved the implementation of an 18 month Experimental Traffic Regulation Order (“ETRO”) in The Groves in June 2020 (plan Annex A1). This 18 month Low Traffic Neighbourhood trial period is coming to an end and a decision is required as to whether this is to become a permanent solution or whether the roads are to be re-opened to through traffic.
2. The ETRO was established following significant feedback from residents of The Groves as part of public engagement into the development of a new community plan and addressed their concerns about the impact of through traffic on their residential neighbourhood.
3. This report sets out the results of both community and statutory consultations, alongside the assessment of the impacts of the ETRO with a view to making a permanent decision about the Low Traffic Neighbourhood and the agreement of any associated TRO as well as recommending the Groves Community Plan for adoption/agreement.

Recommendations

4. It is recommended that Executive:
 - I. Approve making the ETRO permanent with the changes to the scheme as set out in the report

- changing the closure points to use bollards and signage improvements in and around The Groves
- making permanent the changes that were made to a small number of parking spaces, which were removed or relocated to make room for turning points at the closures, and merging the existing resident parking zones permanently.

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

- II. Ask officers to continue to monitor and review the impacts of the scheme and (as part of LTP4), consider further mitigations to be identified where required.

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

- III. Delegate sign off of detailed design for the permanent closure points (bollard type and exact locations), and any further small changes to parking, signing and lining required to make the arrangements permanent to the Director of Environment, Planning and Transport in consultation with the Executive Member for Transport.

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

- IV. To note the Groves Community Plan as the outcomes of the community consultation and ask officers to explore options and opportunities for external funding to bring forward objectives identified in the plan.

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

Background

The Groves

5. The Groves is a residential area which has long experienced the impact of large volumes of through traffic. This is evidenced by the incremental build-up of traffic restrictions and measures aimed at controlling through traffic, for example:
 - I. One way streets (early 1970s);
 - II. Access only orders (1970s);
 - III. 7.5t weight restriction order (1970s);
 - IV. Extensive use of waiting restrictions (1970s, 80s, 90s);
 - V. Minor road closures (1980s);
 - VI. Residents parking (1980s and 90s); and
 - VII. Traffic calming and 20mph speed limit (1990s).
6. Community engagement with residents of The Groves has been taking place for three years and there is significant community support for change in the area. This work has led to the development of The Groves Community Plan which aims to create a more sociable neighbourhood, improving the health and wellbeing of residents by considering both physical interventions and appropriate support and guidance in the facilitation of community activity. The plan explores the potential for new affordable housing, improved streets and public spaces, and local projects to involve residents. The most significant and most common concern raised by residents was that The Groves is used as a through route for cars. Residents stated how this brings noise, pollution, and adds physical barriers between neighbours as well reduces sustainable access to local facilities and services within the area.
7. York's existing Local Transport Plan aims to improve strategic transport links in order to enhance the connections between key residential and employment areas in and around York, and beyond, encourage behavioural change to maximise the use of walking, cycling and public transport, tackle transport emissions to reduce the release of pollutants harmful to health and the environment, and enhance public streets and spaces to improve the quality of life, minimise the

impact of motorised traffic and encourage economic, social and cultural activity.

8. This approach was supported by Executive in September 2021 when the decision was made to support the submission of a planning application for the York Outer Ring Road (YORR) Phase 1 dualling scheme. The report noted: *“in principle, it is anticipated that traffic will redistribute around the city as a result of the additional orbital capacity, reducing overall journey times and emissions. Further measures, enabled by this additional capacity, are being considered as part of the development of the new Local Transport Plan to reduce the impact of traffic within the city’s urban areas”*. As part of the development of the next Local Transport Plan, additional Low Traffic Neighbourhoods may therefore be identified.
9. In October 2019, the Executive Member for Transport approved the principle of a Low Traffic Neighbourhood (“LTN”) in The Groves. Further design work took place following this decision, and residents and local businesses were consulted about trialling a number of road closure points and changes to traffic routes in February 2020.
10. The Executive Member for Transport then approved the revised proposals for the implementation of an 18 month Experimental Traffic Regulation Order (“ETRO”) in The Groves in June 2020.
11. The closures and traffic changes started on 2 September 2020, with closure points set up in five locations: the junction of Lowther Street and Brownlow Street, St John's Crescent, Penley's Grove Street, Neville Terrace, and Earle Street. These closure points prevent vehicles passing through, but are open to pedestrians and cyclists. In addition, the existing closure point at Neville Terrace was removed, Brownlow Street and March Street became one-way streets, except for cyclists, and Penley's Grove Street became two-way, to allow traffic to exit onto Monkgate.
12. Following further feedback and as permitted under the regulations for experimental orders, adjustments were made to the trial in November 2020, including changing the position of the road closures on St. John's Crescent and at the junction between Neville Terrace, Park

Grove and Brownlow Street, and making some small changes to on street parking in the area.

13. The 18 month trial period is now coming to an end and a decision is required as to whether the low traffic neighbourhood trial is to become permanent or whether the roads are to be re-opened to through traffic.

The Groves Community Plan

14. The Groves was selected for the development of a housing led Community Plan as it compares very poorly with other areas of York against a number of health and wellbeing indices.
15. The Community Plan aims to create a more sociable neighbourhood, improving the health and wellbeing of residents by considering both physical interventions and appropriate support and guidance in the facilitation of community activity. The Community Plan explores the potential for new affordable housing, improved streets and public spaces, and local projects to involve residents.
16. Prior to the LTN consultation and proposal, there had been a great deal of engagement with residents in order to develop a Community Plan for the Groves. Feedback from residents at the many workshops, walkabouts and local event sessions has been very positive and ambitious. Residents describe the well-defined sense of community and potential for community connections to develop further. However, alongside the many positive comments, there have been strong and repeated calls to address the traffic and air quality issues in the area.
17. Investment in community-led regeneration addresses some of the key things we are learning from the Coronavirus outbreak – the importance of community, mental and physical health, wellbeing, access to usable and safe outdoor space, local gardening and other communal projects. Reducing through traffic can be a key catalyst in supporting this work.
18. Government grant funding has been used to support a number of local community projects in the Groves and across the city. These aim to

address isolation, loneliness, health and well-being through community planting/ growing, activity sessions and confidence building.

19. Funds have been awarded to:-
 - a. Move the Masses' physical activity programme;
 - b. Flower Power's community grow project;
 - c. Bright Sparks' early intervention to provide help and support to parents who are struggling;
 - d. The Groves Association's community planting, secret garden and arts/ heritage projects;
20. These projects have been very successful, with, for example, the Secret Garden revitalised and rejuvenated, resident volunteers have planted flowers in underused spaces throughout The Groves. Flower arranging and cookery workshops aimed at addressing loneliness, isolation and healthy eating have also taken place. Weekly gardening sessions, cooking on a budget workshops, creative café, natter group, summer fair and Halloween disco, curry nights and free activity sessions through Move The Masses have all been popular. A number of other projects and initiatives (e.g. local story telling, public art and walking trails) in association with the Groves Association and local residents are planned.
21. Residents and local artists have been interviewing residents, old and new, to develop walking trails which highlight resident reflections on the history of the Groves. The trails complement the LTN experiment and the wider aims to provide more sociable spaces for residents and more opportunities to walk safely, socialise and help to green the Groves.
22. The ambitions of the community have been captured in the Groves Community Plan which is attached at Annex A2. The vision of the plan is to facilitate estate renewal in housing and the local environment, while making a positive and lasting difference to the lives of residents. Five key themes (Health and Well-being, Green Spaces, Movement Network, Housing, and Community Hub) have been the subject of discussions and the outcome of these is set out in the Community Plan.
23. This plan sets out a number of long term community led opportunities for change alongside council or partner led capital investments to

improve the physical environment and provide new homes. Further work is needed to assess how to deliver some of these ambitions and Executive are asked to agree further work to develop fundable propositions from this plan and to explore suitable external funding sources to deliver future improvements.

24. It is considered that the ambitions outlined in the Community Plan would be negatively impacted by the re-opening of through traffic into the narrow residential streets of The Groves.
25. The Community plan is currently in draft format and will be finalised and agreed in the coming calendar year.

Low Traffic Neighbourhoods (LTNs)

26. Planning and transport policies seek to enable more trips to be undertaken by sustainable means, encourage behavioural change to maximise the use of walking, cycling and public transport and continue to improve road safety, tackle transport emissions, and enhance public streets and spaces to improve the quality of life, minimise the impact of motorised traffic and encourage economic, social and cultural activity.
27. Nationally, this policy direction has been reflected and encouraged by the DfT, who include the decarbonisation of transport, improving air quality and providing quality, sustainable transport alternatives as priority outcomes in the recently published DfT Outcome Delivery Plan: 2021 to 2022.
28. There are examples of LTNs all over the country, notably in Hackney and Waltham Forest, which have the highest number of LTNs by area in London. As a comparator for York, Bath and North East Somerset also have a strategy for LTNs.
29. The LTN trial has tested the principle of reducing the impact of traffic within urban residential areas of the city, through a shift towards sustainable transport alongside directing car journeys onto key arterial routes and the inner and outer ring roads. It is generally accepted that in order to achieve a reduction of traffic impacts within residential urban areas, traffic flow has to be restricted. As shown in this report, this has impacts on other routes within the city.
30. This report presents the results of the LTN trial's monitoring and evaluation as well as the formal objections to the ETRO made during the trial, now that the measures have been in place unchanged for at

least 6 months (the minimum period before the measures can be considered for making the ETRO permanent).

31. Data collated for the trial identifies the following key impacts and changes, described in more detail in the Executive Summary of the transport implications at Annex A3 with the full WSP report and data available online as background papers:
- **Impact on motorised traffic in The Groves** – Significant reduction in motorised traffic in The Groves in general, with a smaller reduction on St John Street and St John’s Crescent, and with the exception of a modest increase in traffic volumes on Park Grove. For drivers within The Groves wanting to reach a destination on the other side of the closures, journey times by car have increased due to the trial;
 - **Impact on motorised traffic around The Groves** – Increases in traffic on surrounding roads including Lord Mayor’s Walk, Clarence Street, Haxby Road, Monkgate, Huntington Road, Haley’s Terrace and Dodsworth Avenue. The most significant increases in journey times are located on the Gillygate/ Clarence Street corridor and on Lord Mayor’s Walk. This may not be due entirely to the trial as there is a gating scheme to control access to Gillygate at the junction and journey times have increased over the same period in other parts of the City;
 - **Impact on journey times for drivers who used to travel through The Groves** - Increase in journey time estimated between 1 and 8 minutes with the trial in place as a result of having to use alternative routes; or ‘main roads’
 - **Impact on bus services** - journey times seem to have increased by between 30 and 90 seconds in the northbound direction for bus service 5, which travels on Clarence Street and Haxby Road, and by between 50 and 90 seconds in the northbound direction for bus service 6 which travels on Wigginton Road;
 - **Impact on cycling** - Traffic data generally shows increases in the number of cyclists travelling through the area. This is generally valid for streets in The Groves, with the exception of Lowther Street at the junction with Haxby Road and St John Street, where the data seems to indicate very small reductions in cycling. More significant increases in cycling were noted in streets around The Groves, between 21% and 29% growth
 - **Impact on air quality** – Data collated by the Council in The Groves and the surrounding area shows a general reduction in

annual mean NO₂ concentrations. It is however important to note that widespread improvements in air quality were observed in York in 2020 compared with previous years, primarily due to a reduction in emissions from vehicles linked to the Covid 19 pandemic. Whilst this could be regarded as atypical, this is in line with the general downward trend in NO₂ concentrations monitored across the city since 2012.

Dispersion model predictions (this models displacement onto the rest of the network, but doesn't account for changes in travel behaviour) show that the changes in traffic flows between 2020 (before the trial) to 2021 (during the trial) are likely to cause local air quality deterioration for residential and educational receptors located north and south of the scheme, along Haxby Road. However, local air quality improvements are expected for residential and educational receptors located on Lowther Street and Townend Street.

The highest adverse impact in NO₂ concentration (+0.3µg/m³ or a 3.3% increase) is predicted at Haxby Road Primary Academy, in which future mitigation will be considered, and the highest beneficial impact (-1.9µg/m³ or a 11.9% reduction) at Park Grove Primary Academy.

Consultation responses and objections

32. Under an ETRO, the consultation is carried out for a maximum period of 18 months with the measures in place, so that residents, businesses and road users can experience the proposals first hand and make a well informed representation either against or in support of the scheme. This differs from the more usual method for a permanent Traffic Regulation Order proposal where the consultation is carried out for a minimum of 3 weeks, seeking views on the proposals and the objections are considered before the proposed scheme can, if approved, be implemented.

Overview of representations received

33. Representations were initially received from the emergency services after early scheme changes had been made and since then have

confirmed in December 2021 that these represent their current views. They are as follows:

- Yorkshire Ambulance Service NHS Trust (25 February 2021): *“I have spoken to my clinical supervisor team and they don’t feel that there is a big issue. Locality Manager – York Station and UCP/ECP team Sherburn.*
- Fire Service (29 January 2021): *“I’m the person who initially voiced my concern over the necessity of using St John Street to access Fern Lockwood and Waverly Streets. I’m pleased to see that the blockage on St John’s Crescent is passable by use of access codes. This will give us a much quicker response time to any persons reported incidents within that proximity.*
. Watch Manager - York Fire Station
- North Yorkshire Police (21 January 2021): *“I have consulted with our Operational staff and there have been no issues around the closure to through traffic of the Groves”.* Traffic Management Dept.

Statutory consultation responses and objections

34. During the first consultation on the ETRO between September 2020 and May 2021 there were 261 representations made. The representations can be summarised into:
- 139 in objection;
 - 87 in support; and
 - 35 making requests, comments, information and questions.
35. Following the revision of the ETRO in November 2020 additional representations were received (May '21 onwards). These were:
- 62 in objection
 - 29 in support.
 - 28 making requests, comments, information and questions.

The most frequent objections to the experiment are:

- Delays on alternative routes, additional length of alternative routes
- Access difficulties due to queuing traffic; increased noise and pollution from traffic; frustration at increased complexity of previous simple trips

- Movement difficulties due to conflicting traffic; safety concerns from queuing traffic; increased noise and pollution from traffic; and
- Access difficulties due to queuing traffic; frustration at increased complexity of previous simple trips; being on 'the wrong side of the divide' for local trips; public safety concerns from change in evening activity patterns.

The reasons for support are:

- Increased feeling of safety
- Reduced noise pollution
- Reduced air pollution
- Less traffic – better for pedestrians
- Has delivered benefits for cyclists
- Improved accessibility for wheelchair users
- A positive difference to quality of life; and
- There is increased community spirit.

36. Based on this data and consultation feedback, planned works of relevance to the trial and a number of proposed improvement works are presented in the report to help address some of the issues raised. These range from upgrades to junctions, cycling improvements, as well further surveys and monitoring of impacts on surrounding residential streets to consider further mitigations in the future.
37. Due to the scale of this scheme and the large number of representations made during the experiment, the full text of the individual objections in the annexes have been distilled into a number of bullet points for the reasons for objection (see Annexes B and D with retail objections at Annex E). The number of times these views have been expressed in the objections has been noted alongside the bullet points to enable a rapid appreciation of the most common themes for objecting to the scheme.
38. Although not required by the legal process, in the run up to the experiment being in place unchanged for 6 months a letter was issued to residents in the Groves area to advise that the ETRO objections were due to be considered with a possibility of them being made permanent. This was done to encourage anyone interested in the experiment to make any new comments they wished to make in order for them to be included in the report for consideration. Comments

made after this request are show, again in bullet point form (201 to 262), in Annex D.

39. The most frequent objections to the experiment are (from Annexes B, C and D) as follows:

Table 1: Summary of most frequent objections

Objector - key aspect	Main points with officer comment
From those travelling through this sector of York	Delays on alternative routes, additional length of alternative routes – see ‘Impact’ sections above
From those living in the surrounding streets in this sector of York – car users	Access difficulties due to queuing traffic; increased noise and pollution from traffic; frustration at increased complexity of previous simple trips – see detail descriptions and Air and Noise sections above
From those living in the surrounding streets in this sector of York – pedestrians, cyclists or bus users	Movement difficulties due to conflicting traffic; safety concerns from queuing traffic; increased noise and pollution from traffic – see ‘Impact’ sections; detail descriptions and Air and Noise sections above
From those living within the Groves	Access difficulties due to queuing traffic; frustration at increased complexity of previous simple trips; being on ‘the wrong side of the divide’ for local trips; public safety concerns from change in evening activity patterns – see ‘Impact’ sections above
From those with businesses within the Groves	Reduced trade potential from lower levels of passing traffic; access difficulties due to queuing traffic; frustration at increased complexity of previous simple service trips – see ‘Impact’ sections above

40. Whilst the formal consultation process for traffic regulation orders is for the consideration of objections to a scheme, it should be noted that there have also been 87 representations made in support of the measures when they were put in place with a further 29 since May 2021. The reasons for support are highlighted in bullet point form in Annex F and the main reasons for support are indicated below:

- Increased feeling of safety;
- Reduced noise pollution;

- Reduced air pollution;
- Less traffic – better for pedestrians;
- Has delivered benefits for cyclists;
- Improved accessibility for wheelchair users;
- A positive difference to quality of life; and
- There is increased community spirit.

41. Not all those making representation provided address details. However, Table 2 provides an indication of where the representations against and in support of the experiment originated from in terms of whether from within or outside The Groves.

Table 2: Likely origin of the representations (based on all iterations of the experiment)

Position expressed in the representation	Within the Groves area	From outside the Groves area	Unknown
Support	70.7%	17.2%	12.1%
Objections	23.4%	56.7%	21.9%

42. In addition, there have been two e-petitions received that relate to this experiment, one for and one against the measures introduced through the trial. The e-petition opposed to the experiment has received 2,084 signatures (1 October 2020). Also received was a petition asking for more room to walk and cycle in York, with the group which started the petition (York Cycle Campaign) linking these demands to the experimental scheme in The Groves. The petition has received 3,905 signatures (as of 2 October 2020).

Online survey

43. An online survey was made available between 18 October and 14 November 2021, open to all wanting to share their views on the trial. For those who were not able or did not want to take part in the online survey, email and postal addresses were available as well for representations to be made directly to the Council.
44. The online questionnaire received 1,514 responses. This represents an excellent response rate and demonstrates the high level of interest in the trial. The detail of the survey methodology and analysis of the

responses received can be found in the background papers to the report.

45. Table 3: Summary of responses to: “On a scale of 1-10, to what extent do you support the Low Traffic Neighbourhood trial in The Groves?”

Views expressed	From within the Groves	From outside the Groves
Broadly positive (6 to 10)	221 respondents	159 respondents
Broadly negative (1 to 5)	182 respondents	758 respondents

46. Key points to summarise the views expressed through the online survey include:
- a. 73% of respondents indicated that they oppose the trial and 27% of respondents stated that they support the trial. Support for the trial was stronger amongst residents of The Groves but some Groves residents oppose the trial and some respondents who reside outside The Groves support the trial
 - b. The main reasons stated for opposing the trial were: causes congestion / slow traffic, doesn't reduce traffic / forces it elsewhere, causes more air pollution due to congestion, longer journey times now, negative effect on surrounding roads, need to drive further now / direct routes cut off, and delays emergency services / longer journeys for police, ambulance, fire
 - c. The main reasons stated for supporting the trial were: reduced pollution / improved air quality - positive impact on health, quality of life has improved as a result of the LTN, and reduced noise levels
 - d. When asked to identify what actions they had taken as a result of the implementation of The Groves LTN, 46% of drivers who responded to the survey said that they found an alternative route, and 12% said that they had cancelled some of their journeys. Some drivers indicated that they were more likely to walk or cycle instead of driving and some said that they had reduced the number of car journeys they make
 - e. The experience of walking in The Groves improved with the trial, with some people stating that they now walk more frequently in The Groves

- f. The experience of cycling in The Groves improved with the trial, with some people stating that they now cycle more frequently in The Groves.

47. The discussions with local organisations brought together a range of views and these are summarised in the background documents.

Planned and proposed improvements/mitigations

48. As shown above, the LTN trial in The Groves has resulted in a significant reduction in motorised traffic through most streets in The Groves. This has also resulted in significant increases in traffic for some surrounding streets due to drivers rerouting their journeys.

49. Some improvements are already planned on some of the routes where traffic has been redirected, as follows:

- Huntington Road/ Haley's Terrace/ Fossway junction - As part of the Council's Smart Transport programmes (TSAR / STEP), the signalised junction at Huntington Road / Haley's Terrace has now had communications installed and the Council is in the process of upgrading the traffic signal controller to gain Urban Traffic Control (UTC) functionality. The work should be completed by March 2022, allowing the Council to implement traffic signal timing plans at the junction, to better manage traffic, and improved fault monitoring;
- Dodsworth Avenue/ Mill Lane/ Heworth Green – The controller currently in place for this signalised pedestrian crossing on Heworth Green, near the junction with Dodsworth Avenue, has been failing regularly since June 2021. As the controller is not connected to the Council's communication network, this has to be reported once identified by an inspector or a member of the public, resulting in poor response times and traffic impacts. The Council proposes to refurbish all on site signal equipment through the TSAR programme. As above, this work will improve the performance of the signalised crossing, reducing faults and response time.

50. Additionally, if the trial is to become permanent, the following measures will be considered, through the Local Transport Plan process, to address known issues on the road network where additional traffic is being redirected due to the closures in The Groves:

- Monkgate/ Foss Bank/ Heworth Green/ Huntington Road junction – Junction improvements to address pedestrian and

cycling safety issues. Feasibility and design to be progressed through the Local Transport Plan (LTP) and Local Cycling and Walking Infrastructure Plan (LCWIP);

- Consideration of the option to create an inbound bus lane on Clarence Street and its impacts as part of the City Centre Bus Study, taking changes in The Groves into account;
- Haley's Terrace/ Fossway/ Dodsworth Avenue – Additional data gathering and monitoring for this corridor to inform an improvement plan (if required).

51. If the decision is taken to make the changes permanent, improvements to the closure points will be required to remove the unsightly concrete blocks and install suitably designed bollards, considering the needs of users of adapted cycles and mobility aids. These do not need to be rated for hostile vehicle mitigation as they do not fulfil such a function in this area. Signage improvements within The Groves and at the periphery will also be required to clearly identify routes and restrictions in place for motorised vehicles and routes for pedestrians and cyclists, including access to shops and businesses in The Groves.
52. Some limited changes to on street parking arrangements will also be required to cater for the closure becoming permanent. This is likely to include making permanent the changes that were made to a small number of parking spaces, which were removed or relocated to make room for turning points at the closures, and merging the existing resident parking zones permanently.
53. Additionally, if the trial was to become permanent, the Council should continue to monitor the scheme's impact on The Groves and the surrounding streets to understand the long term impacts of the Low Traffic Neighbourhood scheme and identify any future mitigations or responses to any unintended consequences. This would also enable the scheme to be reviewed in light of emerging legislation (for example considering the Government's proposed changes to the enforcement of moving traffic offences and opportunities that this change may present in terms of ANPR camera enforcement).

Options for Consideration

54. The following options have been identified for Executive to consider.
55. **Option 1 - Conclude the experiment and return the road network to how it used to be.** This is not a recommended option because it would not meet the Transport objectives, as stated in the current Local

Transport Plan and would not meet the Housing objectives expressed in the Community Plan.

56. **Option 2 – Conclude the experiment** and return the road network to how it used to be on a temporary basis **whilst an alternative scheme to meet regeneration and transport objectives is developed and implemented**. This is not a recommended option because it would not meet the Transport objectives as stated in the current Local Transport Plan and would not meet the Housing objectives expressed in the Community Plan in the short to medium term whilst an alternative scheme is developed. Developing an alternative scheme would be likely to take further time and therefore, cost. It would also undermine the benefits of removing through traffic from residential areas.
57. **Option 3 - Approve making the ETRO permanent with small changes to the scheme and parking within The Groves as required for permanent arrangements**. A capital allocation is required between £50k and £80k to make the scheme permanent. This is the **recommended option** because it meets the Transport and Housing objectives outlined in the Council Plan, LTP3 and the emerging LTP4, national policy direction from the DfT and previously agreed resolutions of Full Council. It also enables the current closures to be replaced by more suitable bollards (which can be removed to provide access to emergency services) and allows for further mitigation measures identified in this report to be implemented as planned or through the Local Transport Plan process. This option will also allow for further data to be collected as measures are made permanent, keep the scheme under review with regard to long term impacts and possible further mitigations.
58. **Option 4 - Approve making the ETRO permanent with small changes to the scheme and parking in The Groves as required for permanent arrangements, with the exception of the closure of St John Street and St John's Crescent**. This is not the recommended option because reopening this area of The Groves to through traffic would risk creating another cut-through route between Lord Mayor's

Walk and Monkgate, resulting in road safety issues for drivers, cyclists and pedestrians.

Analysis

59. This section presents an appraisal of the advantages and disadvantages of each of the options presented above.
60. The transport objectives considered to assess the options are those stated in the current Local Transport Plan:
- Providing quality alternative sustainable modes of transport to provide more choice and enable more trips to be undertaken by sustainable means;
 - Encouraging behavioural change to maximise the use of walking, cycling and public transport and continue improving road safety;
 - Tackling transport emissions to reduce the release of pollutants harmful to health and the environment; and
 - Enhancing public streets and spaces to improve the quality of life, minimise the impact of motorised traffic and encourage economic, social and cultural activity.
61. The housing objectives considered alongside the Community Plan to assess the options include:
- Better air quality;
 - Less and slower traffic; and
 - The chance to build on the existing sense of community.

Table 4: Option assessment

Option	Advantages	Drawbacks
<p>Option 1 – Conclude the experiment and return the road network to how it used to be</p>	<p>Through route reopen to traffic – journey times to destinations near the Groves should return to pre-trial levels (although other factors may influence journey times)</p> <p>No further investment required apart for the removal of the trial equipment, signage and lining</p>	<p>Transport objectives not met (as stated in the Local Transport Plan, i.e. encouraging behavioural change to maximise the use of walking, cycling and public transport and continue improving road safety; enhancing public streets and spaces to improve the quality of life, minimise the impact of motorised traffic and encourage economic, social and cultural activity)</p> <p>Housing objectives not met (as expressed in the Community Plan, i.e. removal of the high levels of through traffic from The Groves, improve road safety and air quality, create the conditions for a healthier and more active community in the area)</p>
<p>Option 2 - Conclude the experiment and implement an alternative scheme</p>	<p>Through route reopen to traffic whilst new scheme is being developed – journey times to destinations near the Groves should return to pre-trial levels (although other factors may influence journey times)</p> <p>Transport and housing objectives considered again to develop a new scheme</p>	<p>Transport and housing objectives (as listed above) not met in the short to medium term – delay in implementation</p> <p>Uncertainty on any other scheme being viable</p>

Option	Advantages	Drawbacks
	Planned changes to legislation could enable ANPR enforcement of restrictions in the future	Further cost associated with the development and testing of an alternative scheme.
Option 3 - ETRO becomes permanent with small changes to the final scheme	Transport and housing objectives (as listed above) met	<p>Some increase in traffic in surrounding streets</p> <p>Some increase in journey time for some drivers accessing destinations in or near The Groves at peak times.</p>
Option 4 - ETRO becomes permanent with small changes to the final scheme, with the exception of the closure of St John Street and St John's Crescent which is removed	<p>Transport and housing objectives (as listed above) mostly met</p> <p>Although St John Street has benefited from a reduction in traffic, this reduction is of a much smaller scale than that identified for the rest of The Groves so reopening the street to through traffic would have limited impact on St John Street, whilst providing more flexibility for traffic accessing St John's Street, St John's Crescent, Fern Street, Lockwood Street and Waverley Street, especially at school drop off and pick up times when vehicles accessing Monk Bar car park can cause access issues for local residents.</p>	<p>As Option 3</p> <p>Reopening these streets whilst making the rest of the scheme permanent could lead to additional through traffic using them to cut through between Monkgate and Lord Mayor's Walk in the absence of another through route in The Groves, leading to road safety issues.</p> <p>Potential increases in traffic on St John's Crescent and Penley's Grove Street would be more significant (when compared to traffic levels during the trial).</p> <p>Note:</p> <p>Issues around school pick up and drop off times and vehicular access through St John</p>

Option	Advantages	Drawbacks
		Street onto Lord Mayor's walk can be addressed through ongoing dialogue with residents/the school and monitored as part of the implementation of the Groves Community plan

Council Plan

62. The proposals relate to the following outcomes, as set out in the Council Plan 2019-2023 (Making History, Building Communities):

- good health and wellbeing;
- getting around sustainably;
- a better start for children and young people;
- a greener and cleaner city;
- creating homes and world-class infrastructure; and
- safe communities and culture for all.

Implications

63. The following implications have been identified:

• Financial

Costs of the experimental stage of the LTN: approx. £90,000, including:

- £35,000 in design fees;
- £4,000 in signage costs;
- £17,000 in highway works;
- £2,500 in TRO advertising costs and communications;
- £10,000 in traffic barriers and planters; and
- £21,500 in monitoring and evaluation costs.

Estimated costs to remove the LTN and go back to previous arrangements (Option 1): £20,000

Estimated costs to make the measures permanent (Option 3): £50,000- to £80,000

There is £50k set aside in the Local Transport Plan for development of the Groves Low Traffic Neighbourhood Scheme. To date approximately half the budget has been spent

The recommended option of making the scheme permanent is anticipated to cost approximately £50k-£80k. Some of these costs can be covered by the remaining 2021/22 Local Transport Plan allocation. However there will need to be an additional allocation of budget for 2022/23 likely to be c£50k. The Executive Member for Transport approves the schemes that will be included in the 2022/23 programme in a report to his

Decision Session and this scheme will be included in that report.

- **Human Resources (HR)**

There are no human resource implications identified

- **Equalities & Human Rights**

A comprehensive Equality Impact Assessment has been undertaken based on the outcome of the consultation to date. This is attached Annex G. Consideration has been given to the potential for any adverse equality impacts on people with 'protected characteristics', arising from the recommendation. The following convention rights of the Human Rights Act 1998 need to be considered when taking the decision:

Article 1 of the First Protocol Convention provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions.

Article 2 of the Human Rights Convention is an unqualified right to life and to positive protection of that right by public authorities.

Article 8 of the Convention provides that "everyone has the right to respect for his private and family life and his home". Any decision relating to an experimental Traffic Regulation Order could interfere with Articles 1 and 8 rights for nearby residents, but the Council may interfere with such rights in accordance with the law as contained in the Road Traffic Regulation Act 1984 and, where it is necessary in a democratic society, in the interest of, amongst other things, public safety and/or the general interest. The decision-maker may consider and conclude that implementation of this Order is necessary in a democratic society to protect the environment and improve public safety.

- **Legal**

Legal implications are linked to the ETRO process, depending on the option selected

Officers consider that the proposal will enable the Council to carry out their duty under Section 122(1) of the Road Traffic Regulation Act 1984, which provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

The proposal will also enable the Council to carry out their network management duty under Section 16 of the Traffic Management Act 2004 to secure the expeditious movement of traffic on the authority's road network and both make more efficient use of their road network and the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network.

In the event that the decision maker resolves to approve the recommendation contained in this report, then to accord with the relevant statutory regulations, the Council will be required to make and advertise the Traffic Regulation Order concerned before it comes into operation. The Council will also be required to notify the objectors of its decision within 14 days of the Order being made.

Where an Order has been made (sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within 6 weeks from the date on which the Order is made.

- **Crime and Disorder**

There are no crime and disorder implications identified.

- **Information Technology (IT)**

There are IT implications identified

- **Property**

There are property implications identified

- **Other - Housing**

Risk Management

64. If the ETRO is not made permanent there is a risk that the benefits of the Groves Community plan are not realised and that traffic will once again dominate the primarily residential area. If the ETRO is

made permanent there is a risk of increased traffic and congestion on other primary routes as set out in the report.

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Annexes:

- Annex A1 The Groves ETRO Area (plan)
- Annex A2 Groves Community Plan
- Annex A3 Executive summary of transport analysis
- Annex B Objections to the ETRO (before November 2020 review)
- Annex C Objections to the ETRO (after November 2020 review)
- Annex D All Objections including after the reminder
- Annex E The local Spar objection
- Annex F All Support for the ETRO overall

Annex G Equality Impact Assessment

Background Papers (published online with the meeting agenda):

Road Safety Data

The Groves WSP Final Report

The Groves York Air Quality Technical Note

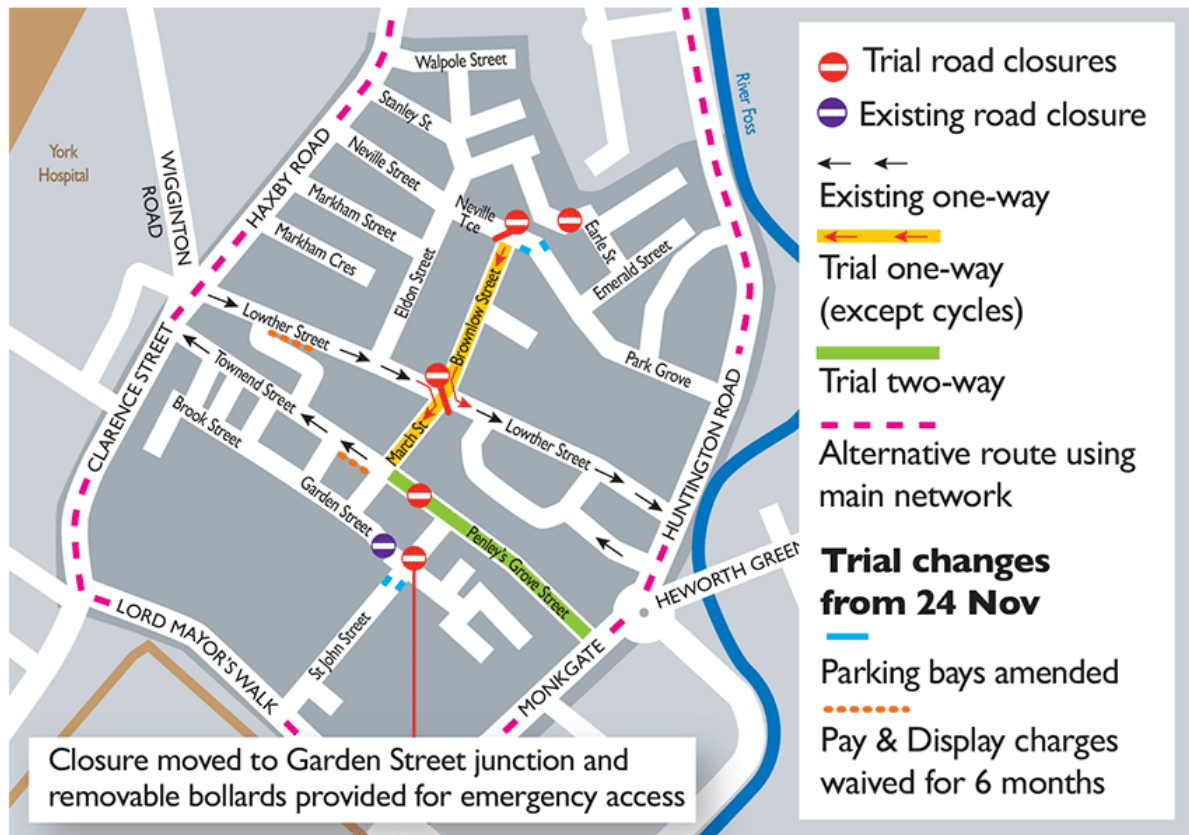
Annex A1

The Groves Area



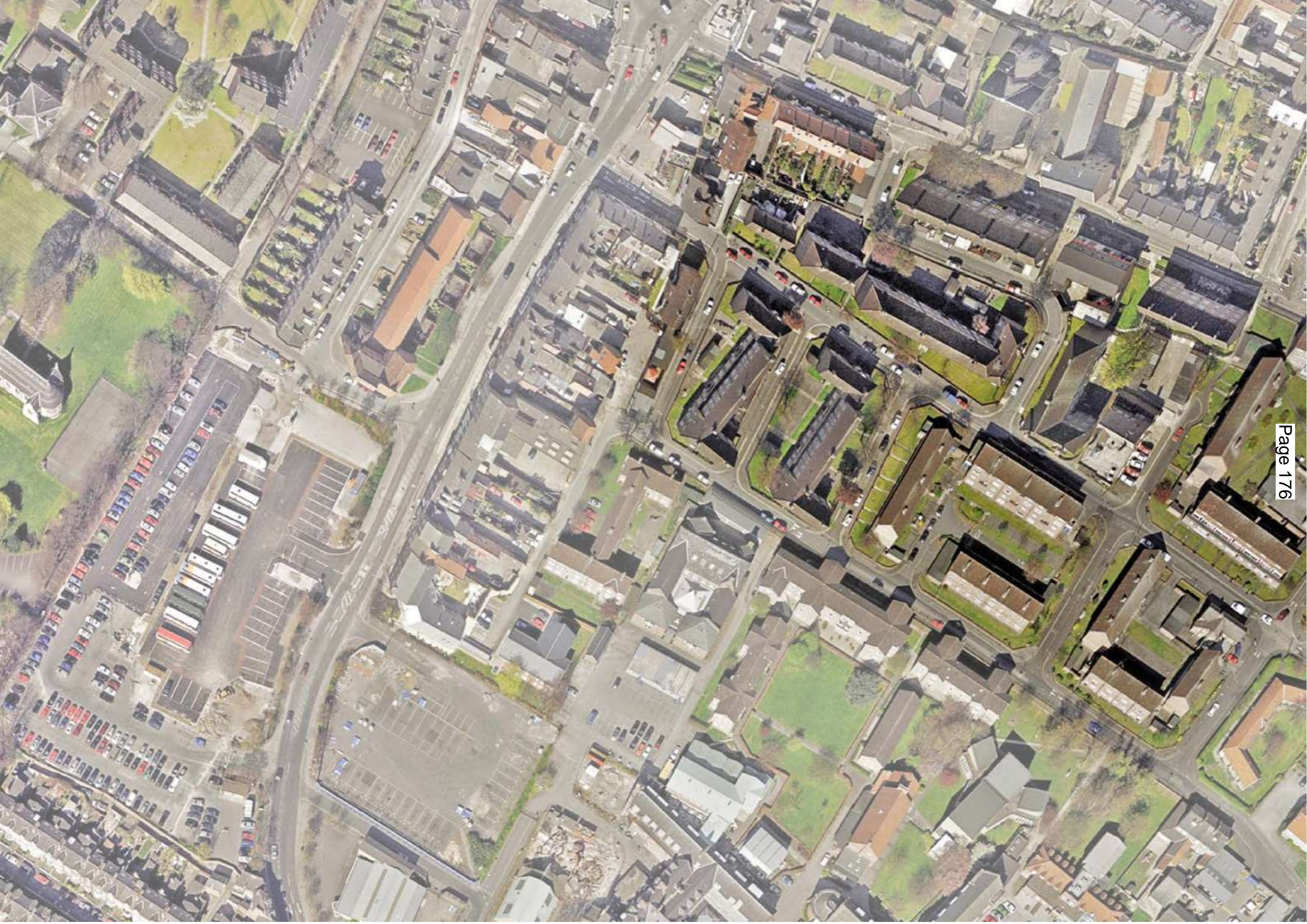
Legend

- > Existing One Way
- Existing No Entry
- ➔ Permitted movement through No Entry restriction
- Existing Closure
- Existing motor vehicles prohibited - Except for Access
- The Groves Boundary - 20mph zone limit, no HGV's over 7.5t Except for Access



The Groves Community Plan





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1 Foreword

It's not just about bricks and mortar though: it's about improving people's life chances through better health, well-being and access to services, as well as helping people to build on the sense of community and identity that is seen in The Groves.

Welcome to The Groves Community Plan. Please enjoy reading and thank you very much for taking an interest in the ideas and proposals.

The plan builds on the many lively events and discussions with residents over the last two years and aims to generate thought and activity among people living and working in The Groves, as well as interest and backing from potential funders and supporters of regeneration.

We know that there are great assets and opportunities in The Groves. Many people have emphasised the character and diversity of the area as a strength, and have backed a re-imagining of housing, streets and public open spaces. Evidence from across the United Kingdom shows that good quality housing plays an essential part in helping people to have successful lives.

This community plan sets out a framework for regeneration of The Groves. It draws together ideas for new development and revitalised streets and spaces. There are a number of opportunities for housing-led improvements that would not only meet the needs of residents but also have the potential to reduce public spend. For instance, spaces between buildings could be better utilised by creating new affordable housing, community gardens, outdoor activity areas or playfriendly spaces. These in turn can help to address loneliness and isolation, improve mental well-being and togetherness, increase activity, improve air quality, and increase property value by improving the local environment.

The plan represents a statement of intent on the part of the stakeholders and residents involved. Investment opportunities will be developed further through a focused business and investment plan, and a rolling delivery programme of improvements will be agreed as funding opportunities emerge.

Community-based and Housing-led Regeneration

The importance of housing-led regeneration has never been greater in providing the stimulus for improvements to health and well-being. Health awareness and well-being, loneliness, food instability and homelessness are all high on the agenda of national and local government concern.

A commission for addressing loneliness was set up in 2017 in order to understand the scale and extent of the problem, following the work of Jo Cox MP. According to the work of the commission, more than nine million people in Britain always feel lonely. Three quarters of older people in the UK say they are lonely, and a half have been for years.

This shocking fact is not confined to older people though, and the Jo Cox commission highlights how social isolation cuts across all levels of society with poor, unemployed, disabled and migrant populations tending to suffer the most. Parenting can also be a lonely and isolating experience, with more than half of British parents feeling isolated after the birth of their first child, and this plan proposes a range of new activities and spaces for residents of all ages and backgrounds to come together, socialise and support each other.

Stronger neighbourhoods have significantly less crime and improve our chances of good health. The York Ways to Well-being² project has seen a 32% reduction in doctor appointments through a process of talking to residents about their life, what is important to them and discussing ideas of what might help. Twenty-one percent of residents increased their physical exercise after accessing the service.

The Groves Community Plan builds on national discussions and concludes that there is a very high cost attached to doing nothing. The time is now right to create a better environment and community for everyone in The Groves.

Design interventions, activities designed to create cohesion, opportunities to grow vegetables, fruit and flowers and places to

meet all have the potential to address loneliness, improve mental and physical health and decrease anti-social behaviour.

Even reducing inactivity by 10% could save around £330,000 every year in The Groves, and this community plan put forward a range of improvements and opportunities in order to build on work already happening.

The Groves Community Plan has happened because of the hard work of many members of the local community over the last two years, especially residents, The Groves Association, St. Thomas' Church, Door 84, Park Grove Primary School and the John Lally International Foundation. With this community plan we are now building on that valuable work with our joint desire to see change and make things happen.

Upon request this report can be made available in various languages.

¹ Case Study: The Frome Model of Enhanced Primary Care <https://shiftdesign.org/case-study-compassionate-frome/> ² York Ways to Wellbeing 'The Impact of Social Prescribing in York', January 2019. https://www.yorkcvs.org.uk/wp-content/uploads/2019/02/WTW_Evaluation_A4_FinalPDFElectronic.pdf



Fig. 1 Resident comments from the first engagement event

2 Summary

The Groves Community Plan recognises the importance of the local community in leading improvements to the area. Five key themes have been identified through ongoing discussion and consultation with people who live and work in The Groves and our collective ambitions for these are summarised here.

Green Spaces

We have known for some time now that good quality natural landscape in urban areas can affect how people feel. It can help reduce stress and sadness, lifts the mood and makes us feel better.

There are physical benefits from green space, to improved air quality, reduced wind speeds, less noise pollution and reduced risks from flooding and heat-waves. There are also benefits to active users of these spaces, whether that is physical recreation, community gardening or through children and adults connecting and interacting with nature.

Health & Well-being

Good health and well-being is of central importance to The Groves Community Plan and to the people who live and work in The Groves. We know that well designed activities, services, homes, streetscapes and green spaces can improve health and well-being.

Research shows that people are at their happiest living in inclusive communities, both socially and also spatially, with open and accessible amenities, ensuring that the whole community benefits.

Community Hub

Recent consultations with the local community have made it clear that Lowther Street has become a community focus for The Groves. The community plan intends to strengthen this by



proposing plans for a new community and well-being centre and by strengthening the primary functions of Lowther Street as the focus of social activity.

Residents are very keen to see Lowther Street developing as a community hub, and initiatives to enable this are being supported. The feasibility and viability of a new community

centre is being investigated, and potential improvements to the street are being assessed.

Movement Network

It is clear that there are many benefits associated with clear movement and good connectivity. Less congested car dominated streets lead to much improved safety, air quality and an increased desire for residents and workers to walk and cycle. The benefits of regular walking and cycling are well documented in terms of improved physical and mental health, and can also boost mood and alleviate depressive symptoms.

As well as improving individual health, less car dominated streets can help to make an area more attractive and improve safety for walking and cycling through. Safe and attractive links to green spaces could be created and existing desire lines enhanced.

Homes

Creating safe and decent homes can have incredibly positive effects on a family's health, on the study habits of students, and on a neighbourhood's overall attractiveness and stability.

With so much at stake, it is time for our definition of decent housing to expand to include a range of solutions: new housing, housing repair and renovation, improvements to the local environment. This is what we are working towards in The Groves with a community backed and housing-led regeneration approach.

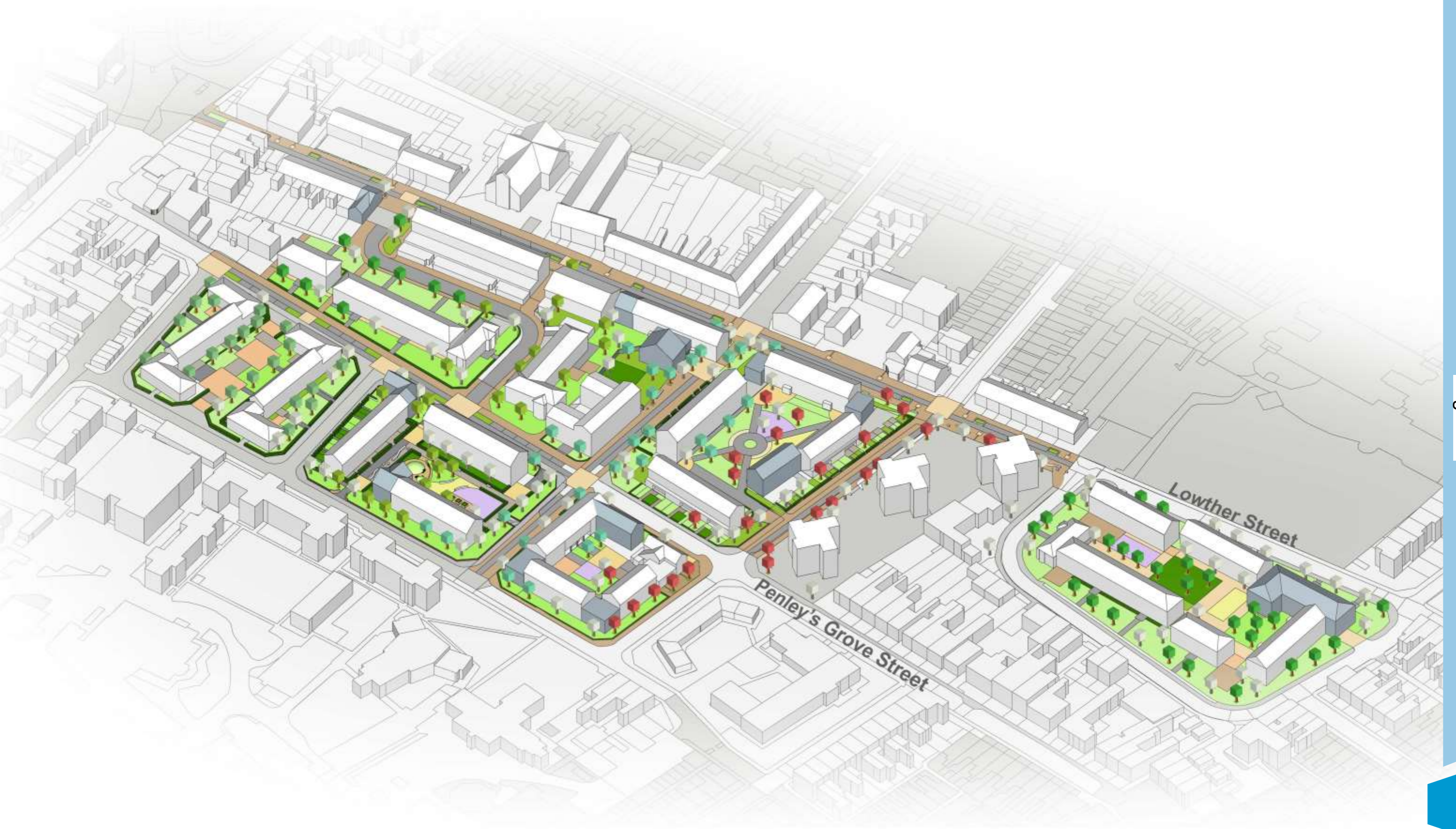


Fig. 2 Aerial view of the complete community plan



Health & Well-being

More events and activities will be aimed at addressing inactivity, loneliness and isolation in The Groves. This has started already with the funding of Move the Masses, a physical activity initiative set up in The Groves and tailored to suit people who are inactive, lonely and often with poor mental health and low income. This has been developed alongside community planting projects which are involving local residents in a friendly and supportive environment.

Activities and learning opportunities will be advertised and organised through the community website Live Well York³, The Groves Association newsletter and website and The Groves Community Partnership emails. In addition to the Move The Masses initiative, a project to develop child and parent self-esteem, resilience and increased awareness of options for education, employment, training and volunteering, Bright Sparks, has also been funded and is now running in The Groves.

It is a priority ambition of The Groves Association to set up a new health and well-being hub in the heart of The Groves, with services accessible for everyone. There are venues for community activities, at Door 84 and St. Thomas' Church. A new health and well-being hub would complement these.

The health and wellbeing consequences of heavy traffic passing through The Groves is a big concern within the community, with standing traffic causing pollution and the community being effectively divided by through traffic. Many residents have suggested the closure of estate roads to through traffic to improve air quality and provide safer, more sociable streets.

³Live Well York website for information and advice on local activities and services <https://www.livewellyork.co.uk/s4s/WhereILive/Council?pageId=2251&lockLA=True>

In response to this strong message, studies have started to examine and assess the potential to reduce traffic around the estate to inform future options to reduce traffic and make The Groves a healthier, more pleasant place to live.

'Safer routes for all' and more pedestrian priority routes are planned to encourage residents to select the more healthy transport options of walking and cycling and to improve the environment and sociability of the local streets.



Fig. 3 Healthy community



Fig. 4 An early sketch of an improved Lowther Street



Green Spaces

Work with residents has highlighted the need for better green spaces in The Groves and, in response to this, the proposals include greatly improved areas to grow and tend gardens, socialise, play, meet together, sit and relax.

Building on existing community gardening activity there will be new community growing schemes. Many residents, as well as local groups and businesses, have backed this and the current Greening The Groves initiative will be developed further in order to support this work. Proposals will include planting trees, shrubs and growing edible plants in planters, as well as areas for community barbecues, picnics and possibly market stalls.

Growing initiatives are also being developed through a community fund grant to support the Flower Power of The Groves project. This will help encourage the growing of seasonal wildflowers and herbs in previously uninspiring spaces as well as pop up flower stalls, lonely bouquet friendship sessions, community lunches and cooking on a budget with grown spice workshops.

Other opportunities will be explored with Tremendous York, Edible York, York Unifying Multicultural Initiative, John Lally International Foundation and other environmental organisations and forums that can contribute to the overall Greening The Groves initiative.

Opportunities are being developed in the area for eco-friendly initiatives such as rainwater harvesting and the planting of more street trees, where technically and financially feasible. Smaller growing trees in tubs will also be considered where it is not possible to plant at ground level, although it is recognised that this does present maintenance challenges.



Fig. 5 Community gardening

An effective and efficient waste management system is also being advanced, in discussion with The Groves Association and others, with more bins for dog walkers and a wider variety of recycling options, including composting and green waste bins.

A new adventure park in Clarence Gardens, designed in close consultation with local schools as part of this regeneration work, was opened in November 2019. For safer access to the park a new pedestrian crossing will be installed across Haxby Road.



Fig. 6 An early sketch idea of an improved courtyard



Movement Network

Residents are keen to see the removal of traffic from beyond The Groves, which currently use Lowther Street, Penley's Grove Street and Townend Street as a through-run. In response to this, and as part of the wider regeneration work, the city council has given the go ahead for an Experimental Traffic Regulation Order to run for 18 months from Spring 2020. This will monitor the impact and practicality of removing through traffic on the businesses and the local community.

The area has very narrow carriageways and footways and, due to substantial on-street parking, many streets are only wide enough to accommodate a single vehicle width, creating an unpredictable and unsafe environment for cyclists and pedestrians. To address this the community plan proposes safe routes for all with encouragement given to walking and cycling.

Proposed measures to make the area safer and more sociable include the development of a pedestrian and cycle route, linked to the wider cycle and walking network, new traffic calmed streets and more pedestrian focused street layouts. This is especially important along Lowther Street where the shops are located.



Fig. 7 Road safety

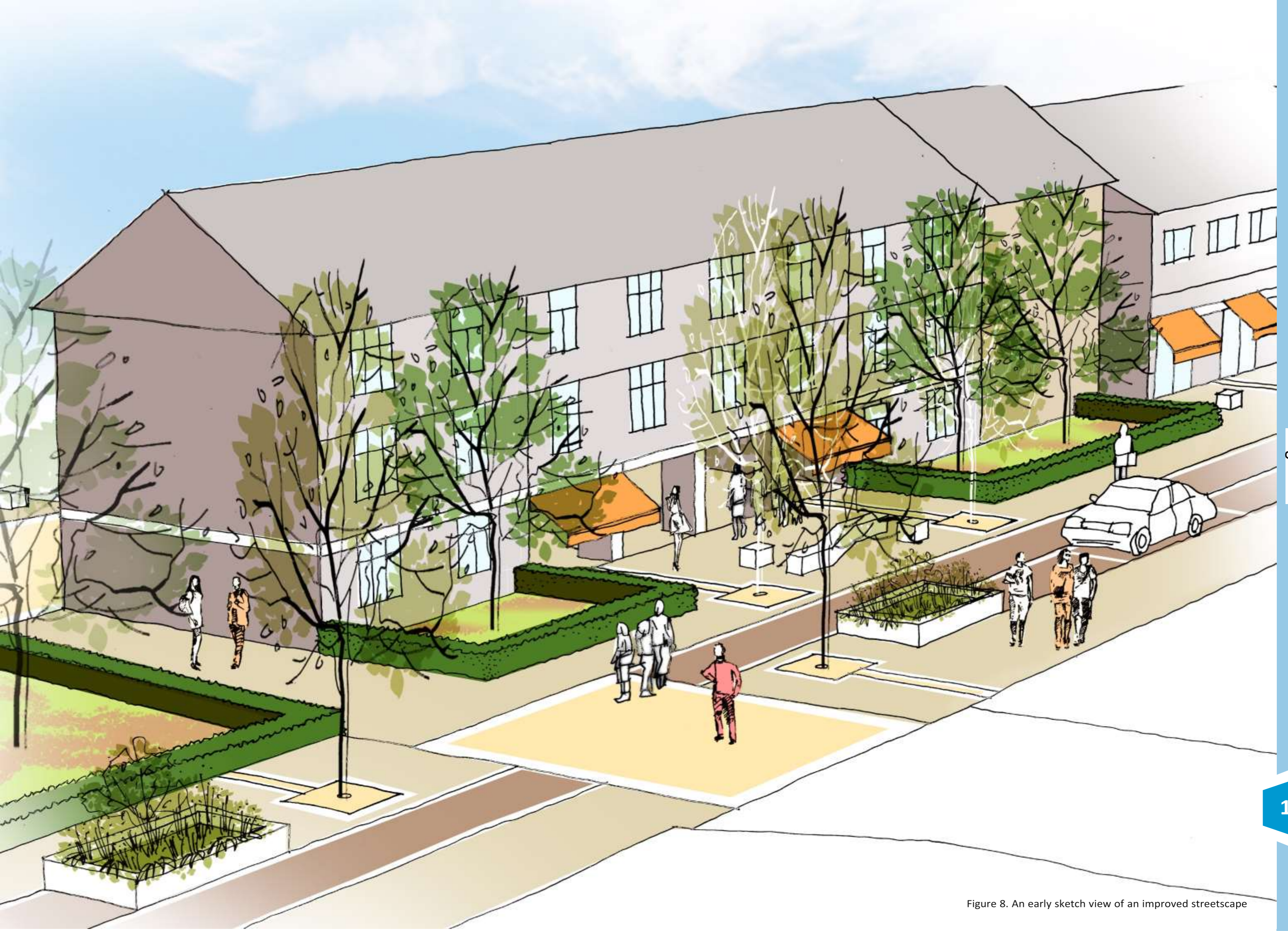


Figure 8. An early sketch view of an improved streetscape



Homes

From feedback through resident surveys and local engagement it is clear that many residents are open to seeing underused garages and other spaces in The Groves redeveloped for affordable housing. Almost 40 new affordable homes could be built within the estate, making use of unused and underused land, and with the potential to enhance local space and amenity. Investment options are being evaluated, and it is crucial that the opportunity from investment is used to improve existing and create new public spaces around homes.

The open spaces between blocks will be used to create space for play and for residents to relax, surrounded by wild flowers and community food gardens to grow local produce.

As well as improvements to buildings and communal spaces around homes, better and safer connections between homes and shops will be made throughout The Groves. A condition survey of some homes in the area has been undertaken and this work will help to inform decisions on future repairs, modernisation and options for redevelopment.

Residents have options available to be supported, live comfortably, save money and reduce energy consumption in The Groves. These include the Energy Company Obligation (ECO) grants for eligible private households to fund cavity wall and loft insulation and City of York Council (CYC) grants for installation of first time gas central heating and boiler replacement, where households have a disabled resident.

The city council can also help residents with making adaptations in their homes in order to reduce the threat and incidents of trips and falls, and to help residents stay safely and comfortable in their homes as they get older.



Fig. 9 Housing



Fig. 10 An early sketch view of a proposed corner site



Community Hub

The feasibility and viability of providing a new community centre and health & well-being hub is being investigated. Residents are very keen to see Lowther Street developing as a community hub around the shops, and initiatives to enable this will be supported.

St Thomas' Church, in Lowther Street, already offers a range of services and activities for residents, and further opportunities will be explored with them. Door 84 Youth Centre provides a very successful hub for younger people, with space for organisations to meet. Continuing close collaborations with Door 84 will help develop more tailored opportunities for the wider community.

Live Well York is an information and advice website for adults and families. It provides a directory of community events and services across York, as well as information and advice on well-being, mental health, supportive care, education, training, employment, volunteering, housing, travel, money and benefits. We will use this service to identify and target activities in The Groves in order to improve the local environment for health and well-being.

To help promote The Groves reinforce its strong identity and encourage those visiting to be considerate, the possibility of "Welcome to The Groves" signs at the entrances to the area will be discussed with The Groves Association and others.

To celebrate the area's heritage and character, research on a community trail through the area is being progressed and, as part of this, local stories are being collected and brought to life. If funding can be confirmed, the trail would bring together a range of local stories and histories, which can be seen, heard or read, at various locations throughout the area. As with the popular Seven Seas Fish Trail in Hull, this initiative will help to acknowledge the unique history of the area and, at the same time, keep people of all ages engaged, active and inspired as they walk around The Groves.



Fig. 11 Community activities at St. Thomas' and Door 84, together with Hull Fish Trail detail



Fig. 12 An early sketch of an improved community hub (Lowther Street)

3 The Groves History

Grove Terrace and several short terraces running north from Lowther Street were the only residential streets in York in the 1850s'.

As York grew during industrialisation so did The Groves. Before demolition of many of the small houses in the 1960's the area was criss-crossed with streets containing numerous shops of every description. Many of the inhabitants had large families and were quite poor but there was a close community spirit.

There is no evidence of prehistoric activity or settlement in The Groves, apart from a probable burial and occupation in the form of ditches and pottery found during several watching briefs on Clarence Street. Evidence for Roman activity is confined to the line of a road located by the presumed North East gate of the legionary fortress. Groves Lane and Grove Terrace Lane may lie on this route, and The Groves Community Heritage Trail could note and display this information.

The area remained largely undeveloped and agricultural throughout the medieval period. Investigations at Union Terrace have provided archaeological evidence of a 13th century Carmelite Friary, superseded in the late 13th century by St. Mary's Hospital and in the 16th century by St. Peter's School. The medieval Horse Fair located on the 1852 Ordnance Survey map may have extended towards Gillygate.

A pepper mill shown on the 1852 map existed in some form until the 1930s, giving its name to Pepper Mill Lane, now known as Haxby Road, which led to the medieval village of Haxby. It was not until the 19th century that large scale expansion began between the city walls and Lowther Street, containing working class and middle class terraced housing.

Nineteenth century York saw the development of clearly defined areas. At the bottom of the social scale were tightly packed districts like Walmgate, whose population was increased by the arrival of Irish people. Although numbers were falling, the Irish population still made up a considerable amount of the population. In 1901, people living in these areas made up part of the 20,302 persons living in conditions defined by Rowntree as "primary or secondary poverty"⁴ and who formed 28 % of the city's population.

Elsewhere, in the newer working-class districts such as The Groves, there was a substantial proportion of similarly defined "poor"³ inhabiting the long rows of back-to-back houses. However, in these areas they were mixed with some of the 26,452 persons whom Rowntree regarded as "working classes above the poverty line"³. These people lived either in the same sort of back-to-back house or in the rows of working-class houses among the best of which were those of the well-to-do artisans with bay windows, little railed-in front gardens, and small backyards.

Grove Terrace and several short terraces running North from Lowther Street were the only residential streets in the 1850s. By the mid-19th century development extended to Lowther Street, including Harrisons almshouses, a hospital for widows, on Garden Street. Another building of note, the Militia Stores Depot, stands on the North side of Lowther Street, and is now occupied by Door 84 youth club.

While the Irish immigrants had helped to swell the ranks of the really poor, the skilled railway workers and clerks who formed the other main class of immigrants became the backbone of this

⁴"Poverty, a study of Town Life" B.S. Rowntree, 1901,

class of prosperous artisans. They lived not only alongside the poorer classes in The Groves and Clementhorpe, but in their own colonies near the railway works, out along the Holgate and Acomb Roads.

During the late 19th century terraced housing was constructed to the West of the workhouse off Haxby Road. Further terraces were constructed to the North, next to the railway line, which created a boundary between this emerging residential area and the agricultural land to the North. A football ground was in use in the 1890s off Wigginton Road as well as St. Thomas' Church on Lowther Street.

By 1912 the construction of terraced housing in the Northern half of this area was complete. Terraces occupied the sites of Grove Lodge and Grove House and up to the boundary with the railway. Two schools were constructed on Haxby Road and Park Grove, both still extant and Grade II listed. Clarence Gardens and Bowling Green, situated at the junction of Wigginton Road and Haxby Road, were created at this time. The gardens have been suggested for inclusion on the local list of heritage assets as they have provided a peaceful, green space in the centre of an increasingly busy urban landscape for over 100 years.

By the 20th century York suburbs had extended further out in order to house the rapidly increasing population, with space to build larger three and four bed semi-detached and detached houses. The Groves remained a largely working class area of small terraced houses until the early 1960's when the decision was made to demolish areas of deteriorating housing and replace with new low rise council flats and maisonettes which were built between Garden Street, Penley's Grove Street, Townend Street and Lowther Street.



Fig. 17 Building work and the older terraced housing in the Groves



THE GRAYES REDEVELOPMENT SCHEME
FOR THE CITY OF YORK
SORRELL
SORRELL LIMITED 95 HERBOTH VILLAGE
BUILDING CONTRACTORS YORK TEL 24604-5

4 Vision and Context

The council has worked together in close partnership with community groups and residents to develop this community plan, a shared vision of the future of The Groves.

The Groves Community Plan has been informed by a comprehensive analysis of the area through walkabouts, asset mapping studies, surveys and meetings with local residents, and through indepth technical studies of buildings, streets and spaces that have explored how residents use them and think of them.

The vision for The Groves is to facilitate estate renewal in housing and the local environment, while making a positive and lasting difference to the lives of residents.

The Groves estate is very close to the city centre, just a ten minute walk from York Minster and the main shopping area of York. This central location allows for easy access to bus routes and to the railway station as well as city centre amenities and services.

The proximity to the city centre also brings with it some negative aspects such as busy roads, a relative lack of green space, limited development opportunities and some antisocial behaviour. Despite this, residents frequently mention the positive community feel in the area and that the spirit of The Groves provides the potential to create a more active and engaged community area.

The area is bounded by key roads leading out from the city centre and has a distinct character of its own. Many residents have mentioned the city centre location and diversity of the area as positive benefits of living in The Groves. York Hospital is close by, as is St. John's University and Nestle (formerly Rowntree's) Chocolate Works.

The Groves consists mainly of Late Victorian terraced homes, but also contains council-built flats and maisonettes from the 1960's in the area between Lowther Street and Penley's Grove Street. It is this area that is the subject of the housing and courtyard proposals in this plan. There are 29 blocks of Council homes built 60-70 years ago. These are a mixture of two, three and four storey homes but with no lift access. There are some warden assisted homes but, for the most part, they are general needs housing. Within the Council housing sector there are 332 flats, eight maisonettes and eight houses, mostly one or two bedrooms.



Fig. 13 The Groves area and The Groves Community Plan site

Council Plan

The Council has worked together in close partnership with community groups and residents to develop this Community Plan, a shared vision of the future of The Groves. It reflects the support for good quality of life set out in the Council Plan. (see Council Plan illustration on page 28)

Climate Change

In July 2019 the City Council declared a Climate Emergency, aiming to make York carbon neutral by 2030. As the largest single landlord in the city the Council is uniquely placed to take a lead role in achieving this target.

The Groves Community Plan recognises the importance of the local community in leading improvements to the area. Five key themes have been identified through ongoing discussion and consultation with people who live and work in The Groves and our collective ambition for these are summarised here.

These five key themes will contribute to the Councils commitment to becoming Carbon Neutral by 2030.

An Understanding of the Local Area

The residential blocks in general appear in good condition but some key issues have emerged from an analysis of the area:

Wayfinding- Although the corners of blocks are visually emphasised with stairs, this does not correspond with any type of hierarchy - a main entrance for instance. This leads to a disorientation and a difficulty in navigating the area.

Ownership- The external areas, particularly to the street side, are unclear as to whether they are private or public areas, leading to a confusion over ownership.

Courtyards- The courtyard areas suffer from a lack of definition as welcoming community spaces with a lack of play spaces, seating areas, planting and adequate bin storage.

Lifts- The lack of lift access restricts the use of the apartments.
Traffic- The frequent standing traffic in the area is a hazard for the residents.

Demographics

Just over a half of the 16,650 residents in Guildhall Ward are single and half of the council homes in The Groves are either bedsits or one bed flats. 37% of residents own their own home, either outright or with a mortgage, 38% are private renters and 22% are social tenants.

16% of residents are above retirement age. 56% of people are economically active (40% full-time, 9% part-time and 7% self-employed) and 26% of residents are long-term unemployed.

Although many people surveyed mentioned that they had friendly neighbours and a good community feel, others said there is a need for a community centre and green space for the community to socialise further. Most residents surveyed are in favour of a community café.

One concern frequently mentioned by residents is the level of crime and anti-social behaviour, both perceived and experienced in The Groves. Whilst Guildhall Ward's crime rates, at 58 per 1,000 population, are almost five times higher than the York average of 13 per 1,000 levels of crime are reducing as a result of community collaboration, and the area is no longer designated as a 'hotspot crime area'. We believe that crime and anti social behaviour will reduce further as a result of this community plan.

A major concern for some residents is noise from the student population, as well as general anti-social behaviour. Guildhall Ward is ranked in the bottom five Wards of York for its rate of anti-social behaviour with 38 per 1,000 population in comparison to the York average of nine per 1,000.

12% of Guildhall Ward homes are in fuel poverty in comparison to the York average of nearly 9%. 15% of children in Guildhall Ward are in child poverty compared with the York average of nearly 9%.

Traffic through the area impacts on health, and specific concerns have been raised about air quality, safety, and noise. Where air pollution has been measured, The Groves has levels of 35µg/m³ or less, which is considered to be a safe level. However, the average air pollution concentration across the UK in 2018 was 18.6 µg/m³. Therefore, although the levels of air pollution in The Groves are considered safe, they are double the average and should be kept under review.

Another serious concern of residents is people's safety whilst crossing roads, especially by the school in Lowther Street. In 2014 there was a fatal incident outside Park Grove Primary School.

62% of residents say the local area is a good place for children and 81% of residents believe York is a safe place to live - in comparison to the York average of 70%

61% percent of all people who took part in the survey supported new green initiatives and play equipment for children. People also backed more pubs and shops and wanted to see history and archaeology explored. To further support this, two out of five residents of The Groves who came to the public meetings volunteered to maintain and manage the courtyard spaces, and The Groves Association offered to recruit volunteers to help manage the area.

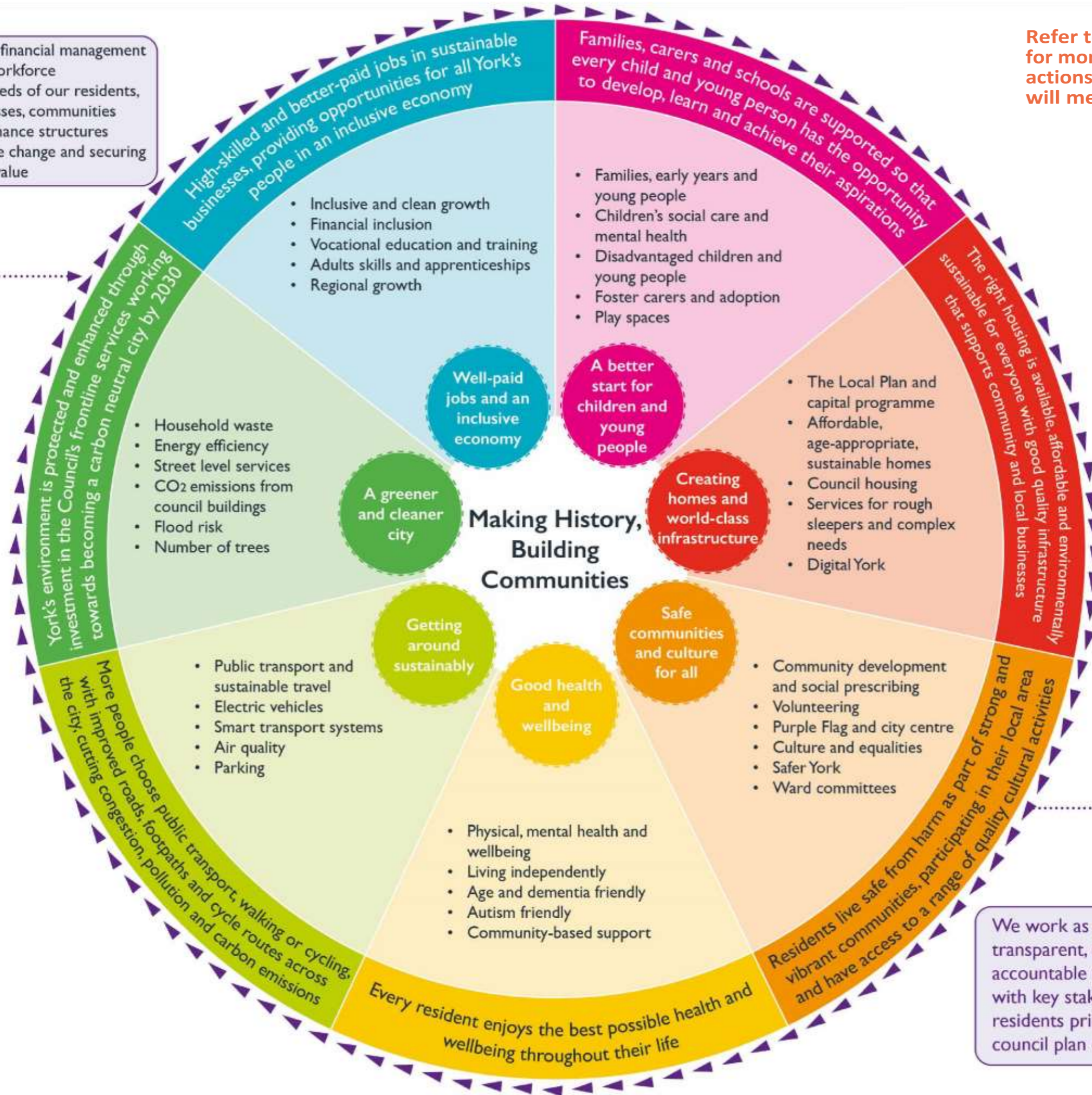
Giving people opportunities to volunteer in activities such as maintenance of The Secret Garden (a community garden in The Groves), and providing employment opportunities within shops and community café, can help improve people's career prospects and chance of securing employment that is more permanent.

One of the many things celebrated by residents is how multicultural and diverse the area is. Historically, many homes in The Groves have existed since the mid-19th century. With the local and extensive Joseph Rowntree Cocoa Works site opening in 1890 and York Hospital in 1977, replacing numerous other facilities including York City and Council Hospitals, this would have been an ideal spot for workers from all backgrounds to live in.

The Groves continues to be a multicultural and lively area. Lowther Street acts as The Groves High Street, where there are shops from many different cultures, including a shop specialising in food from the Baltic countries, a Turkish barbers, an Indian restaurant and takeaway, an Asian grocery store and a Chinese takeaway.

An open and effective council

- Strong financial management
- Our workforce
- The needs of our residents, businesses, communities
- Governance structures
- Climate change and securing social value



Refer to the full Council Plan for more information about the actions we will take and how we will measure progress

We work as an efficient, open, transparent, democratically-led and accountable organisation, in partnership with key stakeholders, to deliver on residents priorities and achieve the council plan outcomes for our city.

5 Groves Community and Character

Community and character is displayed daily, often taken for granted and rarely celebrated. We are fortunate to have a local storyteller in The Groves who is encouraging stories to be told and heard.

It is very clear that this small community very close to the Bar Walls and city centre has a unique history and character. Time has been spent with residents to find out what the area means to them and how we might reflect the character of The Groves going forward.

A healthy, thriving community is welcoming and curious. The opportunity and space for every resident to find a purpose and know they have a positive contribution to make is important but not easy to achieve.

Resident stories have been transcribed and a local storyteller is helping to explore how this legacy can be captured and carried forward in The Groves. The potential for a community trail to the Groves is being developed with help from York St. John's University, The Groves Association, and Park Grove School, local artists, storytellers and residents.

Storytelling workshops have been held with residents in order to share insights on five community themes:

- Stories of acceptance. Everybody belongs and is known. We all have a purpose within the community.
- Welcoming diversity. A wide range of backgrounds to be revealed and celebrated.
- Intergenerational connections and influences. Arguably less pronounced these days but still appreciated and evident in the stories of families and friends.
- Childhood memories of the environment. Sweet shops, fish and chip shops, tanners yards, funeral directors, stories of moving in with grandparents, aunts and uncles during war years. Demolitions, playing in the rubble, toilets out back and bathing in a metal tub.
- The Secret Garden and Greening The Groves. Stories of community help and support as these initiatives gain more and more support.

We would like to create a sensory timeline to capture the smells, sights, touches and textures linked with different areas within The Groves. Community and character is displayed daily, often taken for granted and rarely celebrated. We are fortunate to have a local storyteller in The Groves who is encouraging stories to be told and heard and who would like to write and perform a collaborative tale of how the area has developed into the current community over the last 200 years or more.

Through research and interviews local storyteller Althea Thall has identified many colourful and intriguing stories including the Fowlers, the Lovelys, Wally the tattooist, the Panther by the River, and a possible link with the Sioux native American Indians. Over the next year and beyond we hope to extend this further, recognising the importance of storytelling in bringing residents together.

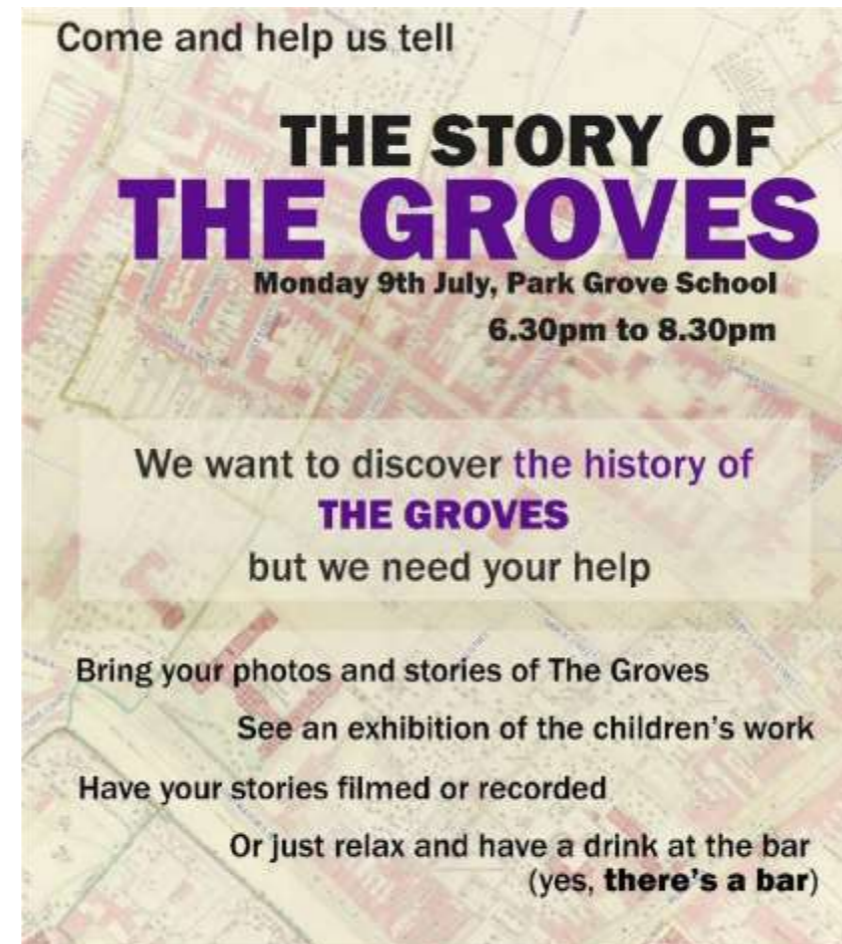


Fig. 18 'The Story of The Groves' event at Park Grove School

Stories from The Groves

Wally the tattooist, York's first tattooist, lived with his wife at 65 Union Terrace, now the Union Terrace coach park, with long queues stretched around the yard as servicemen from various wars waited to get themselves tattooed, mainly to be recognised should they be ill-fated. Wally's son Ted, now 84, remembers coming home from school with his brothers and having to make their way through the line of servicemen waiting to have their tattoos done in his Mum's parlour.

A book by Avril Webster Appleton "Looking Back at Monkgate and The Groves" also sheds light on the area and on its many characters. Local residents and traders bore the scars of the First World War. Mr Millard, the newsagent from Garden Street, had one good arm and another amputated, under which he tucked his newspapers when he delivered them. The barber Mr Nicholson had a badly ulcerated foot and used a swivel chair while cutting the hair of his customers.

Horse-drawn carts frequently came round The Groves. "There was the man who sold herrings, twelve for a shilling, the coal man who rang a little bell, selling coal at two and six, and the rag and bone men who gave goldfish for payment for rags. There were also the shops where you could get a halfpenny on a jam jar and four pence on an undamaged rabbit skin," recalls Avril.

Frank Fowler grew up in The Groves and was a celebrity in the 1920's. He was an excellent boxer. "He attributed his prowess at boxing to the fact that he was once set on in The Groves by a rival gang from the Walmgate area. He obtained his revenge by tackling each one as they left work," notes Avril Webster. He also took part in blind boxing matches in the York Gala. He did a lot of his training at the back of the Exhibition Pub at the corner of Bootham and Gillygate. He fought as a light heavyweight and held the record for beating the most champions of other countries in the 1920's. He featured on cigarette cards of the age.



Althea Thall's research carries on from this to note that in 1928 Frank 'Young' Fowler married Elsie Lovely. "Her family owned the fish and chip shop in Penley's Grove Street. Elsie was a good swimmer who won many swimming championships, swam against men, and won. As a young woman she was keen on riding motorbikes and once went through the window of a Chinese restaurant in Gillygate on a machine loaned from Syd Haw who owned a garage at the end of Lowther Street."

Avril Webster recounts that "When Alderman Hutchinson was elected in 1937, one of his first duties was to help distribute food parcels to the unemployed. Four tons of tea, margarine, sugar and liver were given out to unemployed people who had to queue in Exhibition Square. In December 600 poor children were given a Christmas treat. They saw the western film "Laramie" at the Grand Cinema in Clarence Street and were given sweets and toys."

"Soon war broke out, and the area was hit by bombs from a number of air raids. Park Grove School and the gasworks were damaged in an air raid in December 1942. That night, Amos Watson was returning from choir practice with his wife. They had just opened the door to their Monkgate home when Amos was flung forward by the blast of the gasworks bomb. He was unharmed, but his hat had vanished. It was not until springcleaning the following year that it was discovered neatly perched out of sight on the top of the grandfather clock in the hall. Just where the blast had carried it."

Research with residents carried out on behalf of The Groves Regeneration Project has revealed that a popular talking point for long-standing residents is the heritage of shops and pubs in The Groves. There used to be multiple family-owned shops on any one street and on most corners. On Lowther Street alone residents recalled chip shops, a bakery, a coffee shop, and a butcher. According to archives, there were even more. Over the years these individual shops disappeared and now very few remain besides the group of shops along Lowther Street and the chain retailers Spar and Londis. This trend has also occurred with pubs. There used to be many but, now, only one remains; the Punch Bowl Inn.

Fig. 19 Boxer Frank 'Young' Fowler

In the many interviews and focus groups residents recalled many sounds associated with living in The Groves over the years. When there

were football teams playing at Bootham Crescent, residents could hear the cheering. Several different people highlighted that, when the wind is in the right direction, you can hear the Minster bells. Another prominent sound was that of children playing on the field at Park Grove School and, outside of school, kids would always be playing in and out of each other's houses.

Another memory from many residents was of animals kept in The Groves. The sound of horses' hooves pulling a cart of coal along the cobbled street, pigs snorting in backyards and ganders wandering at the top of Lowther Street. Such memories reinforce the sense of The Groves as a tightly knit, diverse and surprising place.

The Groves community will continue to change, and we think for the good if community values can be retained and we can celebrate the pulse we have created by welcoming and supporting each other over the last 200 years and more.

The focus going forward relies on children, students and elders sharing their stories over the last 200 years and celebrating The Groves' unique history and character.

6 Community Plan Overview

At the heart of this plan is community engagement. The framework for the development strategies of The community plan have evolved through *The Great Groves Get Together* in September 2018 and a second engagement event in May 2019 to the current community plan.

The five key themes of Health and Well-being, Green Spaces, Movement Network, Homes and the Community Hub have been the subject of discussions and the outcomes of these are summarised below:



Health & Well-being

The Groves is in need of better infrastructure and more activities aimed at addressing health & well-being. The community plan looks to provide more green spaces, safer streets, improvement to existing houses and the construction of new affordable housing, as well as more community based activities. Achieving these changes will help improve the neighbourhood's physical and mental health.

Residents are very aware of the problems of loneliness in the area for elderly and disabled people in particular, and many support the idea of a new community and well-being hub close to the shops along Lowther Street.

The notion of Lowther Street as a community focus has a great deal of local support. The community plan proposes a more pedestrian friendly redesign of the street in order to encourage more activity and socialising.

The community plan also proposes Safe Routes For All in order to encourage walking and cycling, including:

- Reduction of cross traffic to Lowther Street and Penley's Grove Street.

- Reduction of traffic along all other roads in The Groves.
- Development of a pedestrian priority route.



Green Spaces

A glance at a map of The Groves shows a large proportion of shared open space. Whilst a number of existing residents use some of these areas for small community gardening projects it is clear that many more residents want these supported and developed further. Many residents have also said that they would be happy to join in and maintain community gardens.

The desire to develop these areas, particularly within the courtyards, has inspired a number of ideas, including:

- Open space for play.
- More seats.
- Adult outdoor gym.
- Games courts.
- The provision of play equipment.
- Space for growing plants and flowers.
- Provision of garden rooms and somewhere to put chairs out.

- The provision of electrical charging points and outdoor water supplies.
- Opportunities for residents to rent raised beds in courtyards.

The residents also realise the importance of long-term maintenance and management of the courtyard spaces to help maintain local pride and respect.

The community plan proposes the development of the existing green spaces to provide a variety of features to encourage use by more residents. These include:

- Improvements to existing courtyards to provide features appealing to all age groups. These might include:
 - children's natural play features, seating spaces, community patios, raised planters for resident food growing and additional trees, shrubs and herbaceous planting.
- Encouraging community ownership for the maintenance of communal spaces.
- The creation of new courtyards between some of the housing blocks which currently have side street frontages.
- The provision of new front garden spaces along street frontages for ground floor flats.
- An increase in the number of street trees to both individual front garden space and communal gardens which face the street. Tree planting to enhance the streetscape and increase habitat and biodiversity.



Movement Network

The community engagement events made clear the residents' desire to address the traffic problems in the area. The area has very narrow carriageways and footways which are frequently clogged with standing traffic using the area as a cut through. Resident suggestions ranged from closing Lowther Street to traffic completely to restricting vehicle access to residents only.

The community plan proposes **Safe Routes For All** with encouragement given to walking and cycling. Proposed measures to make the area safer and more sociable include the development of a pedestrian and cycle route, linked to the wider cycle and walking network as well as new traffic calmed streets for a more pedestrian focused street layout. This is especially important along Lowther Street where the shops are located.



Homes

Residents have been keen to say that any new development must be for affordable homes. There is also support for the demolition of garages and external stores to allow this kind of development.

For many, the number of homes proposed is about right. However, it is important to many of the residents that there are more family homes in the area, some saying that they feel as though houses are more appropriate than flats to accommodate families.

The community plan proposes a development of the existing urban blocks, closing the corners of the courtyards and building on garage sites. In addition, this plan investigates the use of public space and connectivity through and between the courtyards.

It has been assumed that all works to the existing properties, which would complement the regeneration work, would be from a separate maintenance budget and do not form part of this study.





Fig. 22 Sketch of proposed community centre

7 The Cost of Doing Nothing

Our community plan recognises that the time is now right to create a better environment and community for everyone in The Groves.

The community plan builds on national discussions and concerns and concludes that there is a very high cost of doing nothing new in places like The Groves where there is enthusiasm and opportunity to improve what is already there.

An analysis of public spend shows that there are relatively high levels of mental ill health in The Groves, with associated allowance and universal credit payments. Anecdotal evidence also suggests high levels of inactivity and isolation amongst residents. Coupled with the cost of poor air quality and dealing with anti-social behaviour, the cost of doing nothing is estimated at between £2 million and £5 million a year.

Public Spend Analysis

It is a challenge to understand actual public spend in The Groves without access to specific neighbourhood data. In some cases data has been extrapolated from Ward level data and some assumptions made based on anecdotal or statistically derived information.

More work is needed to access neighbourhood level data in terms of public spend. Data at Local Super Output Area level has been used where available. However, The Groves area includes three areas which are different in their deprivation ratings, so that any one of the three area datasets may not fully represent the other two.

Employment Support Allowance

The cost of Employment Support Allowance (ESA) per person per year is around £10,000. Data for The Groves shows a much higher number of claims compared to the York average, and more claiming for longer than two years.

The average number of people on ESA per 1000 is 43, costing around £440,000 per year, and it should be noted that the three areas in The Groves have a significantly higher average than York as a whole, and so ESA spend in the area is likely to be much higher

Mental Health

Mental health issues are often the reason for claiming ESA and in the middle of The Groves, where a majority of the council properties are, the number of such claims is almost five times greater than the average claims in York.

Spend on mental health related ESA claims are therefore extremely high in The Groves and well above the city average. According to the Mental Health Foundation⁵, in the UK one in four people suffer mental health issues in any given year and it is estimated one person suffering from a mental ill health disorder, including depression and anxiety, and claiming ESA, could cost the public purse £12,428 per year.

⁵Mental Health Foundation <https://www.mentalhealth.org.uk/sites/default/files/fundamental-facts-15.pdf>

Although we can only estimate the costs of mental health issues based on data we have for The Groves, if one in four people suffer mental health issues in any given year, we can predict the cost in the area to be at least £1,602,678 per year, and it is understood that referrals to mental health services from The Groves are in fact nearer one in two people.

Calculating the cost of instances of mental ill health, which have led to an ESA claim using the unit cost of £2,197, for service provision for people suffering from mental health disorders, per person per year, including dementia, gives a cost of £38,475 on top of the cost of the ESA claims. The cost for one person suffering from a mental health disorder and claiming ESA is £12,428 per year. Given this, the predicted cost of mental ill health costs in The Groves is around £1.6 million per year.

Loneliness and Isolation

Calculating the fiscal cost of loneliness and isolation has been attempted through a cost benefit analysis, social return on investment and other systems. For the purposes of The Groves Community Plan, the estimated costs of loneliness and isolation is based around the paper, "Making the economic case for investing in actions to prevent and tackle loneliness: a systematic review", London School of Economics 2016. The report concludes that:



“Conservatively we estimated that, over a ten year period, these costs could be in excess of £1,700 per person. Costs for older people who are most severely lonely would be in excess of £6,000. If measures can be taken to reduce loneliness then potentially some of these costs might be avoided.”

Research reveals that over half of all people aged 75 and over live alone (Office for National Statistics 2010. General Lifestyle Survey 2008), and half a million older people go at least five or six days a week without seeing anyone at all (Age UK 2016). Loneliness is now considered worse for you than obesity and as bad for your health as smoking 15 cigarettes a day (Holt-Lunstad, 2010). Lonely people are more likely to suffer from dementia, heart disease and depression.

The evidence base on the best ways to tackle loneliness is growing and there are various promising approaches. Strong communities like The Groves can make a considerable contribution to addressing loneliness. Social isolation and loneliness have been highlighted in discussion and consultation with residents of The Groves as issues of concern, and this community plan begins to consider approaches that would best suit the area with resident support.

Through proposed improvements to courtyards, streets and spaces, new community gardening and other communal activities, we expect to bring this cost and the stigma of loneliness down significantly.

Physical Inactivity

Research has suggested that the cost of physical inactivity, specifically relating to cancer, heart disease, diabetes, depression and anxiety, in the UK is £12.5 billion per year. This is calculated from healthcare costs attributable to physical inactivity of 37% of the population, specifically with regards to colorectal cancer, breast cancer, coronary heart disease and Type II diabetes.

If 37% of The Groves population is inactive, in line with national trends, there is a cost of £1.2 million per year. However, initial feedback suggests that inactivity levels in The Groves are much higher, and potentially costing over £2 million pounds per year.

Crime and Policing

Anti-social behaviour (ASB) covers a wide range of unacceptable activities that cause harm to an individual, their community or to their employment.

There has been a 36% reduction in ASB in the area since 2015, with ASB spend for 2017 at £191,805. It is the ambition and intention to bring this spend further down through new housing layout and focus on anti-social spaces, improved streets and public spaces and access to new sociable activities.

Pension Credits

Another area of concern is the level of Pension Credits being claimed in The Groves, well above the York average, and an indication that a number of elderly residents may be struggling financially.

Universal Credit

Universal credit is a single monthly payment for unemployed people or those on a low income. It replaces housing benefit, jobseeker’s allowance, employment and support allowance, income support, working tax credit and child tax credit.

An assessment of spend in The Groves shows considerable benefit spend over the average in York which is being addressed through various initiatives, including:

- Helping people into work from school
- Promoting apprenticeships for school leavers
- Community Job Fairs throughout the city, which could be extended to The Groves.



Dementia

One in 5,000 people in England suffer from dementia and York Learning offers 6 week courses to help people look **Statistically** other memory related illnesses. In the Groves, this is 25 for jobs and match skills and interests with employment. **Derived** times higher, at one in 200 people. Between August 2018. Apprenticeships for young people are offered, and and July 2019, 12 referrals to memory and dementia based initiatives focusing on The Groves are being developed. A services were made in The Groves. New community hub, as proposed in this plan, will help to

In summary, an assessment of The Groves shows considerable additional Benefit spend compared to the average in York. Known costs for conditions or situations where it is possible to improve conditions and reduce spend total is £1,794,483 per year. Statistically derived costs where it is possible to improve and reduce spend totals is £5,212,955 per year, as illustrated by the charts to the right.

It is acknowledged that these are statistically derived and, therefore, indicative costs – but it is clear that there are substantial costs of doing nothing which can to some extent be addressed through the proposals of this plan.

Helping People

These challenges set out here are reflected in the Government's national Civil Society Strategy, Building a Future That Works for Everyone, Loneliness Strategy and A Connected Society, which recognise that communities with and address bad behaviour. strong connections between people are and happy.

This connection is supported and improved public funding, private investment, and other spaces for a community to use. It includes trust and goodwill, and the organisations and partnerships that bring together.

establish a base for this work. Action Towards Inclusion, currently based in Colliergate, also offers traineeships and work tasters for young people, and this will be developed further to see how people in The Groves can be helped into work.

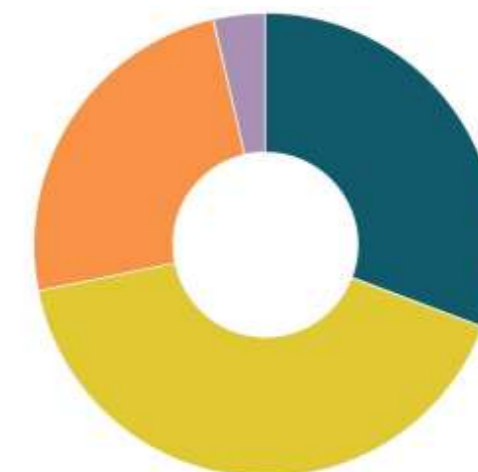
Complementing this thinking, the Groves Community Plan recognises that the time is now right to create a better environment and a supportive community for everyone in The Groves.

A full cost benefit analysis of proposed interventions is required but it is clear there are some very high costs within The Groves, which could be substantially reduced by a small

number of projects that address all of them. For instance, greening The Groves with outdoor activities and food growing could reduce air pollution, improve mental health, encourage physical activity and reduce the likelihood of ASB by creating a resilient community more likely to challenge.



Costs



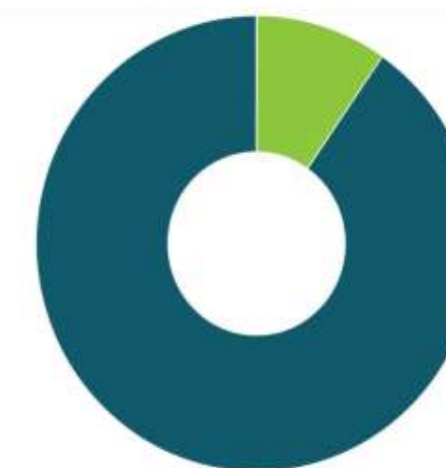
● Cost of Mental Health
£1,602,678

● Cost of Air Pollution
£1,280,000

● Cost of Inactivity
£2,139,384

● Cost of Isolation
£190,893

Known Costs



● Cost of Anti Social Behaviour

● Cost of Mental Health

healthy

through
buildings,
also

people



Fig. 23 Community feedback after resident engagement day

8 Health & Well-Being

Well designed, sustainable homes and public spaces with good light, space, movement, inclusivity and being close to nature can have a profound effect on health and well-being, with the ability to create better conditions for healthy, active and sustainable living.

Good health and well-being is of central importance to The Groves Community Plan and to the people who live and work in The Groves. We know that well designed activities, services, homes, streetscapes and green spaces can improve health and wellbeing.

Research shows that people are at their happiest living in inclusive communities, both socially and also spatially, with open and accessible amenities, ensuring that the whole community benefits.

Well designed, sustainable homes and public spaces with good light, space, movement, inclusivity and being close to nature can have a profound effect on health and well-being, with the ability to create better conditions for healthy, active and sustainable living.

Loneliness is now recognised nationally to be a public health priority, which can lead to severe mental health problems as well as affect physical health and lead to depression and extreme stress. The British Red Cross research suggests nine million adults in the UK do not have friends and feel lonely

A study for the Jo Cox Commission on loneliness found that 35% of men feel lonely at least once a week and scientists are learning more and more about the damage chronic loneliness does to our bodies: it is as bad for you as smoking 15 cigarettes a day, is as dangerous as obesity and increases the likelihood of an early death by 26%.

According to the Campaign to End Loneliness, loneliness has been found to speed up cognitive decline in older people, with one study concluding that it can increase your risk of dementia by 64%.

Zoe Abrams, executive director of communications and advocacy at the British Red Cross says "Life circumstances can change in the blink of an eye, meaning it can happen to anyone, no matter your age or background." There is a greater than average proportion of certain groups who are at increased risk of loneliness in The Groves, including victims of crime, people who live on their own, people with disabilities, mental health issues and people with alcohol problems.

Many local people have highlighted the issues of loneliness and isolation as a priority challenge for the area. However, 82% of adults who believe there is a division between people also think that moments of connection, such as making small talk in public

spaces or smiling at people, can break down those divisions. Work in The Groves aims to build on that hope.

Poor physical health and long-term conditions that limit daily functioning are risk factors for poor social support and less frequent social contact. Adults with poor physical health and disability are more likely to have less social contact with friends, family and neighbours and less social support.

Adults with poor physical health are also at greater risk of loneliness. Survey data from Glasgow and other areas in the UK suggest that those with physical health problems, longterm conditions or disabilities are two times more likely to report severe loneliness than the general population.

Survey data from Scotland and other areas of the UK also reveals that children between the ages of 11 and 15 years old with a limiting long-term condition or disability are at greater risk of peer relationship problems and being bullied.

Addressing mental health is especially important. Survey data shows a strong link between mental health and well-being and the number and quality of friendships. Adults with poorer social support are more likely to have mental health problems and those experiencing anxiety, depression or stress are at increased risk of severe loneliness.

Local Area Coordination

Local Area Coordinators work with individuals and families of all ages and abilities. They take time to get to know and support people with a wide range of issues. Based in the Guildhall ward, including The Groves, the local area coordinator will get the right help, develop relationships and community networks, and help to find volunteering opportunities.

Community Projects and Services

There are very many established groups, community projects and services in The Groves that support and serve the community well. The Groves Regeneration Project has recently funded several local projects in order to widen that work and help address loneliness, health and well-being. These include:

The Secret Garden – The Groves Association has been funded to revitalise and rejuvenate The Secret Garden for residents to enjoy

relaxing in. With planters full of fruit and vegetables many resident volunteers enjoy helping to grow and tend the plants as well as chatting and sharing their home grown produce.

Flower Power in The Groves –Resident volunteers and Flower Power York have brightened up underused spaces throughout The Groves with planted flowers. They are also holding flower arranging and cookery stalls along with workshops aimed at addressing loneliness, isolation and healthy eating.



Fig. 24 Flower Power York montage

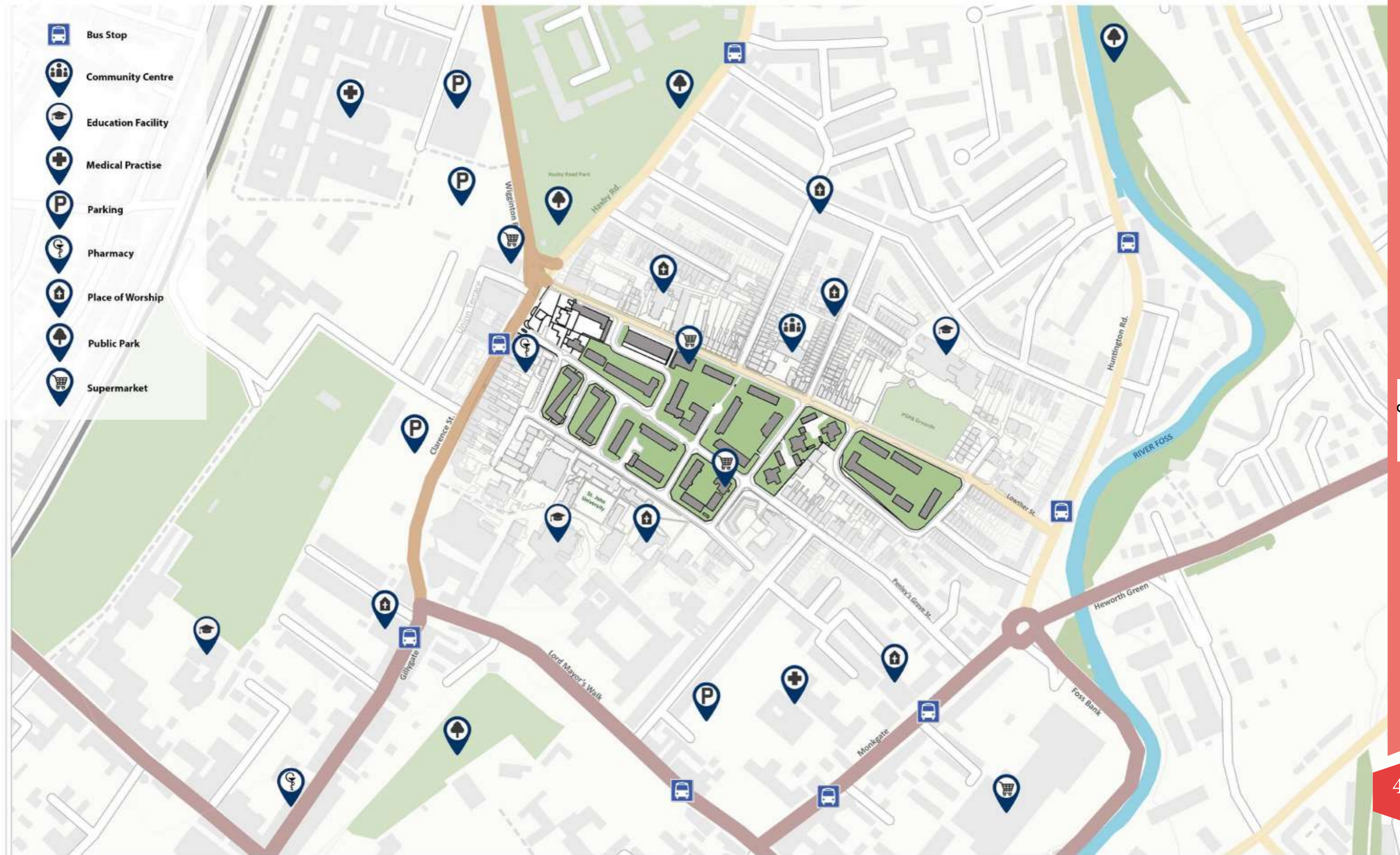


Fig. 25 Map showing services available in and around The Groves

The project runs until Summer 2020 and, so far, 150 local residents have attended the following events:

- Door 84 celebration, a seed planting activity.
- Park Grove summer fair and Halloween Disco.
- Creative Café at St Thomas' Church.
- Natter Group at St Thomas' Church.
- York St John University student volunteering event.

These activities have enabled Flower Power York to spread the word about the project, speaking to residents to see what areas they would like to see brightened up with flowers and specifically what flowers they would like to see.

A small group of residents have been involved in activities outside Sinnington House, Pickering House and the corner of Brownlow Street and March Street. They have shared with us details of the flowers they would like to grow, which has fed into the growing plan for 2020. Summer 2019 saw us work with these residents to plant cornflowers, calendula, dahlias and lambs ear, which, despite challenges with the weather, provided a little pop of colour on Lowther Street in late summer.

It has been an opportunity to address loneliness and social isolation, developing connections and making them feel valued by the process, as shown in the following quotes from participants:

"It's nice that someone cares enough about us to want to do something like this here."

"I love snap dragons, let's have some of them, they remind me of my Nan's garden."

The engagement with local residents has also enabled the project to focus on areas that past residents used to maintain but have since been neglected as residents move on or pass away. Through the process they have started to engage with new residents in the flats and will continue to encourage them to get involved and develop relationships with their neighbours and the green space outside their home.

The project is potting on seeds, to include sunflowers, cornflowers, ranunculus, antirrhinum, love in the mist and calendula (which have been requested by local residents) that will be planted in areas along Lowther Street including outside Sinnington House. The Brownlow Street and March Street area will be the main focus, starting with narcissi and muscari in February and early March, leading into tulips (1200 bulbs were recently planted), sweet peas and wildflowers in early to mid-summer and dahlias in late summer through to October.

These relationships with residents will continue to be nurtured and grown to include the following activities to increase the number of residents engaged in the project:

- Bulb planting with pupils from Park Grove Primary Academy.
- Community curry night and Christmas crafts, in conjunction with The Secret Garden, at Door 84.
- Christmas wreath making workshop with the Creative Café group at St Thomas' Church. ■ Promotional stall at the Park Grove Primary Academy ■ Christmas Fair.
- Christmas wreath making workshop at Door 84.
- Community seed swap and coffee morning at St Thomas' Church.
- Weekly gardening sessions.
- Cooking on a budget workshop at Door 84.
- Tulip flower stall on Lowther Street.

In terms of legacy, Flower Power York have been approached to participate in York's Bloom! Festival of Flowers and is encouraging activities to focus on The Groves. They are seeking funding to run workshops with local residents during British Science Week to be displayed as part of Bloom! In the late spring. The Bloom! Festival aims to encourage more planting within urban areas as a means of improving the urban environment and community and individual health and well-being. It is a high-profile event in York's calendar, attracting huge audiences of thousands of people.

Ultimately, the project would like to extend the growing areas to take in more of The Groves and to work in collaboration with more local residents and groups.

Move the Masses in The Groves – Free activity sessions being held in several locations in The Groves by Move the Masses have been designed to help address inactivity, selfconfidence and loneliness.



Fig. 26 Move the Masses montage



Fig. 27 'One Planet York' community art by local artist Stephen Lee Hodgkins



Fig. 28 Community based organisations in The Groves

The project has run 20 sessions so far in The Groves and has had 93 attendances by 62 individuals. A filming day and filmed workouts in Clarence Gardens and Park Grove Academy has been completed and available to view on:

<https://www.youtube.com/channel/UC3v2UXLOELtWEpy9sKnpPQ>.

The project has partnered with the True Story Cafe, which sits just within The Groves, and they are promoting the Move Mates project. They have also partnered with the York LGBT Forum and have run inclusive social walking and fitness sessions from their Human Rights Garden in Clarence Gardens.

In terms of the Move Mates project, six volunteers live within The Groves. A grant was awarded from the Adult Commissioning team to continue to run the Move Mates project until September 2020. A Video about the Move Mates project can be seen at:

<https://www.youtube.com/watch?v=Xlp4nMxalFU&t=4s>

Emotional Resilience for Parents in The Groves – BrightSparks have delivered a series of workshops in The Groves to help and support families. The final course took place in November and December 2019.

The strengths of the project have been working with the community and in community locations to build trust. The project has been able to guide people to support services and the feedback has been overwhelmingly positive, with the exception that people feel the project should have been longer. The course is interactive, with a range of books, resources and toys to share with the parents to give them ideas and confidence in relation to developing emotional resilience.

Groves Group Virtual Partnership – A new way for groups to work together has been established in this virtual network of Groves based groups. It gives groups the ability to share news of their events, hear about, and share potential opportunities. This can help groups be more up to date, better supported by each other and help them to respond more effectively to community need.

Local Green Space

The idea to improve local green space is very popular in The Groves. Much of the existing green space lacks quality and is often the site of anti-social behaviour in the area. Evidence on the various benefits of green spaces and green infrastructure, particularly in respect of mental health and well-being, provides very clear evidence and support for investment.

A welcoming playground, well-tended green space with trees, flowers and seats all make a difference. Just as playgrounds bring us together so do local markets and community events, shopping streets, small planting areas, even shared dustbins. This plan aims to build on that knowledge and continue to support local activities as well as looking to design spaces, which encourage people to do things together.

The community plan aspirations for health and well-being are:

Support Local Networks and Activities

Source funds grants, which will continue to be made available to groups and organisations based in The Groves, throughout the period of regeneration, will help people to be part of small-scale, grassroots regeneration of the local area and encourage communities and individuals to engage with and support each other in an inclusive way.

The groves would benefit from a capacity building resource to help maintain community assets, capacity and resilience.

Create a Community Well-being Hub

Throughout a series of workshops and walkabouts residents and groups have told us that a community base would be brilliant. A socially inclusive and accessible hub in the centre of The Groves would provide a flexible, multi-use space and be designed to complement and extend the existing activities of local groups who are providing services to the community.



Fig. 29 Community art by local artist Stephen Lee Hodgkins of Park Grove Primary Academy



There is great potential for the hub to help improve health and well-being locally in direct ways such as providing a base from which to host specific community health and wellbeing services.

The community hub would also provide a great opportunity to improve health and well-being by providing an inclusive place for cross-generational and cross-cultural meetings, a place to share ideas and be creative, have fun and support each other in a friendly environment. It could provide meeting places for local groups and a community café.

Build Healthy New Homes

New homes will prioritise sustainability, quality of space, accessibility and mobility (including consideration of lifts) ground floor storage, Lifetime Homes Standards, Nationally Described Space Standards, along with

age friendly and dementia friendly design. Where possible, new and existing ground floor flats will have an enclosed outdoor area of defensible space for an improved public and private balance, with accessible, landscaped courtyards conducive to an environment with space for quiet reflection, play, community interaction and activity.

Improve Streets and Spaces

The community plan seeks to create safer, greener and more vibrant streets with quieter traffic and cleaner air. Several sculptural benches are proposed to make the area more attractive, accessible, age friendly and provide informal meeting places. The newly installed planters along Lowther Street provided by the John Lally International Foundation (who have the It's Donated charity shop on Lowther Street) and maintained by local businesses are already making for a greener and more inviting high street area.

There are proposals for streets to be lined with more trees where technically possible and viable. It is proposed that the Lowther Street shops will have the ability to access funds for street improvements such as new signage, awnings, outdoor tables for displaying goods outside and outdoor seating.

Sustainable modes of transport including cycling and walking will be prioritised over cars and other vehicles and a dedicated pedestrian priority route is proposed along Del Pyke to Lowther Street. Purposely redesigned streets are proposed to be accessed only by the vehicles of people who live or work in the area. This will remove through traffic and remove the physical divide of traffic through The Groves, which has often been mentioned by residents. It will help to create a much calmer and safer environment with cleaner air for the community to enjoy their streets.

Provide New Wayfinding

Good quality wayfinding throughout The Groves will help those walking through to stay orientated. It will give small areas character and the journey some variety. Urban design and signage should be age and dementia friendly, and all current signage will be assessed to decide whether changes should be made. Street trees, with different character and colour, have also been considered as a way to identify and differentiate local areas.

The Groves Community Heritage Trail

The University of York has worked collaboratively with the council, local residents, community groups and local artists to listen to and record stories of people who know The Groves. From these stories a brief for local artists has been produced with the aim to create a series of sculptures and installations throughout The Groves.

Through this work we aim to reinforce a shared identity and showcase this to others.

9 Green Spaces

The community engagement events over the last two years have illustrated the importance and benefits of green space to residents and inspired a drive to improve and take advantage of the relatively large amount of open space available in the area.

We have known for some time now that good quality natural landscape in urban areas can affect how people feel. It can help reduce stress and sadness, lift the mood and make us feel better.

There are physical benefits from green space too: improved air quality, reduced wind speeds, less noise pollution and reduced risks from flooding and heat waves. There are also benefits to active users of these spaces: whether that is physical recreation, community gardening or through children and adults connecting and interacting with nature.

The Landscape Institute publication “Health and Landscape; creating healthy places”, states that “Healthy places make people feel comfortable and at ease, increasing social interaction and reducing anti-social behaviour, isolation and stress”. It goes on to say that “Healthy places are restorative, uplifting, and healing for both physical and mental health conditions”.

The Landscape Institute offers many examples of the important role that the natural environment can play in supporting principles of good design including examples of community gardens, landscape design reconnecting communities with green spaces, and the use of green space to improve well-being and mental health.

More recently, we have seen renewed interest in how the natural environment can be used effectively to treat some mental health problems and assist the care and management of dementia. Examples include group activities outdoors, structured walks, horticulture and green gyms.

This potential therapeutic benefit for mental illness and dementia is based on evidence that acute hospital patients feel better and are discharged sooner when they are able to see greenery outside their window or enjoy a hospital garden.

The added bonus for public health is that retaining and developing the natural environment in our urban areas helps us to combat climate change and enhance biodiversity. Trees and shrubs help to capture carbon and other pollutants such as particulates, while providing habitats for insects, birds and other fauna.

Green spaces also help absorb water and capture run off from heavy storms. Tree canopies can slow the intensity of rainfall reaching the ground while roots and soil help absorb run off. Sustainable urban drainage schemes using landscape features such as swales, detention basins and retaining ponds can act to slow run off to the sewer systems.

So, there is a wealth of evidence of how the public’s health can be improved by increasing access to green space and improving the quality of our natural environment. Through engagement and support from local residents, we aim to incorporate the benefits of green space in The Groves and have already funded various local initiatives to grow more plants, vegetables and flowers and involve more residents in that work.

Detailed research by the University of York, funded by this regeneration work, demonstrates that there is clearly a positive relationship between green spaces and health. There is some evidence that the pleasurable sensory experience of green space gives people more incentive to continue with walking programmes. It is also worth noting that green space proposed in The Groves comes free to users. A walk in the park costs nothing, compared to the costs for example of joining a gym or going swimming.

The Go York research also highlights the restorative effects of green spaces. Experiencing green space has a positive effect on levels of stress. Evidence from surveys conducted in the UK demonstrates that green spaces are able to support a wide variety of uses and users.

Studies show that green spaces can define places and make them more memorable. They are often the focus for conservation or volunteer activities that offer opportunities to meet others, develop interests and share goals. Importantly studies also report that perceptions of green space indicate almost entirely positive attitudes and connotations.

The community plan proposal for The Groves include enhanced green spaces for play, relaxation, community gardening and general community activity and enjoyment. Enhancement of community courtyards seeks to create pleasant environments that address and enhance wellbeing, social interaction and mitigate against environmental pollution.

Greening of the streets with trees and improving existing connections to local green spaces will also help to address increasing levels of inactivity in The Groves. It will help to promote all forms of outside activity as well as benefiting the local economy, specifically Lowther Street, as people linger in a more attractive and comfortable street environment to shop, rest and chat.

The community engagement events over the last two years have illustrated the importance and benefits of green space to residents and inspired a drive to improve and take advantage of the relatively large amount of open space available in the area.

The community plan proposes to develop the existing green spaces to provide a greater variety of features to encourage use by more residents of all ages and abilities.



TREES CAN BOOST THE LOCAL ECONOMY



TREES SHADE AND COOL



TREES REDUCE STRESS



TREES REDUCE VIOLENCE

TREES IMPROVE THE SOIL



TREES CLEAN THE AIR



TREES REDUCE STORM WATER RUNOFF

TREES ENHANCE THE VIEW



TREES BRING PEOPLE TOGETHER

TREES REDUCE NOISE POLLUTION



TREES SUPPORT WILDLIFE



TREES PROVIDE FOOD

Courtyards

One of the key features of The Groves is the arrangement of accommodation around courtyard spaces, intended for use by the residents. Many of these original features no longer cater for modern day to day requirements, are unattractive, have become dno longer function as originally intended. Such features and issues include:

- A significant area of brick built stores and garage courts.
- Some areas of planting. However, in general easily maintained lawns predominate.
- Some mature trees, which may have originally been planted too close to buildings or are in a poor condition.
- No suitable bin storage facilities.
- Extensive provision of washing lines.

Some residents have attempted to develop gardens outside their door but, in general, there is little private space.

The community engagement made clear the expectation that the courtyards needed to be updated to better suit the needs and aspirations of today's residents, ideas include:

- Play areas for all ages.
- Areas to socialise.
- Areas to relax.

- Flower, fruit and vegetable growing.

The Groves Community Plan proposals show the garage and store buildings demolished and improvements to provide features that appeal to all ages. These could include: children's natural play features such as logs and grass mounds for informal play; seating spaces in both sun and shade; community patios where residents might be encouraged to have communal barbeques or simply enjoy a pot of tea together; raised planters for resident food growing and more planting to include trees, fruit trees, shrubs and flowering plants. Current research suggests that views of and contact with green space and the natural world has a positive impact on our well-being and the community plan will encourage residents to get outside and enjoy their courtyards.

As previously highlighted, the proposals incorporate a range of features to encourage activities for all ages within each courtyard. These will encourage children's play while older residents and parents chat in a quiet seating area, preventing isolation and encouraging a stronger sense of community. The intention is to encourage community ownership for the maintenance of the communal spaces and resident garden clubs to improve social cohesion.

The proliferation of different bins has a significant impact on the space available within the courtyards, with bin stores currently taking up too much communal space. The proposed use of communal underground bins will significantly improve the quality of the areas, freeing up space for more attractive and useful facilities.

Some courtyards already have strong community involvement, a good example is The Secret Garden. It is important to retain these existing gardens where possible, and incorporate the existing community features within the proposed new garden layout while allowing more diverse uses by all of the surrounding residents.

A new courtyard will be formed by demolishing a garage court and forming an area for use with the community centre as a community events area, whilst still allowing more intimate spaces to be used by the surrounding residents. Used as a community events space, the area could accommodate anything from a marquee for a wedding or birthday party to a stage for a children's show.

It is proposed that each courtyard has a unique layout and character to distinguish between each housing block and to encourage community ownership and pride in residents' communal gardens. An arrangement of communal patios, pathways, sheltered seating areas, growing spaces and play features are provided, with the planting helping to reinforce courtyard identities. This planting could be a flowering tree species, formal hedges or naturalistic planting, with each courtyard differing from the next.

Planting can be equally important for biodiversity, with the recent dramatic decline in insect and garden bird numbers across the country the planting within the courtyards will be selected to help provide valuable habitat, cover, nectar and food plants for both birds and pollinating insects. Consideration will also be given to providing bird nesting boxes either in existing trees or located on the buildings.

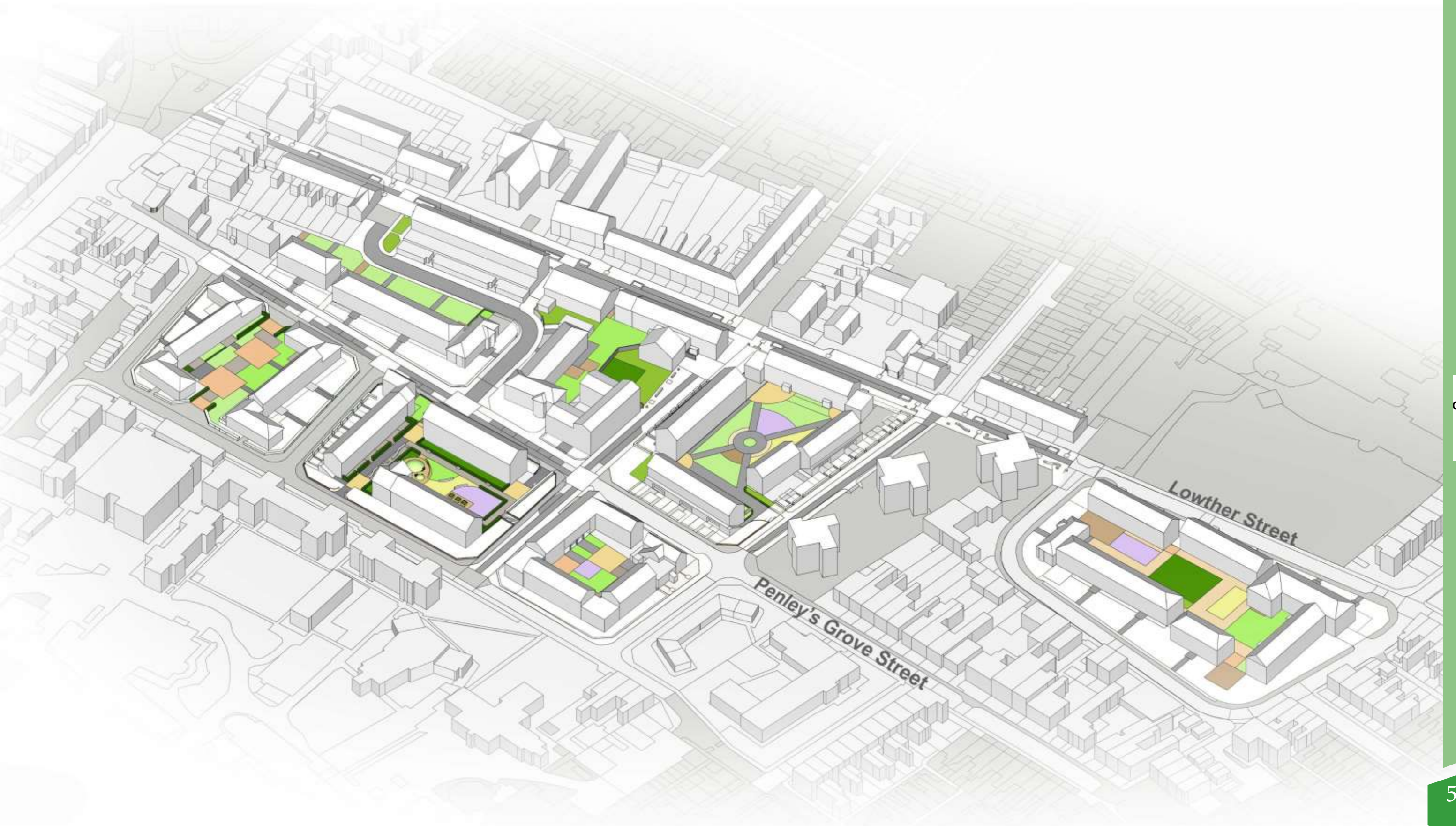


Fig. 30 Aerial view of proposed courtyard improvements

Courtyard Improvements

The current state of the courtyards is fairly poor, they mostly consist of an excessive amount of washing lines, bin stores and tarmac paving. The small amount of green space that is present mostly consists of lawns and badly maintained planting, which doesn't offer any interactive activities to the community.

The community plan proposes the removal of the bins and washing lines to maximise the potential of the courtyards. The plan aspires to offer the local residents a variety of features intended to encourage socialising, exercising and play in these locations, which will improve their general health and well-being.

In order to achieve this, the plan proposes the implementation of more community planters, planting trees (including fruit trees to encourage interaction), a variety of seating, multi purpose lawn space and natural play areas. With the courtyards offering a diverse range of activities, people of all ages and backgrounds will be able to use that space and thrive.





Fig. 31 Proposed improved courtyard visualisation, before/after

Defensible Space

Residents of The Groves have commented on anti-social behaviour taking place in the area. The Groves Community Plan seeks to help address this by closing off communal courtyards to make them more private, revitalising Lowther Street and creating defensible space to the front of the houses.

Defensible space is an area for which a local resident feels responsible, such as a small front garden or yard, which provides a buffer between public and private areas. By taking responsibility, the resident is more likely to maintain it as well as watch over it.

In neighbourhoods that have defensible space, for which residents feel a sense of ownership, there is likely to be more activity and natural surveillance. This sense of ownership in turn discourages anti-social activities and residents are more likely to challenge anti-social behaviour.

Where ground floor properties are accessed directly from either the courtyards or the street it is proposed to provide small private gardens both to encourage residents to customise their own gardens but also to provide a buffer between ground floor windows and the communal garden. Equally, even if ground floor accommodation does not have direct access to the courtyard it is proposed to provide ground floor privacy space outside of ground floor windows, again to give a buffer between residents' windows and the communal gardens. Any boundaries will incorporate gaps in garden fencing to allow free movement for the local hedgehog population.





Fig. 32 External front gardens visualisation, before/after

Residential Streets

The existing buildings in The Groves are set back from the road with a small area of green space acting as a buffer between the public footpath and ground floor properties, providing more privacy. These green areas are a mixture of private gardens and underused communal spaces. Where there is direct access at ground floor to outdoor space, residents often enjoy having their own personal outdoor area in which to create a garden. Some gardens are wonderfully maintained and loved by the residents, adding much needed planting and colour to the streets. This strong sense of pride is often an inspiration to others.

The communal front garden spaces, which do not have access from ground floor properties, are generally not adopted by residents and mostly consist of grass maintained by the local authority.

During the engagement events, residents continually expressed a desire for a general greening of the area and specifically called for an increase in the number of trees, where this was possible.

The proposals will provide a greener outlook to the local streets adding colour and seasonal interest, improving the view for ground floor properties and the general appearance of the local streets.

The proposals allow for the creation of new garden spaces along street frontages, especially for residents of ground floor flats. New low-level easily maintained planting, where this does not exist, is provided to small private gardens for residents to enjoy and look after.

Where there is no direct access for ground floor residents to tend a garden, it is proposed to improve the communal front gardens with areas of low maintenance planting to provide a green and colourful flowering boundary to the properties and to minimise the requirement for local authority maintenance.

The existing front boundary treatment provides a definite, well maintained division between the street and the front gardens, usually a low brick wall, occasionally with a small steel fence on top. However, this can cause confusion as to where you are in The Groves. It is proposed to incorporate some changes to these boundaries, specific to each road, to enhance a street's

character and identity. In addition to the existing boundary walls, the use of additional low hedges or planting, railings or a combination of low walls and low railings would be used to help find ones way around.

The Groves are home to a number of existing mature trees, many of which line the streets, which were probably planted shortly after the properties were built. These trees now add maturity to the area and are a valuable amenity asset. Recent studies have shown that mature trees are a valuable resource for carbon removal and storage, with large trees being more efficient at capturing and storing carbon than smaller sized trees. The community plan recognise the value of the existing tree stock and all existing street trees will be protected, retained and incorporated within the new proposals unless the tree's health or safety condition would require removal. In very limited locations it might be necessary to remove an existing tree to allow some development of affordable homes. In such cases the planting of additional trees would help mitigate the loss.

While it is important to retain the existing trees, it is also proposed to introduce new street trees, where possible, to strengthen the existing tree cover and add amenity value. It is preferred to incorporate ground level tree planting within the highway as part of the improvements to the surrounding roads, for instance at road narrowing or raised crossings, however, this will be dependent particularly on the location of underground services. Where it is not possible to provide additional tree planting as part of the street improvements, smaller growing trees will be incorporated within the front garden spaces. Although these species might not be as grand as large growing tree species, they would add to the visual quality of the street and gardens.

The species selection of new trees would also be a valuable tool in helping wayfinding around and through The Groves. Where tree planting is possible, streets would be identified with different species of trees, so for instance Townend Street might be identified by trees with red leaf colour or white blossom and Abbot Street might be lined with white stemmed trees.





Fig. 33 Aerial view of new street tree planting to aid wayfinding

10 Movement Network

With the careful re-design of road surfaces, restriction of motorised traffic, traffic calming measures and the careful arrangement of parking areas, the community plan aims to provide a more pedestrian and cyclist focused movement network, that encourages cycling and walking throughout The Groves.

It is clear that there are many benefits associated with clear movement and good connectivity. Less congested streets lead to much improved safety, air quality and an increased desire for residents and workers to walk and cycle. The benefits of regular walking and cycling are well documented in terms of improved physical and mental health, and can also boost mood and alleviate depressive symptoms.

As well as improving individual health, less car dominated streets can help to make an area more attractive and improve safety for walking and cycling through. Safe and attractive links to green spaces could be created and existing desire lines enhanced.

The community engagement events held over the last two years have demonstrated a clear desire to solve traffic problems in The Groves. Resident ideas to address this vary from the pragmatic to the radical, and include the following:

- Closing Lowther Street and Penley's Grove Street to through traffic.
- Restricting vehicle access to The Groves for residents only.
- Creating shared surface roads.
- Consider how and where streets could be improved for pedestrians and cyclists.

The Groves area is quite constrained with minimal pedestrian and cycle facilities and very narrow carriageways. Many of the footways are also narrow and do not safely accommodate more than one pedestrian at a time. This can result in pedestrians being forced to use the road.

In addition, due to substantial on-street parking, many streets are only wide enough to accommodate one vehicle width, creating an unpredictable and unsafe environment for cyclists.

To address this the community plan proposes Safe Routes For All with encouragement given to walking and cycling. Measures proposed include:

- The reduction of cross traffic to and from Clarence Street and Wigginton Road from and to Huntington Road, via Lowther Street and Penley's Grove Street.
- The reduction of through traffic to all other roads in The Groves.
- The development of a pedestrian and cycle priority route along Del Pyke.
- The creation of new, traffic calmed streets, especially Lowther Street.
- Providing clear on-street resident only parking.

In preparation for these measures, the engagement work with residents has been successful in persuading The City of York Highways Authority to consider the closure of certain roads to through traffic. The principle of an Experimental Traffic Regulation Order was approved in October 2019, and is aimed at trialling the removal of through traffic from The Groves in order to assess the levels of improvement to the street environment for local residents.

Modelling suggests that the impact on the surrounding road network could be acceptable in principle. It is proposed that driver behaviour will be monitored throughout the experimental road closures. These experimental closures will begin in spring 2020 for a period of 18 months.

With the careful re-design of road surfaces, restriction of motorised traffic, traffic calming measures and the careful arrangement of parking areas, the community plan aims to provide a more pedestrian and cyclist focused movement network, that encourages cycling and walking throughout The Groves and provides space for people, not just cars.

The existing motorised circulation network consists of two one-way streets, Lowther Street passing from East to West and Townend Street and Penley's Grove Street passing from West to East. Both Lowther Street, Townend Street and Penley's Grove Street are extensively used as short cuts, particularly during peak traffic periods. The problem of through traffic was a recurring issue identified throughout the public engagement events with people expressing concerns about safety and the constant flow acting as a barrier to pedestrian movement, particularly along Lowther Street and around Park Grove Primary School.

The remainder of the streets within The Groves are twoway with extensive parking, both for residents and pay and display parking. This has created congested roads with limited space for passing vehicles and a difficult environment for cyclists and pedestrians.

In order to address current concerns the community plan aims to create a new hierarchy of streets with a strong focus on creating space for people rather than vehicles. Pedestrian and cycle routes will be clear and legible to improve safety and encourage greater use. The following locations have been identified for improvements:

- Lowther Street, to be developed as the high street for the area.
- Residential Streets, all of the other existing streets around The Groves estate.
- Del Pyke, to be developed as a shared pedestrian and cyclist route.
- Pilgrim Street, to be developed as a Home Zone.
- Pedestrian only routes to be developed throughout the estate.

The diagram below shows how some of the movement network issues mentioned by residents will be addressed. Improvements to the street layout include clearly defined parking bays, a new cycle route, added street planting and traffic calming measures such as chicanes and changes to the roads surface. These suggested developments aim to provide a safer movement network for pedestrians, cyclists and cars alike, as well as a change in the hierarchy, meaning more space for pedestrians and cyclists.

Lowther Street in particular is in need of change. Residents are keen to see Lowther Street become the new community hub of the neighbourhood. This change would lead to an increase in footfall, as well as a desire to linger along the high street. To accommodate this aspiration the development of the streetscape is essential.

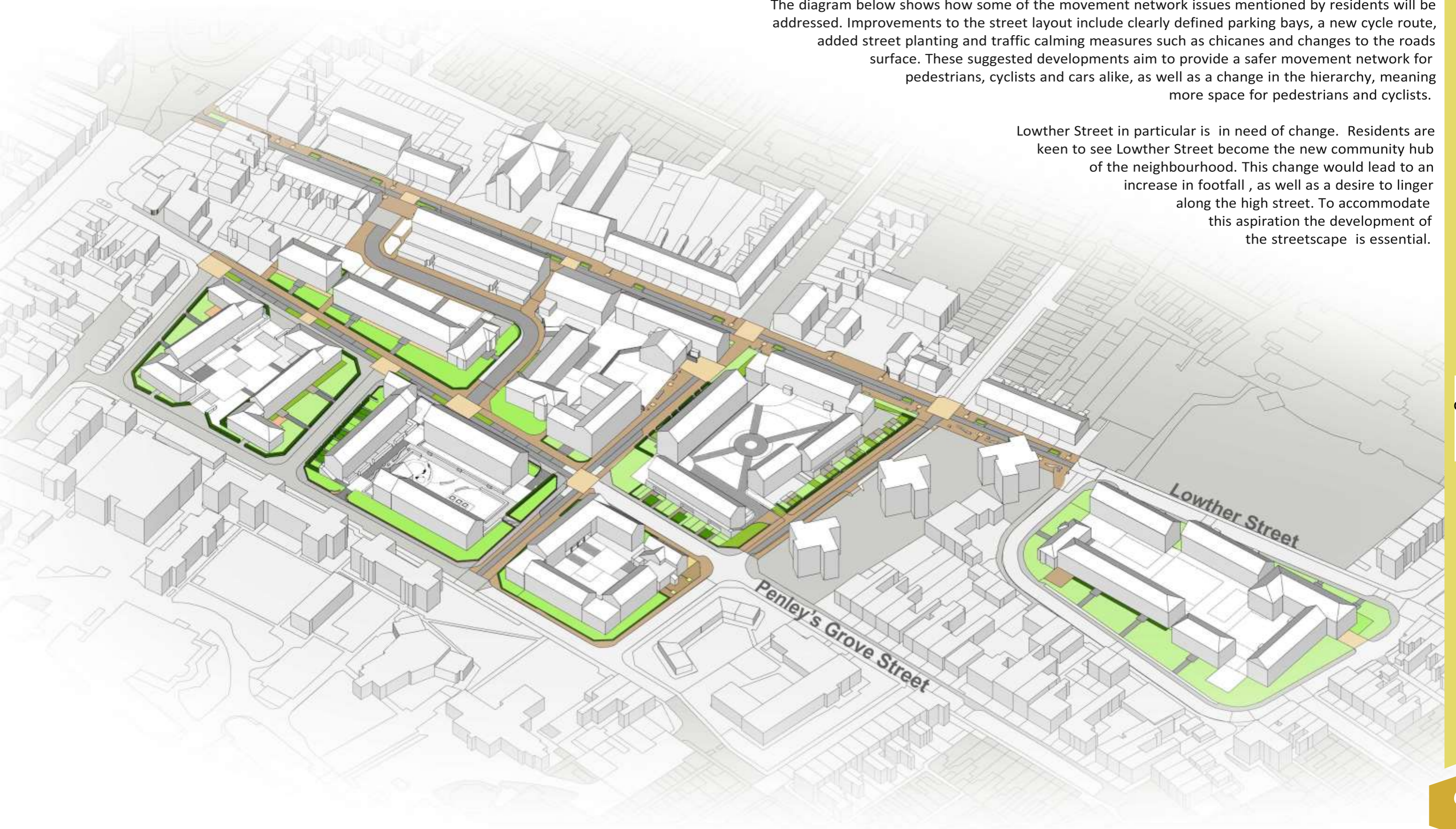




Fig. 34 Aerial view of proposed streetscape

-  Existing One Way Street
-  Existing Two Way Street

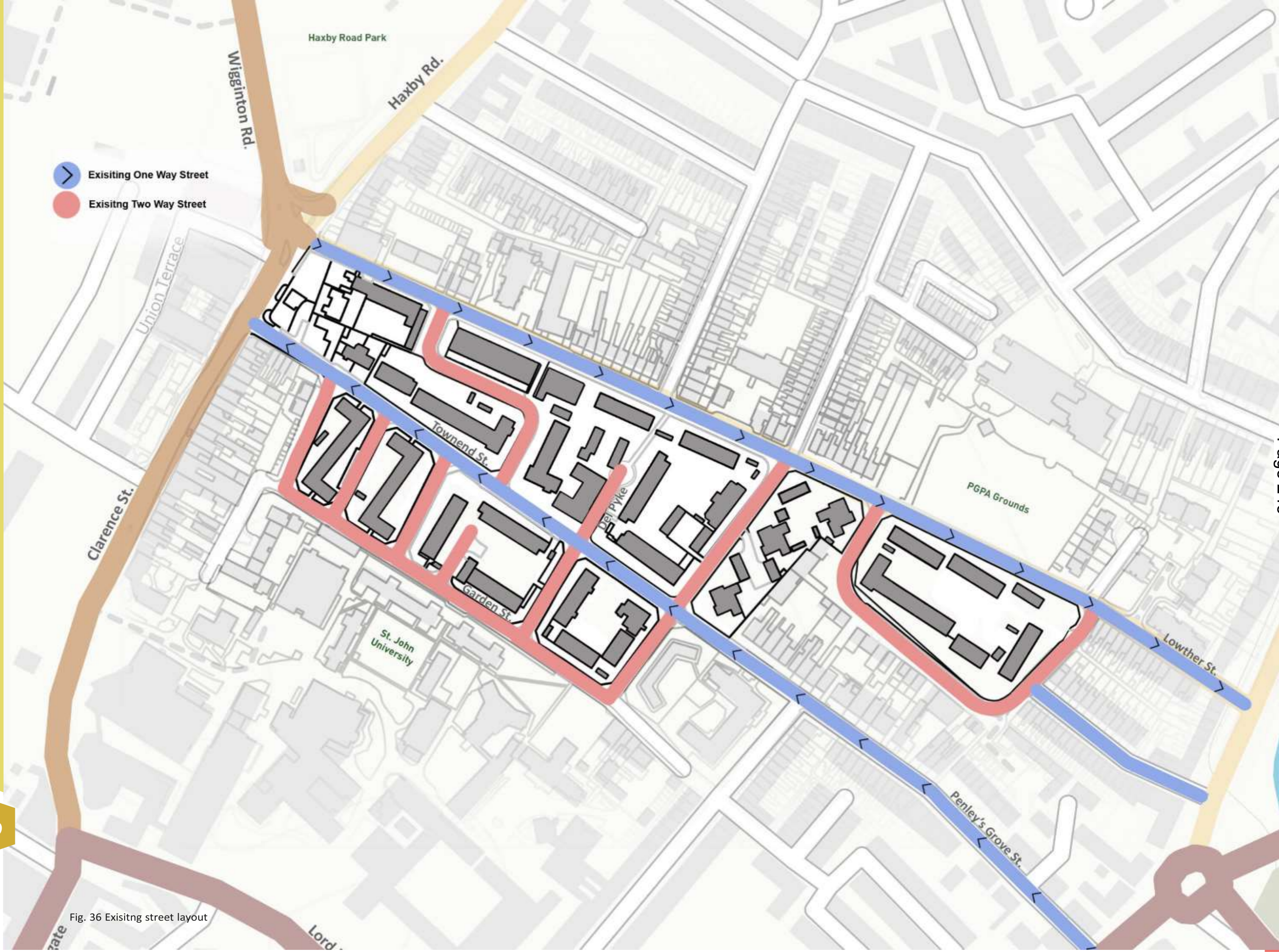


Fig. 36 Existing street layout

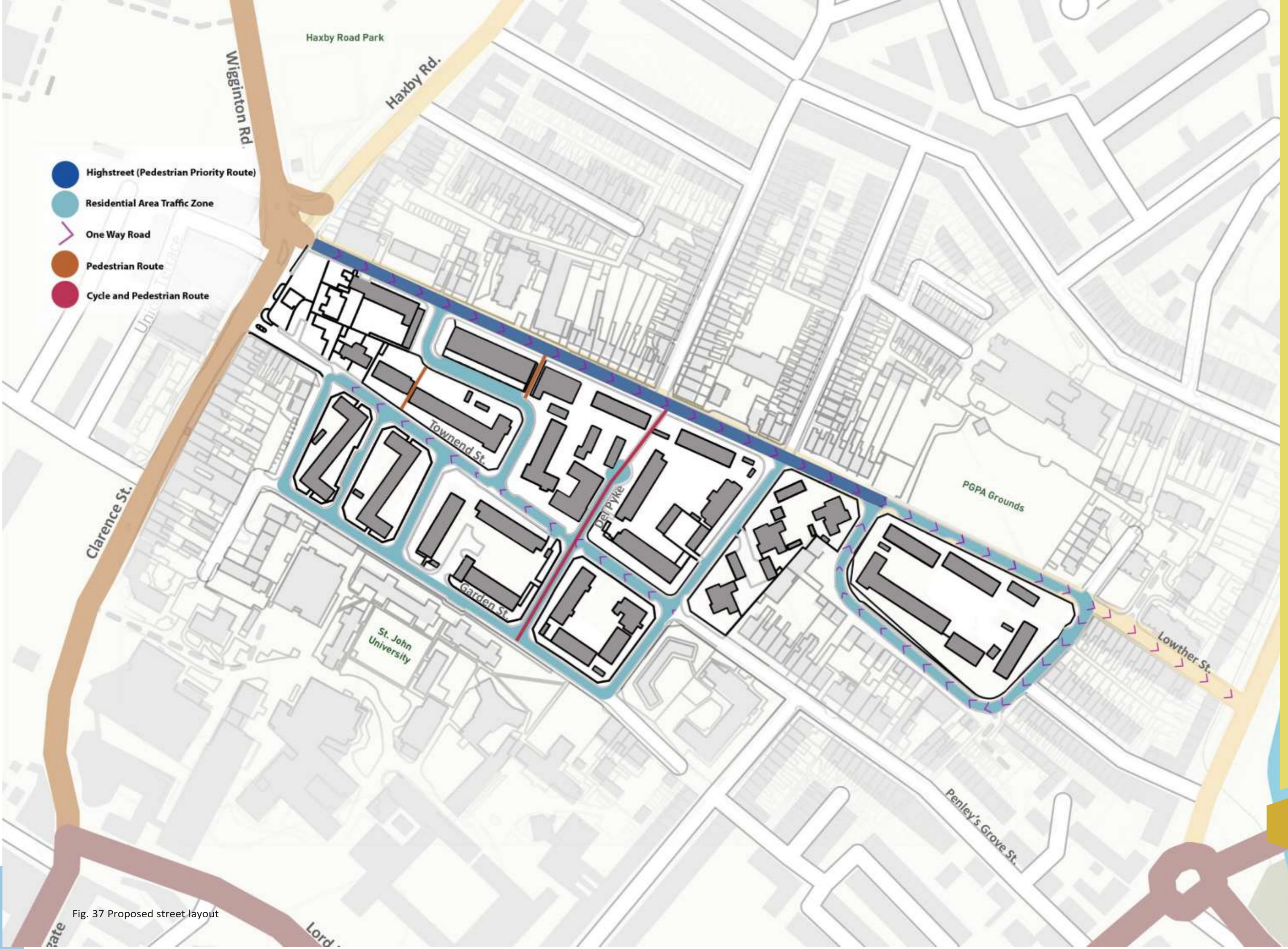


Fig. 37 Proposed street layout

Lowther Street

Lowther Street is one of the main movement routes within The Groves. It contains the following main trip attractors for residents within The Groves: the parade of shops, restaurants and takeaways, community facilities at Door 84 and St Thomas' Church and Park Grove Primary School. Lowther Street also offers a pedestrian route to other trip attractors outside of The Groves and access to public transport routes on Clarence Street and Huntington Road.

Throughout the public engagement process, residents expressed views that the use of Lowther Street for through traffic and the lack of defined or controlled crossing points is a major barrier to easy and safe pedestrian and cycle journeys.

The community plan proposes that Lowther Street should have significant improvements to address the residents' concerns and should provide a more attractive high street destination for The Groves. Proposals include:

- The creation of an attractive public area outside of the shops.
- Additional retail space for the existing shops to display goods.
- Space to allow for community events such as pop-up markets.
- Informal seating for people to meet.
- New tree planting in the wide pavement, subject to technical feasibility.
- Improved road and pavement surfacing to help visually and physically separate the road from parking and pedestrian zones.
- Traffic calming measures to slow the traffic speeds, this could include raised junctions and crossings, chicanes, road narrowing and pavement buildouts.
- The provision of safe links and raised crossing points from the shops to community spaces and the primary school.
- New street tree planting, both within the street, where technically feasible, and within the adjacent gardens and communal green spaces.
- The provision of additional planting or raised planters as part of the traffic calming measures.

Fig. 35 Improved Lowther Street Visualisation



Residential Streets

The Groves is bisected by a number of smaller streets with Townend Street, Penley's Grove Street and Garden Street providing the main routes running East to West, Abbots Street, Cole Street, Del Pyke, St Thomas' Place, Pilgrim Street, Backhouse Street and Jackson Street running North to South and connecting to the East to West streets. It is proposed that Del Pyke and Pilgrim Street are treated as a different part of the street hierarchy and are described separately. All other routes are classified as residential streets in the movement hierarchy, providing access to properties and on street parking.

The community plan proposes that all the residential streets are focussed on providing safe access to residential properties and associated resident-parking areas for local traffic only. Proposals include:

- Improved road and pavement surfacing to visually separate the moving vehicle environment from parking and pedestrian areas.
- Traffic calming measures to slow the traffic speeds, which could include raised junctions and crossings, chicanes, road narrowing or pavement buildouts.
- On street, resident only, permit parking.
- New street tree planting within adjacent gardens and communal green spaces where space exists.
- The creation of an attractive public area outside of the Londis supermarket in which to accommodate space for informal seating for people to meet and planting new trees.
- Additional planting or raised planters as part of traffic calming measures where space allows.

Del Pyke – a People Focused Street

During the public engagement events, the route through Del Pyke was identified as a key link to access the city centre via other walking routes. This route is particularly popular with students accessing York St John University. Access along Abbots Street to Lord Mayors Walk via St John Street is

identified as an advisory route for cyclists on the City of York cycle network. However, site observations indicate Del Pyke is also a popular route for cyclists and pedestrians, particularly leading to York St John University.

As part of the community plan proposals, it is recommended that, Del Pyke be upgraded to provide a pedestrian and cycle focused route linking with the city's wider sustainable transport network, while still allowing resident vehicle access and parking for the adjacent properties.

Proposals aim to accommodate the movement of all users including pedestrians, cyclists and residents' vehicles. Features to reduce traffic speed and make the route pedestrian and cyclist friendly might include a raised junction with Townend Street, and changes in surfacing to visually identify the route as pedestrian friendly. Wider footpaths or a shared surface would help create a more welcoming and attractive public space for people rather than just a road just for cars.

Pilgrim Street as a Home Zone

Pilgrim Street currently separates two blocks of residential accommodation. It is proposed that this street forms a new courtyard environment, similar to the other courtyards in The Groves. It would then be able to provide an enclosed communal space for residents rather than simply another street.

If it is not possible to close Pilgrim Street, an alternative option could be the development of a Home Zone, which introduces attractive paving materials, planting and street furniture to create a safe and welcoming environment for the surrounding residents.

Pedestrian Only Routes

There are currently a number of walking routes that pass through courtyards, and the status of these routes is ambiguous as they pass through some areas of the courtyards, which might otherwise be considered as private spaces for residents. This situation has encouraged anti-social behaviour in some locations, and discourages residents from making full use of and taking ownership of the communal courtyard gardens.

The development of the courtyard spaces as communal gardens and the provision of some infill housing development gives the opportunity to make the courtyards less permeable to public access and to create an image that these are private spaces for the surrounding residents and so deter the wider public.

However, it is recognised that there are a few pedestrian routes that do pass through courtyards and link the main residential streets, it is proposed to retain these as quiet pedestrian only routes.

11 Homes

The Groves Community Plan looks to provide housing-led regeneration using a neighbourhood regeneration model. This focuses on improving the living conditions of people living within the area with success measured by improvements in the welfare of the community

Creating safe and decent homes can have incredibly positive effects on a family's health, on the study habits of students, and on a neighbourhood's overall attractiveness and stability.

With so much at stake, it is time for our definition of decent housing to expand to include a range of solutions such as new housing, housing repair and renovation and improvements to the local environment. This is what we are working towards in The Groves with a community backed and housing-led regeneration approach.

There is growing evidence that housing-led regeneration benefits all other areas of regeneration and can enable a range of changes including improvements to:

- The street scene.
- Green spaces.
- Community facilities.
- Other services such as shops.

The Groves Community Plan has placed housing at the centre of the plan. In addition, the engagement events made it clear that residents were keen to see affordable housing development within the area.

The Groves Community Plan looks to provide housing-led regeneration using a neighbourhood regeneration model. This focuses on improving the living conditions of people living within the area with success measured by improvements in the welfare of the community. The new housing within the plan provides accommodation for the existing community, allowing them to remain and grow within the area. Affordable family housing will attract new households whilst accessible housing units aid an aging population to remain and prosper within the area.

The Groves Community Plan uses lessons learnt from housing-led regeneration schemes in Glasgow. However, whereas the Glasgow example concentrates on improvements to the existing housing stock The Groves Community Plan looks to provide targeted new build housing interventions that will provide a catalyst for a renewal of the wider external environment.

A glance at a map of the wider Groves area shows housing of two distinct types:

- Victorian terraced housing.
- Social housing constructed in the early 1960's.

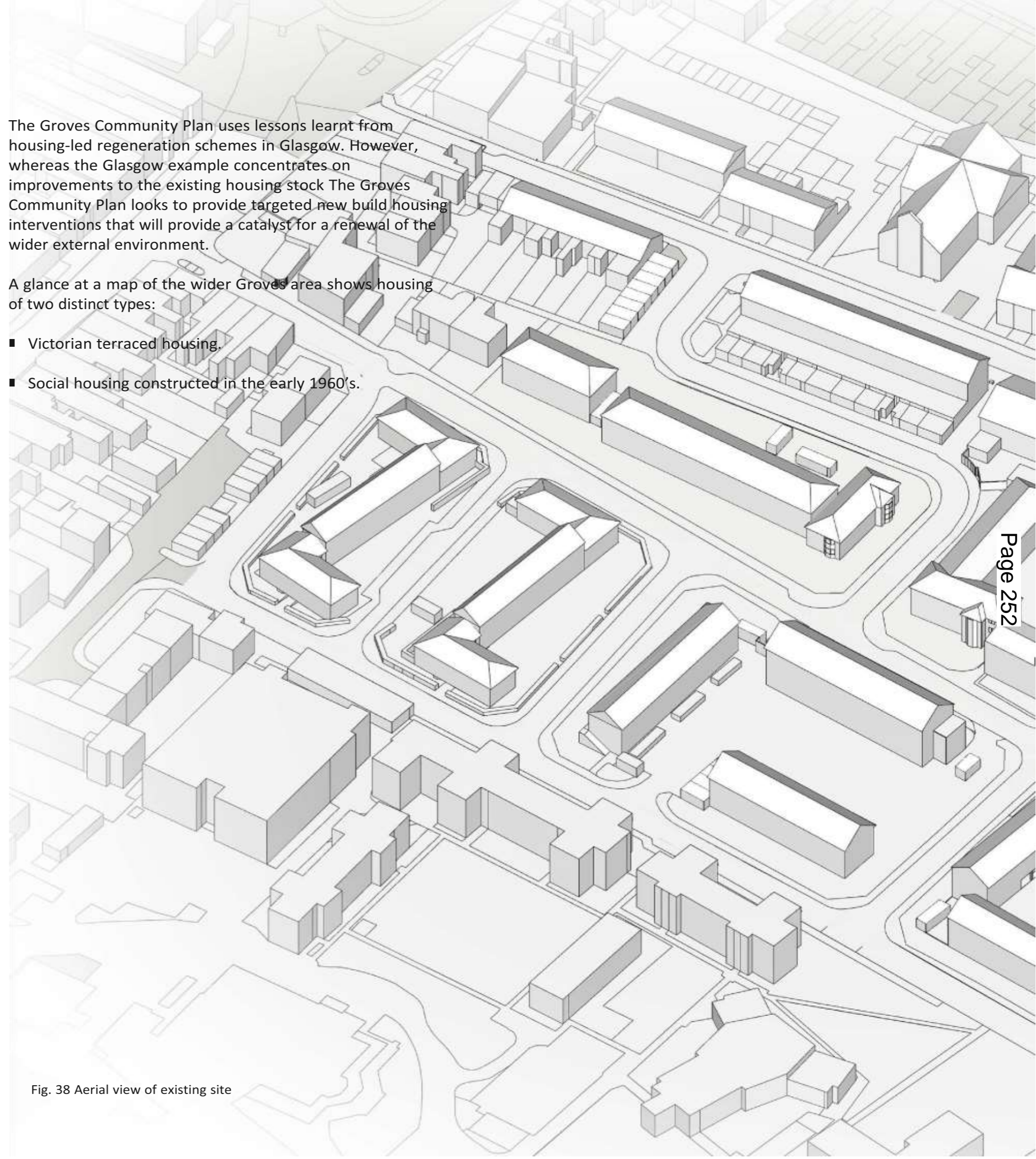
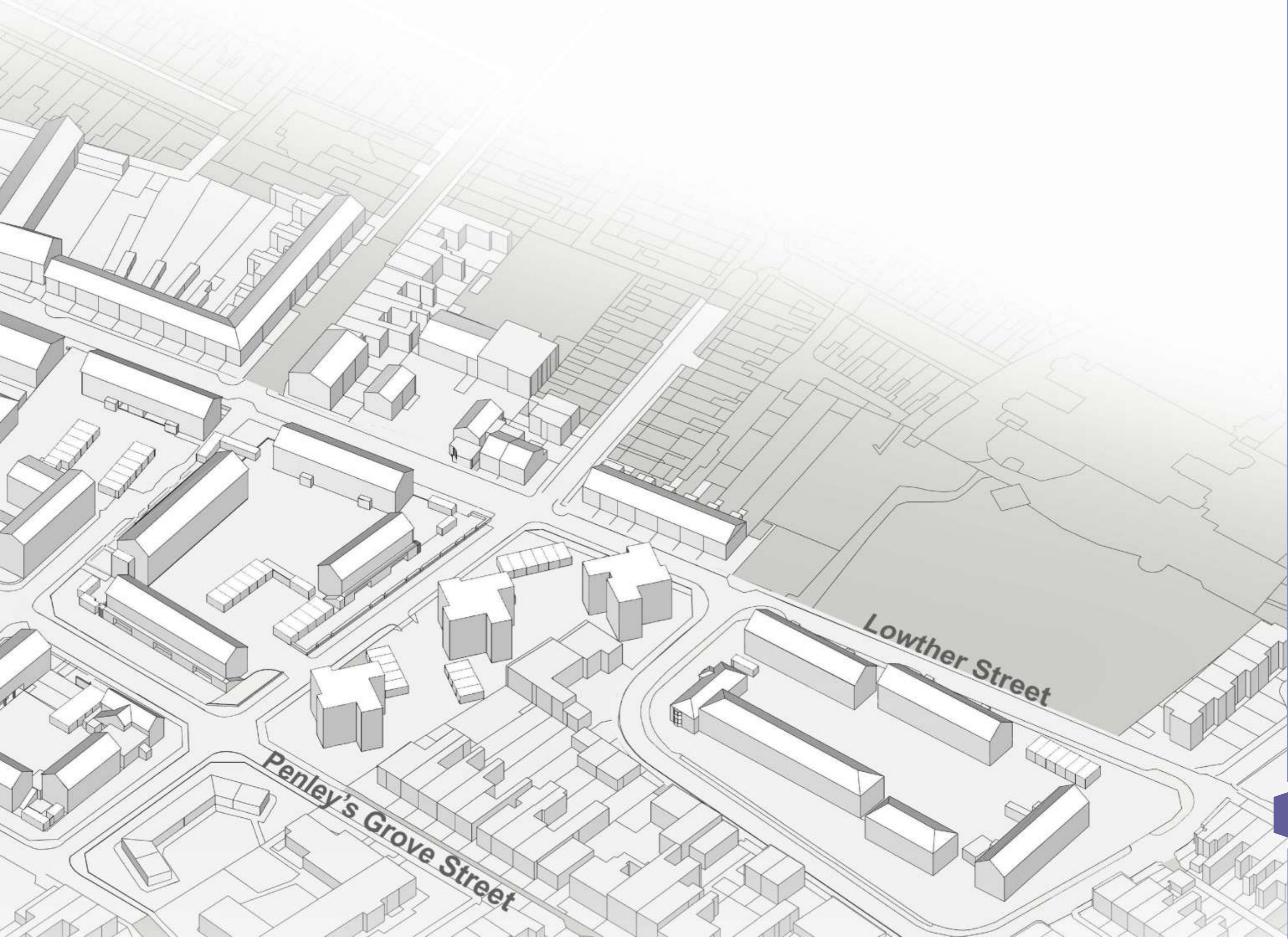


Fig. 38 Aerial view of existing site



The area of social housing is the subject of this plan and consists of three and four storey brick built accommodation blocks arranged, in general, around a courtyard. Although the courtyards are an attractive feature they are underused, occupied with washing lines, and brick built stores. In addition, there are several garage court areas containing brick built garages that are underused.

Engagement and consultation with residents reveals a desire to remove the brick garages and store buildings and use the land to build affordable housing. Some of the washing lines might be kept or improved to encourage drying clothes outside. Doing this would reduce the risk of mould build up, which can form when drying clothes inside. The community plan proposes a development of the existing urban blocks enclosing the courtyards, a densification of the existing accommodation. This is achieved by closing the corners of the courtyards and building on the garage court sites. In addition, it is proposed that existing staircases are enclosed and provided with a lift.

The corner infill developments are of two types:

- Flat roofed blocks providing two storey family accommodation and direct access to gardens to allowing children to play.
- Pitched roof extensions of the neighbouring blocks providing wheelchair accessible two-person accommodation with lift access and direct access to the courtyard areas.

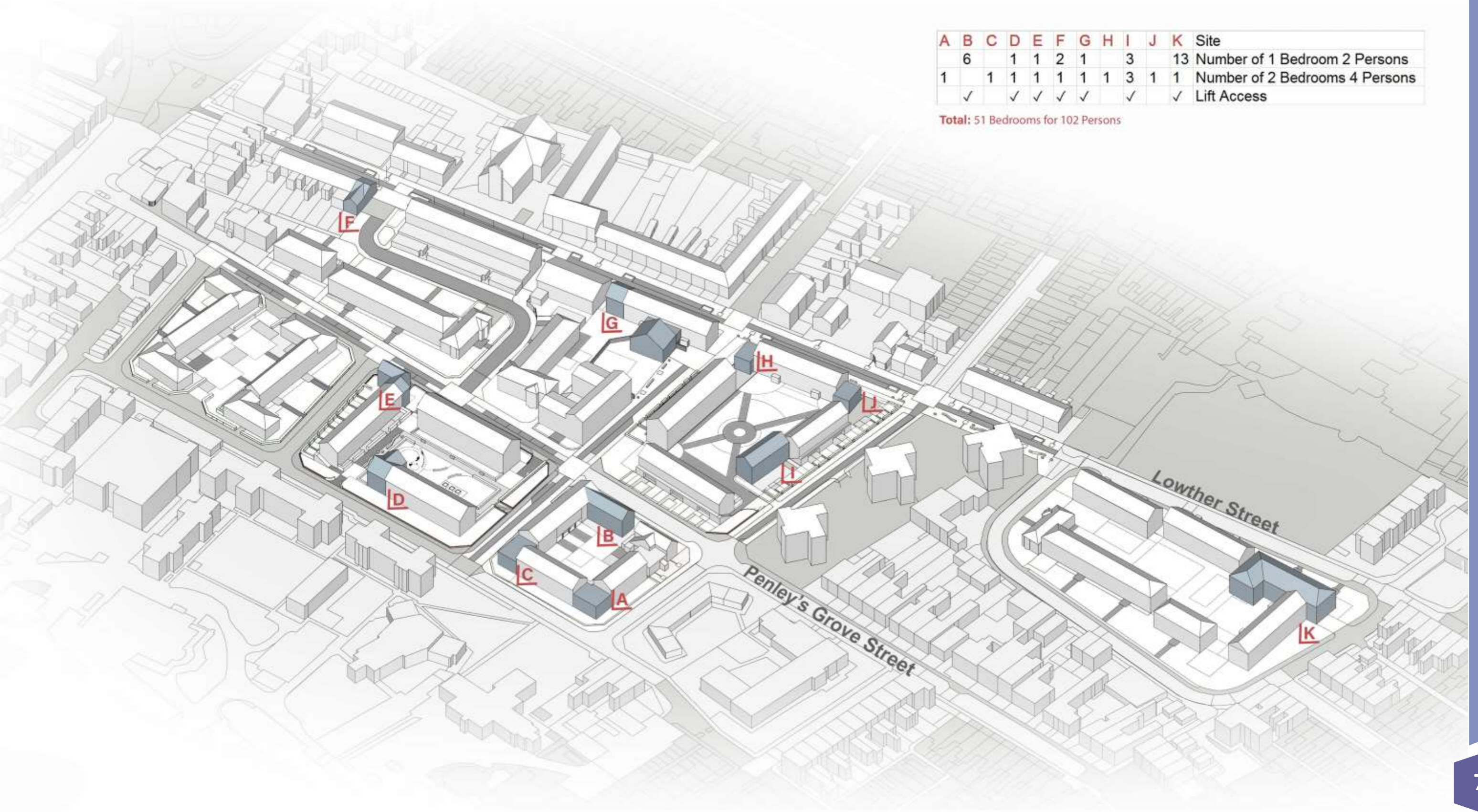
The new housing is arranged to preserve as many existing trees as possible. This is a particular issue with the corner infill blocks, many of the flat roof blocks are pulled back to avoid the existing trees.

The accommodation proposed to the demolished garage court sites is in general wheelchair friendly two-person apartments with lift access. In addition, open staircases on the ends of the housing blocks have been enclosed and provided with a lift to access second and third floor flats. This combination of accommodation will provide 27 one bed, two-person flats and 12 two bedroom, four-person houses for The Groves community.

As well as providing a catalyst for the redevelopment of The Groves, the new housing will provide an opportunity to improve wayfinding within the area. When Walking around The Groves, it is easy to become disorientated. This is in part due to the lack of variation within the building street frontages and the lack of landmarks of sufficient contrast within the area. The provision of good quality street planting will go some way to solving wayfinding, different areas will be identified with different tree species. In addition, contrasting corner blocks will provide easily recognisable landmarks. Providing some additional variations within the street frontages, and refurbishment of the existing balustrades to provide a more active street frontage for instance, will also aid wayfinding.



Fig. 39 New housing, sketch visualisation of potential developments



A	B	C	D	E	F	G	H	I	J	K	Site
6		1	1	2	1			3		13	Number of 1 Bedroom 2 Persons
1	1	1	1	1	1	1	1	3	1	1	Number of 2 Bedrooms 4 Persons
✓		✓	✓	✓	✓	✓		✓		✓	Lift Access

Total: 51 Bedrooms for 102 Persons

Fig. 40 Aerial view of new potential housing

12 Community Hub

Nearly half of residents contributing to the options appraisal survey work commented on the need for more community facilities, with a strong desire for a community centre that could serve residents of all ages.

Recent consultations with the local community have made it clear that Lowther Street has become a community focus for The Groves. The community plan intends to strengthen this by proposing plans for a new community and wellbeing centre and by strengthening the primary functions of Lowther Street as the focus of social activity.

Residents are very keen to see Lowther Street developing as a community hub, and initiatives to enable this are being supported. The feasibility and viability of a new community centre is being investigated, and potential improvements to the street are being assessed.

Community Centre

Nearly half of residents contributing to the options appraisal survey work commented on the need for more community facilities, with a strong desire for a community centre that could serve residents of all ages.

The Groves is served by both St Thomas' Church Hall and Door 84 as community facilities. These organisations provide a valuable resource but the community are clear in their desire for a new, purpose-built facility that would serve the whole of the community, as a group-meeting place and a place for activities.

The plan proposes the development of a facility that could include:

- A community café.
- A catering kitchen.
- Activities hall.
- A community courtyard for events.
- Direct access from the hall to the courtyard to allow joint use.

It is hoped that The Groves community themselves will be involved in designing the layout of the community centre but it is envisaged that the hall will be centrally located and adjacent to a courtyard, which could also be used for outdoor community events. The hall would open directly into the courtyard, thus enabling the two to be used together for larger events.

The community centre is shown located in the redundant entrance to Aberford House. A café area, located to the front, could spill out onto the pavement along Lowther Street while the hall to the rear could open onto the courtyard behind.

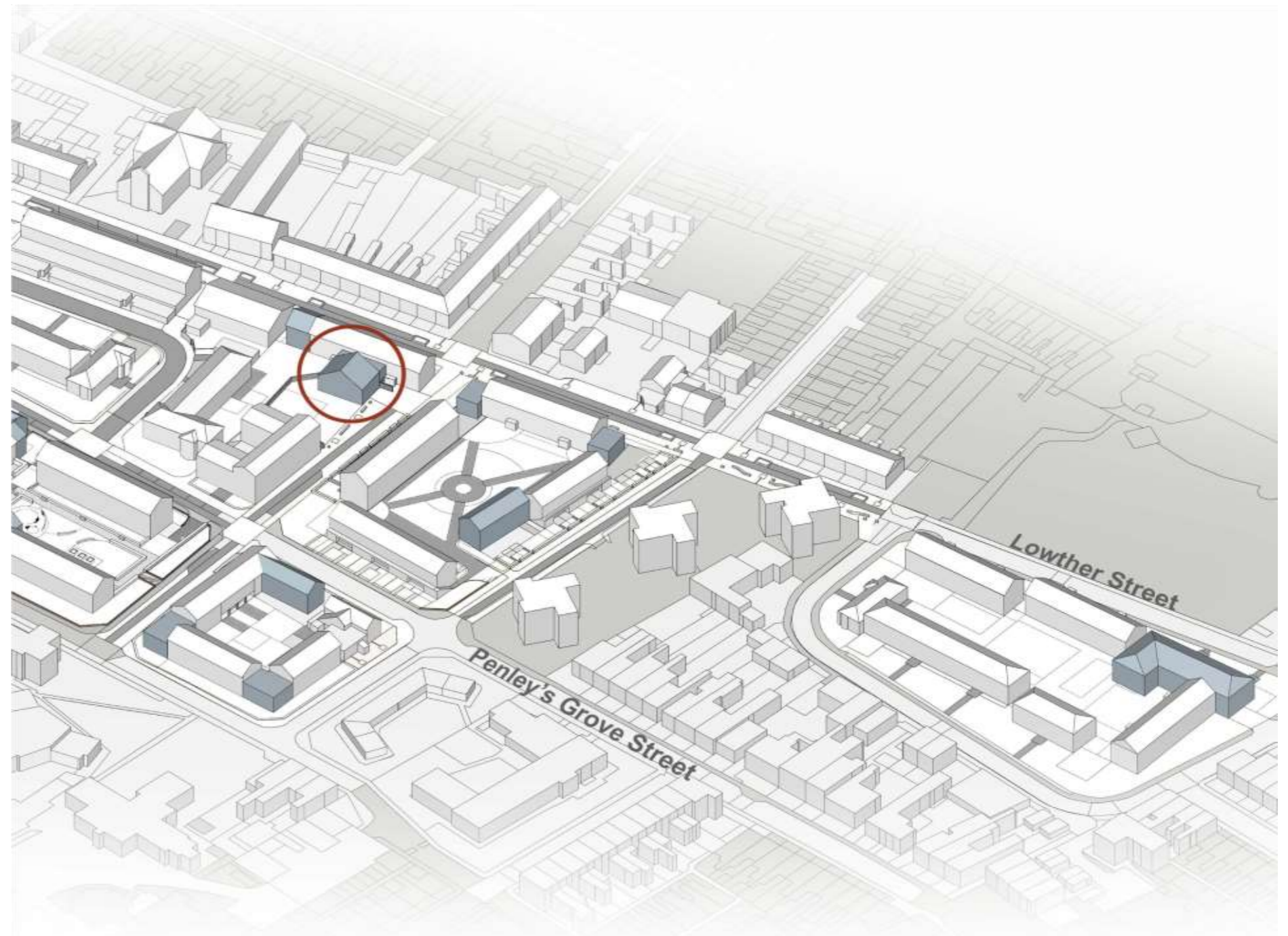


Fig. 41 Aerial view showing the location of the proposed community centre



Fig. 42 Visualisation of the interior of a typical the community hub

Lowther Street

Lowther Street is the main area for local shopping, with two small supermarkets, a shop specialising in Polish food, an Indian restaurant and takeaway, a Chinese takeaway, a Turkish barbers, and a charity shop. It is a strong focal point for the community, although feedback from resident surveys and walkabouts suggest that the street could be improved and there should be more shops, especially a bakery and grocers.

The community plan proposes to make Lowther Street a more vibrant and attractive shopping space, encouraging local residents to make full use of the facilities currently offered and help encourage a greater variety of shops and businesses to serve local needs.

Lowther Street is currently a through traffic route and is consequently dominated by traffic. The proposals aim to radically change this space by improving the quality of the street and creating a pedestrian focused environment.

It is proposed to widen footways, particularly outside of the shopping areas. Attractive new paving materials will help strengthen the pedestrian focus and provide outside space for the shops to spill out onto or accommodate pop-up markets or community gatherings.

Where space and utilities allow, the introduction of street trees will help green the street and establish new avenue planting. Seating would form an integral part of the new streetscape encouraging residents to stop and socialise.

Changing the street with the introduction of traffic calming features such as raised traffic tables, chicanes, road narrowing, raised pedestrian crossing points and on street parking, would help slow traffic speed and shift the focus to a more pedestrian friendly space. Using a palette of different coloured paving and introducing changes in paving size and texture will add to the improvement of Lowther Street from a standard road to an attractive welcoming place where residents feel safe and comfortable and want to visit and use.

The proposals also include for the incorporation of well designed and coordinated street furniture, seating, signage, cycle parking and bollards to complete the transformation from a car dominated road to a people focused space for all of the community.

Further tree or shrub planting in raised beds, or at ground level, if technically possible, on both sides of the street would provide the following benefits:

- Introduce more colour and seasonal interest.
- Help reduce wind speeds and provide shade.
- Reduce the effects of traffic pollution.
- Soften the predominantly hard surrounding landscape. ■

Provide an attractive setting for residents.

These principles established around the shopping parade on Lowther Street would continue further along the street to create an attractive pedestrian friendly environment for residents all the way past the Primary School and including a small public space in front of the proposed community centre.

Where communal gardens front onto Lowther Street it is proposed to introduce further tree planting, where possible, to continue and strengthen the tree-lined avenue and improve the outlook for residents.





Fig 43. Visualisation of Lowther Street as the community hub

13 Going Forward

There has been a great deal of community involvement throughout the regeneration project, and the continuation of this through to delivery will help to address the council plan priorities to build strong communities and protect vulnerable people.

The community plan for The Groves puts forward imaginative and ambitious ideas to build new affordable housing on unused and underused land and to improve the use and appearance of local streets and spaces.

The plan identifies strong connections between housing, public space, health and well-being. It proposes that a new community health and well-being centre be built close to the shops on Lowther Street, where local services and activities can develop further from those already happening.

There are various potential ways to fund The Groves regeneration work, including City of York Council (CYC) Housing Revenue Account (HRA), CYC Right to Buy (RTB) receipts, Section 106 developer contributions, Homes England Shared Ownership and Affordable Homes Programme (SOAHP) general grant, Homes England Small Sites Fund, Local Growth Fund and cross subsidisation through market homes revenue.

A robust business case for the proposals set out in the Plan is being finalised and will be presented to CYC Housing Delivery Board for consideration early in 2020.

There will also be emerging grants, Town Funds for example, which might be applied for, including those more obviously related to health and well-being, loneliness, environmental sustainability and climate change (which is being addressed throughout this regeneration work) as well as housing delivery.

It is likely that the funding will be made up from a number of or even all of these sources, and developed over several years, possibly courtyard by courtyard.

Costings

A budget cost estimate has been prepared for review and discussion with the City of York Council. Works are summarised as new infill housing, improved courtyards, streets and spaces, and new community centre.

Total development costs in the nine courtyards comprise of:

- Demolition of garages, stairwells and sheds.
- New build construction of 39 one and two-bed apartments together with stair core and lift shafts in six of the seven courtyards.
- External works, including new amenity grass and planting, bonded gravel, flag paving, benches, raised planters, tree planting and garden boundary walls and hedges.
- New lift access to existing flats, where external staircases are to be enclosed.

Improvements to existing streets throughout The Groves is a key objective of the community plan and the budget cost estimate also includes new bonded gravel, flag paving, drainage, raised planters, timber benches and tree planting, especially along Lowther Street.

Following local engagement and consultation, the site for a new community centre has been identified on Lowther Street and is included in the costings report.

Funding Options

The potential funding avenues to consider are described in the following paragraphs:

HRA

The HRA Business Plan sets out priorities for maintaining the CYC housing assets as well as improving its homes and neighbourhoods. It determines how the council will meet the needs of present and future tenants whilst ensuring the longterm viability of the housing stock.

Delivery of affordable homes in The Groves is not yet included in the list of sites set out in the HRA plan, and it is recognised that this housing-led regeneration represents a new way of thinking and planning for new affordable homes.

The community planning and design work reports that around 40 new one-bed and two-bed apartments could be built in The Groves. The regeneration proposal also includes substantial improvements to the local neighbourhood, which is very much in line with HRA Business Plan objectives.

There has been a great deal of community involvement throughout the regeneration project, and the continuation of this through to delivery will help to address the council plan priorities to build strong communities and protect vulnerable people.

Protecting the environment is another priority for the council, and this area regeneration work is revolutionary in identifying existing assets and looking to improve the local environment (streets, courtyards and other public spaces), as well as exploring energy efficient measures, local recycling initiatives and community gardening.

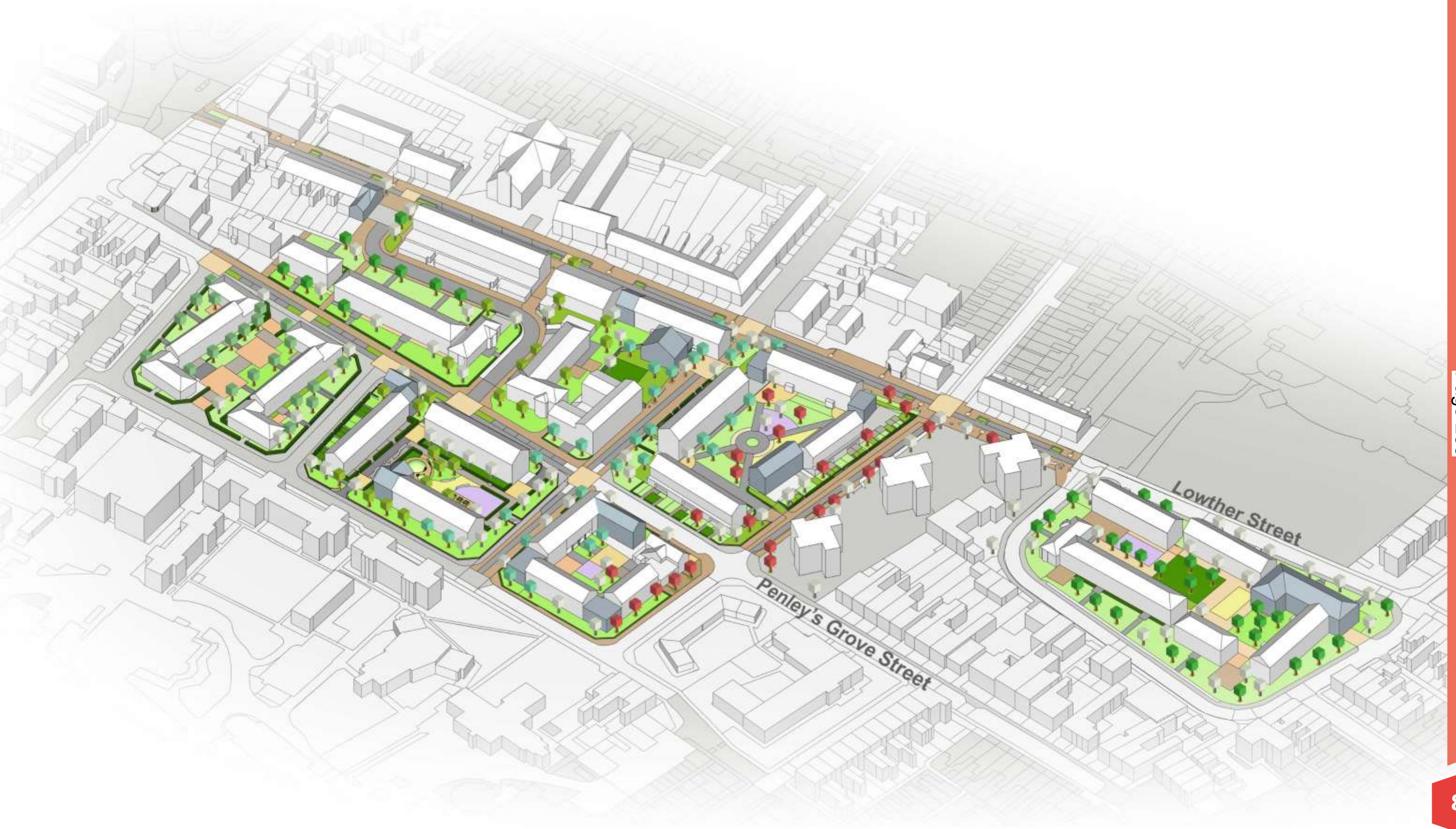


Fig. 2 Aerial view of the complete community plan



Fig. 32 External front gardens visualisation



Fig. 31 Improved courtyard visualisation



Fig. 35 Improved Lowther Street Visualisation

Recycled Capital Grant Fund

Borrowing can be used alongside RTB receipts or SOAHP grant, but not both, and can be used for social and affordable rent. The receipts cannot be used for intermediate rent, rent to buy or for market housing sale or rent. **Section 106 Contributions**

In exceptional circumstances, in lieu of on-site provision, developer payments can be used to provide affordable housing on suitable sites in York, and it is considered that the planning and provision of affordable housing as part of The Groves regeneration is an appropriate activity for these payments.

Homes England SOAHP Grant

Between 20 and 25 homes are due to be delivered by March 2021 and Homes England have been open to transferring grants to another programme if desired. They have also said that more units could be delivered at the same grant rate per unit.

It is predicted that there will be future affordable programmes, beyond March 2012, where grants will be available at similar rates per unit, and any new shared ownership homes in The Groves would be eligible for that grant.

Homes England Small Sites Fund

Discussions have progressed with Homes England with regard to the Small Sites Fund, which is grant funding for preparatory and infrastructure costs associated with emerging development proposals.

Homes England agree that many of the proposals set out in The Groves Community Plan could be considered for Homes England grant funding. These include demolition costs, site clearance, land assembly, service diversions and street works.



39 New housing, sketch visualisation of potential developments



Local Growth Fund (LGF)

The York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) administers the LGF and currently has a programme of approved works due for completion by March 2021.

It has been forecast that there will be some slippage of the current LGF programme and the LEP expects, therefore, to open for substitute applications to deliver before March 2021.

It is envisaged that only the groundwork would reasonably be completed by the fund closure date and partial funding of the total site would preclude a further submission being made in future rounds for the same site.

Towns Fund

The Government has recently pledged to give the Ministry of Housing, Communities and Local Government £241M from the Town Fund as part of a spending review. This is to support regeneration of high streets, town centres and local economies.

Market Housing Cross-Subsidy

The proportion and type of housing to be built in The Groves is a decision to be made based on evidence of need and viability. The Local Plan policy target is 20% affordable housing (16% social rent, 4% shared ownership or discounted sale), but there is a clear opportunity to provide up to 100% affordable housing on this CYC owned land.

It is well documented that regeneration brings with it increased house and land values as areas improve. The proposed housing-led regeneration in The Groves could be viewed as a pioneering study in terms of providing a mix of affordable, intermediate and open market housing.

Community-led Housing

The Council is keen to support community-led initiatives to build new housing in the city and will work with individuals in The Groves to explore national grant funding options.

Acknowledgement

Figure 3. Healthy community

(top, left): Flea market www.timeout.com (21.5.19) <https://www.timeout.com/berlin/things-to-do/best-markets-in-berlin>

(top, right): Litter Picking www.nwemail.co.uk (29.7.19) <https://www.nwemail.co.uk/news/17800833.24-rubbish-bags-cones-hoover-collected-community-litter-pick/>

(bottom, left): A Community Choir with Chorus UK www.alderhey.nhs.uk (25.7.19) <https://alderhey.nhs.uk/contact-us/press-office/latest-news/community-choir-chorus-uk>

(bottom, right): Walking Group www.getactive.io <https://www.getactive.io/london/sport/walking>

Figure 5. Community gardening

(top, right): Parkfields community centre clean up www.leaderlive.co.uk (5.5.19) <https://www.leaderlive.co.uk/news/17619877.mold-community-garden-spruced-up/#gallery0>

(bottom, left): Diversity. Curiosity. Community www.westcountyschoolgardens.org <http://www.westcountyschoolgardens.org/mira-vista-school-garden-education-center.html>

Figure 7. Road safety

(top, left): Shared Surface www.bucksfreepress.co.uk (3.8.18) <https://www.bucksfreepress.co.uk/news/16395029.major-road-overhaul-unaffected-by-government-calls-to-halt-shared-space-schemes/>

(top, right): Richard Atkins traffic calming www.transportxtra.com (17.8.17) <https://www.transportxtra.com/publications/local-transport-today/news/54351/new-street-design-changing-driverbehaviour-outside-school/>

(centre, left): Safer Routes in Communities www.flintshire.gov.uk (13.3.19) <https://www.flintshire.gov.uk/en/Resident/Council-Apps/NewsPortlet.aspx?id=2478>

(bottom, left): "We have to test the limits" www.smart-magazine.com (13.11.14) <https://www.smart-magazine.com/interview-ben-hamilton-baillie/>

(bottom, right): New Road Brighton www.izgiuygur.com (28.11.16) <https://www.izgiuygur.com/2016/11/28/conjunctiveskin/>

Figure 9. Housing

(top, right): Level Access www.bigstockphoto.com <https://www.bigstockphoto.com/image-10567895/stock-photo-wheelchair-user-in-front-of-nursing-home>

(bottom, left): Social Neighbours www.alamy.com <https://www.alamy.com/stock-photo-good-neighbours-talking-over-fence-in-back-garden-femaleneighbors-29407787.html>

(bottom, right): Family Home www.mirror.co.uk (31.7.14) <https://www.mirror.co.uk/news/uk-news/uk-homes-shrinking---families-3940453>

<https://www.google.com/maps/@53.967025,-1.0776777,3a,75y,12.24h,95.11t/data=!3m6!1e1!3m4!1srHNsT4PDfQfZpLDB3tnijw!2e0!7i13312!8i6656>

Figure 11. Existing and proposed community features (top, left):
Community Event www.stthomaswithstmaurice.org.uk
<https://www.stthomaswithstmaurice.org.uk/index.php/natter>

(top, right): Hull Fish Trail www.public-art.shu.ac.uk <https://public-art.shu.ac.uk/other/hull/fi/00000011.html>

(bottom, left): St. Thomas Church www.historicengland.org.uk <https://historicengland.org.uk/advice/heritage-at-risk/search-register/list-entry/20553>

(bottom, right): Door 84 www.google.com

Figure 17. Building work and the older terraced housing in The Groves Stephen Lewis www.yorkpress.co.uk (21.3.18) <https://www.yorkpress.co.uk/news/16099789.a-new-view-of-york-minster-and-other-old-photos-from-thegroves/#gallery1>

Figure 19. Boxer Frank 'Young' Fowler www.frankfowler.co.uk http://frankfowler.co.uk/frankfowler.co.uk/FRANK_FOWLER.html

Figure 23. 'Be Part Find Shelter Join In Love Play' Stephen Lee Hodgkins community art <http://stephenleehodgkins.net/my-work>

Figure 27. 'One Planet York' Stephen Lee Hodgkins community art <http://stephenleehodgkins.net/>

Figure 28. Community based organisations in The Groves Flower Power York <https://www.givingtuesday.org.uk/partners/flower-power-york/>

Move the Masses <https://www.movethemasses.org.uk/>

Door 84 <https://www.door84.co.uk/about-2/letters-forms/>

Bright Sparks <https://www.brightsparkscic.org.uk/>

John Lalley International Foundation <https://johnlallyinternationalfoundation.com/>

St. Thomas' Church <https://www.stthomaswithstmaurice.org.uk/>

Figure 29. Stephen Lee Hodgkins community art of Park Grove Primary Academy <http://stephenleehodgkins.net/>



Annex B

The Groves Objections to the ETRO (before 24th November 2020 review)

ID	Reason for objection	Obj. Ref's	Officer Comments
1	Illegal parking creating difficulties for manoeuvring	1, 117	View noted.
2	Increased pollution in Earle Street	1,	View noted.
3	Increased pollution / noise in surrounding area	1, 3, 7, 14, 16, 32, 35, 37, 47, 69, 88, 92, 98, 100, 110, 111, 114, 118, 119, 125, 136, 142, 147, 154, 162, 165, 167, 171, 173, 179, 186,	Concern noted.
4	Increased noise at the closure due to turning vehicles and angry drivers	1, 184,	View noted.
5	Longer route to leave / access property / premises in the Groves	1, 6, 14, 21, 38, 55, 79, 83, 88, 101, 102, 104, 117, 139, 141, 150, 154, 167, 179, 181, 184,	It is acknowledged that for some living or working in the Groves their route will be longer.
6	Extra cost for fuel / taxi	1, 83, 118, 132, 166, 172, 179,	It is acknowledged this is likely for some journeys.

7	Delays for the emergency services	1, 6, 11, 17, 38, 41, 42, 66, 74, 79, 83, 86, 88, 98, 101, 102, 104, 107, 109, 119, 133, 136, 149, 150, 151, 153, 159, 160, 163, 170, 181, 182,	The Groves area wasn't a designated route for the emergency services. For incidents within the Groves area there will have to be some amended routes in or out of the area.
8	Sat Nav's / google maps don't have the new information	1, 88	Information has been passed to these services.
9	The through routes were not rat runs	5,	This view is not shared by all in the community.
10	St. John Street is too narrow for the traffic that will have to use it	5, 104, 183,	There is no change to the width of this street planned.
11	Loss of parking	5, 145, 146, 168, 180,	There will be a small reduction in parking availability.
12	Difficulty for delivery, refuse, emergency service vehicles	1, 5, 6, 28, 72, 126, 129, 158, 172, 174, 183,	These will be investigated.
13	Duplicate		
14	The ugly barriers	6, 38, 43, 49, 117,	These are temporary measures
15	Missed bin collections	6, 102, 177,	We will look to resolve this issue.
16	Difficulty due to drivers ending up at the closure points	6, 83, 126,	This is common in the early stage of an experiment like this.
17	Does not improve standard of living	6, 117	View noted.

18	Makes life more difficult	6, 72	View noted.
19	Removes alternative routes	6,	This is what the scheme aimed to do.
20	A waste of money	6, 7, 72, 88,	View noted.
21	Nobody was using Earle St as a through route	6,	This view is not shared by all.
22	Adverse impact on jobs and retail within the Groves	7, 38, 120, 144, 174,	There may be some change (+ve or -ve) to retail however this has to be viewed along with the aimed for improvements to quality of life for those living in the area.
23	Increased virus risk	7,	It is not clear how this view is arrived at.
24	Reduced community	7, 167,	View noted.
25	Causes increased traffic on Wigginton Road	10, 11, 37, 130, 142, 167,	Traffic flows in the area will change.
26	Causes increased traffic on Haxby Road	11, 37, 98, 109, 142, 164, 167,	Traffic flows in the area will change.
27	The pandemic is not the time to trial these measures	26, 36, 47, 99, 108,	View noted.
28	Created congestion in Gillygate and Lord Mayor's Walk area	26, 32, 37, 98, 123, 142, 150, 154, 167, 175, 179,	Traffic flows in the area will change.
29	The roads have never been rat runs	26,	View noted.
30	Longer route / delays	28, 30, 37, 40, 42, 45, 51, 56, 58, 62, 66, 68,	It is acknowledged that there will be increased journey distance / time for some road users.

		69, 78, 86, 30, 91, 92, 100, 105, 118, 119, 121, 122, 132, 133, 135, 137, 138, 141, 142, 147, 162, 165, 166, 168, 171, 172, 173, 175, 179, 186,	
31	Workers due to carry out repairs couldn't access the property	29	All properties are still accessible by road.
32	Taxi driver refused to drive into the area	29	Unable to make comment on this instance.
33	Does not support the scheme	34, 39, 65, 67, 73, 75, 94, 143, 156, 157, 159, 161, 180, 182, 185,	Noted.
34	Increased traffic / pollution in Park Grove	38	Traffic flows within the Groves will change
35	Increased traffic / pollution in Brownlow Street	38	Traffic flows within the Groves will change
36	Drivers ignoring the signs	38	This tends to be a problem in the early stages of a scheme.
37	Increased risk of accident in Park Gove area	38	View noted.
38	Increased speed on Brownlow Street	38	View noted.

39	One way makes getting to a parking space more difficult	38	There is potential for this to be the case.
40	Lack of parking enforcement on school parents	38	Parking control at school times is often difficult to regulate.
41	The disabled driver access is affected	41, 105, 153, 181, 183,	All properties are accessible by road, though routes will have changed.
42	Increased traffic on surrounding roads	42, 47, 57, 86, 87, 88, 92, 93, 95, 96, 99, 100, 103, 106, 107, 108, 110, 111, 112, 114, 116, 119, 125, 144, 147, 148, 152, 163, 167, 181,	Those drivers previously using the Groves as a through route will have transferred to the main road network, most likely in the immediate area.
43	Not enough consultation	43, 88, 99, 117, 167, 174, 184,	The experiment is the consultation and views are still being registered for consideration at a later date.
44	Poor signing	43, 88, 98, 164,	Signing has been reviewed.
45	Cycling both ways in one way streets is dangerous	43,	View noted.
46	The roads are too narrow	43,	View noted.
47	Removal of through traffic not needed for regeneration	47,	View noted.
48	Property is now separated from their parking space	47, 83, 90,	It is acknowledged that this could be inconvenient and frustrating.

49	Objects to the yellow lines and removal of parking along March street	48, 84,	This was considered necessary to achieve the aims of the scheme.
50	There'll be more traffic on St. John Street	52, 183	View noted.
51	Visibility exiting Penley Grove Street on to Monkgate is poor	81	This will be reviewed.
52	Dangerous road blocks	88,	View noted.
53	More thoughtless / dangerous parking outside Park Grove school	88,	View noted.
54	Less traffic may encourage higher vehicle speeds	88, 117,	It is acknowledged that this can occur.
55	Does not believe there will be an increase in local community activity	88,	View noted.
56	Parking difficulties when visiting friend	99,	View noted.
57	Insufficient alternatives	103, 165,	View noted.
58	A city can't function without deliveries that can't be transported in another way	111,	View noted.
59	The exit from Monk Bar car park takes much longer	123,	View noted.
60	Penley Grove Street not wide enough for 2 vehicles	126,	The reduction in traffic in the street makes this a practical option.
61	Increased pollution in Gillygate	128,	View noted.
62	Landlords not informed	154,	Landlords should take up not forwarding consultation documents on to them with their tenants directly.
63	Road blocks in the wrong place	155, 164,	View noted.
64	The corners are too sharp at the closure points	157,	View noted.
65	Increased danger on surrounding road network	167,	This is not considered likely.

66	Increased traffic / noise / pollution on Dodsworth Avenue	169,	It is acknowledged there may be an increase in traffic on the surrounding road network.
67	Traffic will increase after the pandemic	175	This is a reasonable assessment.
68	Parking at the St. John Street / Garden street junction is a problem	183	Additional restrictions have been put in.

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Annex C

The Groves Objections to ETRO Nov 20 to Apr 21

ID	Reason for objection	Obj. Ref's	Officer Comments
	Internal Movement		
1	Illegal parking creating difficulties for manoeuvring		View noted.
2	Increased pollution in Earle Street		View noted.
3	Increased pollution / noise in surrounding area	186	Concern noted.
4	Increased noise at the closure due to turning vehicles and angry drivers	184	View noted.
5	Longer route to leave / access property / premises in the Groves	181, 184	It is acknowledged that for some living or working in the Groves their route will be longer.
6	Extra cost for fuel / taxi fares		It is acknowledged this is likely for some journeys.
10	St. John Street is too narrow for the traffic that will have to use it	183	There is no change to the width of this street planned.
11	Loss of parking		There will be a small reduction in parking availability.
12	Difficulty for delivery, refuse, emergency service vehicles	183	These will be investigated.
15	Missed bin collections		We will look to resolve this issue.
16	Difficulty due to drivers ending up at the closure points		This is common in the early stage of an experiment like this.
17	Does not improve standard of living		View noted.

18	Makes life more difficult		View noted.
20	A waste of money		View noted.
21	Nobody was using Earle St as a through route		This view is not shared by all.
22	Adverse impact on jobs and retail within the Groves		There may be some change (+ve or -ve) to retail however this has to be viewed along with the aimed for improvements to quality of life for those living in the area.
23	Increased virus risk		It is not clear how this view is arrived at.
24	Reduced community – less security in the evening		View noted.
31	Workers due to carry out repairs couldn't access the property		All properties are still accessible by road.
32	Taxi driver refused to drive into the area		Unable to make comment on this instance.
33	Does not support the scheme	182, 185	Noted.
34	Increased traffic / pollution in Park Grove		Traffic flows within the Groves will change
35	Increased traffic / pollution in Brownlow Street		Traffic flows within the Groves will change
37	Increased risk of accident in Park Gove area		View noted.
38	Increased speed on Brownlow Street		View noted.
39	One way makes getting to a parking space more difficult		There is potential for this to be the case.
40	Lack of parking enforcement on school parents		Parking control at school times is often difficult to regulate.

41	The disabled driver access is affected	181, 183,	All properties are accessible by road, though routes will have changed.
45	Cycling both ways in one way streets is dangerous		View noted.
46	The roads are too narrow		View noted.
48	Property is now separated from their parking space		It is acknowledged that this could be inconvenient and frustrating.
49	Objects to the yellow lines and removal of parking along March street		This was considered necessary to achieve the aims of the scheme.
50	There'll be more traffic on St. John Street	183	View noted.
51	Visibility exiting Penley's Grove Street on to Monkgate is poor		This will be reviewed.
52	Dangerous road blocks		View noted.
53	More thoughtless / dangerous parking outside Park Grove school		View noted.
54	Less traffic may encourage higher vehicle speeds		It is acknowledged that this can occur.
56	Parking difficulties when visiting friend		View noted.
60	Penley's Grove Street not wide enough for 2 vehicles		The reduction in traffic in the street makes this a practical option.
63	Road blocks in the wrong place		View noted.
64	The corners are too sharp at the closure points		View noted.
70	Restrictions generate unsafe or illegal movements by some drivers		This will be investigated

73	St John Street junction with Monkgate Carpark entrance 'grid-locked' at school drop off and pick up time.		View noted.
	External Movement and Displacement		
3	Increased pollution / noise in surrounding area	186	Concern noted.
7	Delays for the emergency services	181, 182	The Groves area wasn't a designated route for the emergency services. For incidents within the Groves area there will have to be some amended routes in or out of the area.
8	Sat' Nav's / Google maps don't have the new information		Information has been passed to these services.
9	The through routes were not rat runs		This view is not shared by all in the community.
19	This removes alternative routes for traffic (also Nestle Site)		This is what the scheme aimed to do.
25	Causes increased traffic on Wigginton Road		Traffic flows in the area will change.
26	Causes increased traffic on Haxby Road		Traffic flows in the area will change.
28	Created congestion in Gillygate and Lord Mayor's Walk area		Traffic flows in the area will change.
29	The roads have never been rat runs		View noted.
30	Longer route; increased delays	186	It is acknowledged that there will be increased journey distance / time for some road users.

42	Increased traffic on surrounding roads	181	Those drivers previously using the Groves as a through route will have transferred to the main road network, most likely in the immediate area.
44	Poor signing		Signing has been reviewed.
47	Removal of through traffic not needed for regeneration		View noted.
55	Does not believe there will be an increase in local community activity		View noted.
57	Insufficient alternatives		View noted.
58	A city can't function without deliveries that can't be transported in another way		View noted.
59	Trips to and from Monk Bar Car Park take much longer		View noted.
61	Increased pollution in Gillygate		View noted.
65	Increased danger on surrounding road network		This is not considered likely.
66	Increased traffic / noise / pollution on Huntington Road and Dodsworth Avenue		It is acknowledged there may be an increase in traffic on the surrounding road network.
67	Traffic will increase after the pandemic		This is a reasonable assessment.
68	Parking at the St. John Street / Garden street junction is a problem	183	Additional restrictions have been put in.
69	Increased traffic / noise / pollution on Hayley's Terrace and Pottery Lane		

71	In an emergency driving down the Groves to get to the Hospital is essential as driving other routes takes too long		It is acknowledged that there will be increased journey distance / time for some road users.
74	Public transport which was used regularly will be locked in the middle of this farrago		
75	More traffic now passing St Wilfred's Catholic School and Haxby Road Primary Academy		
	Other Aspects		
36	Drivers ignoring the signs		This tends to be a problem in the early stages of a scheme.
14	The ugly barriers		These are temporary measures
27	The pandemic is not the time to trial these measures		View noted.
43	Not enough consultation	184	The experiment is the consultation and views are still being registered for consideration at a later date.
62	Landlords not informed		Landlords should take up not forwarding consultation documents on to them with their tenants directly.
72	Supporting case for change not convincing		Background to LTN is well documented
76	Reference to Change.Org petition Website		A number of comments have been viewed
77	Move to Electric Vehicles will make pollution consideration out of date		Values associated with emissions will be updated in the future

Annex D

The Groves Objections to the ETRO since the reminder (from May 2021)

ID	Reason for objection	Obj. Ref's	Officer Comments
	Internal Movement		
1	Illegal parking creating difficulties for manoeuvring	214, 230	View noted.
2	Increased pollution in Earle Street	---	View noted.
3	Increased pollution / noise in surrounding area	230,	Concern noted.
4	Increased noise at the closure due to turning vehicles and angry drivers	230,	View noted.
5	Longer route to leave / access property / premises in the Groves	223, 228, 230, 231, 244, 245, 248, 255, 258, 259	It is acknowledged that for some living or working in the Groves their route will be longer.
6	Extra cost for fuel / taxi fares	245,	It is acknowledged this is likely for some journeys.
10	St. John Street is too narrow for the traffic that will have to use it	214, 228,	There is no change to the width of this street planned.
11	Loss of parking	262	There will be a small reduction in parking availability.
12	Difficulty for delivery, refuse, emergency service vehicles	202, 211, 255, 259	These will be investigated.
15	Missed bin collections	---	We will look to resolve this issue.
16	Difficulty due to drivers ending up at the closure points	214,	This is common in the early stage of an experiment like this.
17	Does not improve standard of living	202	View noted.
18	Makes life more difficult	226	View noted.

20	A waste of money	---	View noted.
21	Nobody was using Earle St as a through route	---	This view is not shared by all.
22	Adverse impact on jobs and retail within the Groves	211, 217, 220, 226, 255, 259,	There may be some change (+ve or -ve) to retail however this has to be viewed along with the aimed for improvements to quality of life for those living in the area.
23	Increased virus risk	---	It is not clear how this view is arrived at.
24	Reduced community – less security in the evening	211, 259,	View noted.
31	Workers due to carry out repairs couldn't access the property	---	All properties are still accessible by road.
32	Taxi driver refused to drive into the area	---	Unable to make comment on this instance.
33	Does not support the scheme	250, 254,	Noted.
34	Increased traffic / pollution in Park Grove	---	Traffic flows within the Groves will change
35	Increased traffic / pollution in Brownlow Street	---	Traffic flows within the Groves will change
37	Increased risk of accident in Park Gove area	---	View noted.
38	Increased speed on Brownlow Street	---	View noted.
39	One way makes getting to a parking space more difficult	---	There is potential for this to be the case.
40	Lack of parking enforcement on school parents	---	Parking control at school times is often difficult to regulate.

41	The disabled driver access is affected	---	All properties are accessible by road, though routes will have changed.
45	Cycling both ways in one way streets is dangerous	208, 220,	View noted.
46	The roads are too narrow	---	View noted.
48	Property is now separated from their parking space	226,	It is acknowledged that this could be inconvenient and frustrating.
49	Objects to the yellow lines and removal of parking along March street	262	This was considered necessary to achieve the aims of the scheme.
50	There'll be more traffic on St. John Street	204, 214, 228, 245,	View noted.
51	Visibility exiting Penley's Grove Street on to Monkgate is poor	---	This will be reviewed.
52	Dangerous road blocks	252,	View noted.
53	More thoughtless / dangerous parking outside Park Grove school	---	View noted.
54	Less traffic may encourage higher vehicle speeds	211,	It is acknowledged that this can occur.
56	Parking difficulties when visiting friend	---	View noted.
60	Penley's Grove Street not wide enough for 2 vehicles	---	The reduction in traffic in the street makes this a practical option.
63	Road blocks in the wrong place	252,	View noted.
64	The corners are too sharp at the closure points	230, 244,	View noted.
70	Restrictions generate unsafe or illegal movements by some drivers	226, 258	This will be investigated
73	St John Street junction with Monkgate Carpark entrance 'grid-locked' at school drop off and pick up time.	204, 216, 228,	View noted.

25	Causes increased traffic on Wigginton Road	208, 209, 215, 221, 233, 241, 244, 245, 246, 253, 257, 260	Traffic flows in the area will change.
26	Causes increased traffic on Haxby Road	205, 209, 212, 215, 220, 221, 224, 225, 226, 227, 237, 239, 241, 244, 247, 253, 257, 260, 261	Traffic flows in the area will change.
28	Created congestion in Gillygate and Lord Mayor's Walk area	204, 207, 209, 212, 219, 220, 221, 224, 225, 226, 227, 229, 230, 231, 232, 233, 234, 237, 238, 239, 241, 244, 245, 246	Traffic flows in the area will change.
29	The roads have never been rat runs	234	View noted.
30	Longer route; increased delays	203, 206, 213, 215, 217, 221, 232, 234, 237, 241, 242, 251, 253, 254, 256, 257, 260, 261	It is acknowledged that there will be increased journey distance / time for some road users.
42	Increased traffic on surrounding roads	213, 224, 232, 240, 244, 249, 257, 260	Those drivers previously using the Groves as a through route will have transferred to the main road network, most likely in the immediate area.
44	Poor signing	252,	Signing has been reviewed.
47	Removal of through traffic not needed for regeneration	---	View noted.

55	Does not believe there will be an increase in local community activity	---	View noted.
57	Insufficient alternatives	213, 242, 246,	View noted.
58	A city can't function without deliveries that can't be transported in another way	229,	View noted.
59	Trips to and from Monk Bar Car Park take much longer	---	View noted.
61	Increased pollution in Gillygate	238,	View noted.
65	Increased danger on surrounding road network	209, 225, 229, 238, 239, 240, 249	This is not considered likely.
66	Increased traffic / noise / pollution on Huntington Road and Dodsworth Avenue	215, 218, 224, 227, 230, 237, 241, 244, 29, 256	It is acknowledged there may be an increase in traffic on the surrounding road network.
67	Traffic will increase after the pandemic	---	This is a reasonable assessment.
68	Parking at the St. John Street / Garden street junction is a problem	---	Additional restrictions have been put in.
69	Increased traffic / noise / pollution on Hayley's Terrace and Pottery Lane	215, 227, 235, 257	
71	In an emergency driving down the Groves to get to the Hospital is essential as driving other routes takes too long	201, 212, 221, 253	It is acknowledged that there will be increased journey distance / time for some road users.
74	Public transport which was used regularly will be locked in the middle of this farrago	210, 225, 228, 229, 243	
75	More traffic now passing St Wilfred's Catholic School and Haxby Road Primary Academy	207, 211, 212, 215, 224, 225, 226, 240	
	Other Aspects		

36	Drivers ignoring the signs	---	This tends to be a problem in the early stages of a scheme.
14	The ugly barriers	214,	These are temporary measures
27	The pandemic is not the time to trial these measures	207, 208,	View noted.
43	Not enough consultation	---	The experiment is the consultation and views are still being registered for consideration at a later date.
62	Landlords not informed	---	Landlords should take up not forwarding consultation documents on to them with their tenants directly.
72	Supporting case for change not convincing	202, 206, 211, 214, 215, 217, 224, 231, 241,	Background to LTN is well documented
76	Reference to Change.Org petition Website	211	A number of comments have been viewed
77	Move to Electric Vehicles will make pollution consideration out of date	223	Values associated with emissions will be updated in the future

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Executive Summary - Transport Analysis

The Low Traffic Neighbourhood Trial (ETRO)

1. In October 2019, the Executive Member for Transport gave approval, to develop an Experimental Traffic Regulation Order (“ETRO”) to remove through traffic from The Groves using road closures, trialling a Low Traffic Neighbourhood scheme. This approval was subject to further detailed design work and consultation.
2. A detailed design was prepared and residents and businesses in The Groves were sent details of the proposals and invited to an open evening to discuss the proposals in more detail. In response to the open evening and other comments received, the scheme proposals were amended and were then approved at the June 2020 Executive Member for Transport Decision Session for taking forward as an ETRO for a maximum of 18 months.
3. The ETRO (as indicated on the plan in Annex A1) was introduced on 2 September 2020 after advising residents of the revised proposal along with advice on how to make representations during the experimental period. New closure points were installed in five locations: the junction of Lowther Street and Brownlow Street, St John's Crescent, Penley's Grove Street, Neville Terrace, and Earle Street. These closure points prevent vehicles passing through, but are open to pedestrians and cyclists.
4. In addition to the new closure points, the existing closure point at Neville Terrace was removed to allow more direct access to Haxby Road from that side of The Groves, Brownlow Street and March Street became one-way streets, except for cyclists, and Penley's Grove Street became two-way, to allow traffic to exit onto Monkgate from this part of The Groves.
5. A small number of parking spaces were also removed or relocated to make room for turning points at the closures, and the existing resident parking zones were merged to enable residents and their visitors to park more flexibly across the area.
6. Following further feedback and as permitted under the regulations for experimental orders, further adjustments were made to the trial in November 2020. This included relocating the closure point on St. John's Crescent in line with the residents' preference following some localised consultation, relocating the Neville Terrace closure point to help prevent the occasional use of the back lane which is not suitable for use by motor vehicles, removing one parking space on Park Grove near a bend to better enable large vehicles to manoeuvre (this was a

pre-existing issue which could be resolved as part of the experiment), removing a short length of parking on St John Street to ease turning at the Garden Street junction and placing additional signing at the entry points and within the area to give guidance to drivers.

7. Whilst there were a number of other minor changes to traffic signs during the trial, including following the Stage 3 Road Safety Audit report, there were no further changes to the ETRO after 24 November 2020.

Trial monitoring and evaluation

8. Transport consultants WSP were commissioned by City of York Council to assess and report on the impacts of the LTN trial. The consultants' report is provided online as a background document. This work includes the review of quantitative data such as traffic counts undertaken at a number of surrounding junctions before and after the scheme and bus journey time data. This data is available at <https://data.yorkopendata.org/dataset/the-groves-low-traffic-neighbourhood-trial>.
9. Annex B-F includes the feedback received through the various consultations that have taken place over the ETRO period.
10. When reviewing the data and findings from the consultants, it is important to note that the trial took place and the data was collated during the Covid 19 pandemic. The pandemic brought about very rapid and significant fluctuations in travel patterns, which could not have been predicted at the outset of this proposed experiment. Although this report is not able to make accurate predictions for changes due to Covid 19, it is reasonable to assume that traffic levels will generally return to levels similar to those seen before the pandemic for most journey purposes in the long term, although commuting patterns may change, with more employers supporting employees working from home for at least part of their contracted hours.

Impact on motorised traffic in The Groves

11. When comparing traffic counts before the start of the trial with those undertaken approximately a year after the trial was introduced, the following key changes can be identified when considering motorised traffic in The Groves. It is important to note that pre-trial surveys were undertaken in August whilst the most recent surveys were undertaken in September. This means that some of the increase

in traffic flows observed in the data is likely to be linked to the end of the summer holidays and the return to school and work.

Lowther Street – as expected, the trial has resulted significant reductions in the number of motorised vehicles using Lowther Street, as shown in Table 1 and Table 2. Counts at the junction with Huntington Road show a reduction from 317 vehicles in the am peak pre-trial to 55 vehicles a year on, and from 417 vehicles in the pm peak to 38 vehicles a year on;

Penley's Grove Street and Townend Street - as expected, the trial has resulted significant reductions in the number of motorised vehicles using Penley's Grove Street and Townend Street, as illustrated in Table 3 and Table 4. Counts at the junction with Haxby Road show a reduction from 187 vehicles in the am peak pre-trial to 28 vehicles a year on, and from 235 vehicles in the pm peak to 64 vehicles a year on;

St John Street and St John's Crescent – as for the streets considered above, St John Street and St John's Crescent have also benefited from a reduction in motorised vehicles travelling on these two streets, although on a much smaller scale, as shown in *Table 5* and *Table 6*;

Park Grove – Park Grove is the only street in The Groves where an increase in motorised traffic has been identified through survey data, following the introduction of the trial, as shown in *Table 7*. The increase in traffic is relatively modest when considering the 12 hour period (from 607 vehicles before the trial to 691 vehicles a year on) and seems to be linked to school hours, with the strongest increases in vehicle numbers noted between 8 and 9am and 3 to 4pm.

12. There is no journey time data available for vehicle trips within The Groves but residents travelling by car have benefitted from the significant reduction in vehicle trips within the area during the trial. For drivers within The Groves wanting to reach a destination on the other side of the closures, journey times by car have clearly increased due to the trial. This is also true for drivers who used to cut through The Groves as part of longer journeys through York, as they would experience delays due to the need to use alternative routes such as Lord Mayor's Walk or Haxby Road/ Haley's Terrace/ Huntington Road or Dodsworth Avenue.

13. *Table 1: Lowther Street at the junction with Huntington Road*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	4,594	443	-4,151 (90% reduction)
Motorised vehicles between 8 and 9am (weekdays)	317	55	-262 (83% reduction)
Motorised vehicles between 1 and 2pm (weekdays)	411	26	-385 (94% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	417	38	-379 (91% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	94	133	39 (41% increase)
All vehicles counted on Lowther Street.			

14. *Table 2: Lowther Street at the junction with Haxby Road*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	652	416	-236 (36% reduction)
Motorised vehicles between 8 and 9am (weekdays)	35	35	n/a
Motorised vehicles between 1 and 2pm (weekdays)	60	33	-27 (45% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	68	36	-32 (47% reduction)

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	39	33	-7 (17% reduction)
All vehicles counted on Lowther Street travelling from Haxby Road. Vehicles from Wigginton Road were not included in the counts.			

15. *Table 3: Penley's Grove Street at the junction with Monkgate*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	2,550	394	-2,157 (85% reduction)
Motorised vehicles between 8 and 9am (weekdays)	187	28	-159 (85% reduction)
Motorised vehicles between 1 and 2pm (weekdays)	231	38	-193 (84% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	233	37	-197 (84% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	97	151	54 (55% increase)
All vehicles counted on Penley's Grove Street.			

16. *Table 4: Townend Street at the junction with Haxby Road*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	2,500	665	-1,835 (73% reduction)

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles between 8 and 9am (weekdays)	181	45	-137 (75% reduction)
Motorised vehicles between 1 and 2pm (weekdays)	231	67	-164 (71% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	235	64	-171 (73% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	100	111	11 (11% increase)
All vehicles counted on Townend Street.			

17. *Table 5: St John Street*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	169	113	-56 (33% reduction)
Motorised vehicles between 8 and 9am (weekdays)	9	10	1
Motorised vehicles between 1 and 2pm (weekdays)	16	11	-5
Motorised vehicles between 5 and 6pm (weekdays)	18	14	-4
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	88	101	13
All vehicles counted on St John Street.			

18. *Table 6: St John's Crescent*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	208	10	-199 (95% reduction)
Motorised vehicles between 8 and 9am (weekdays)	12	1	-11
Motorised vehicles between 1 and 2pm (weekdays)	16	2	-14
Motorised vehicles between 5 and 6pm (weekdays)	20	1	-19
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	23	43	25
All vehicles counted on St John's Crescent.			

19. *Table 7: Park Grove at the junction with Huntington Road*

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	607	691	85 (14% increase)
Motorised vehicles between 8 and 9am (weekdays)	29	87	58 (200% increase)
Motorised vehicles between 1 and 2pm (weekdays)	53	42	-11 (20% decrease)
Motorised vehicles between 3 and 4pm (weekdays)	54	87	33 (61% increase)

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles between 5 and 6pm (weekdays)	81	83	2 (2% increase)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	56	98	42 (75% increase)
All vehicles counted on Park Grove.			

Impact on motorised traffic around The Groves

20. When comparing traffic counts before the start of the trial with those undertaken approximately a year after the trial was introduced, the following key changes can be identified when considering motorised traffic around The Groves. It is important to note that this data compares traffic flows at the end of August 2020 during summer holidays with flows in mid-September 2021 after the summer holidays. This means that some increases in flows are likely to be linked to the end of the summer holidays rather than the trial in The Groves.
21. **Huntington Road** – The data for the junction between Huntington Road and Lowther Street (Table 8) indicates a reduction in the number of vehicles at this location following the introduction of the trial, from 789 to 727 vehicles in the am peak and from 1,086 to 771 vehicles in the pm peak. This is due to the removal of most traffic from Lowther Street. Table 9 however shows that the number of motorised vehicles travelling on Huntington Road has increased as a result of the trial, with some drivers redirected on Huntington Road. This is shown to result in an increase from 491 to 753 vehicles in the am peak and from 689 to 806 vehicles in the pm peak.
22. **Clarence Street, Haxby Road and Wigginton Road** – Table 12 shows a significant increase in vehicles using Clarence Street at its junction with Townend Street a year on from the introduction of the trial. The number of motorised vehicles is shown to have increased especially in the am peak, with 762 vehicles using Clarence Street (all movements) in this location before the trial and 1,056 a year on. Additional traffic is also shown to travel on Haxby Road (at the junction

with Lowther Street). As illustrated in Table 10, this is more pronounced in the am peak, with a small reduction in traffic noted in the pm peak in this location.

23. The traffic surveys undertaken just before the start of the trial did not include the Wigginton Road arm of the junction. It was therefore necessary to use older data (October 2019, pre-Covid) to enable a comparison of traffic flows to and from Wigginton Road at the junction with Haxby Road, Lowther Street and Clarence Street. This analysis shows that traffic previously using Lowther Street (reduced by 168 motorised vehicles in the am peak, 250 vehicles in the pm peak and 3,057 over 12 hours on a weekday) tends to redirect south onto Clarence Street from Haxby Road and Wigginton Road or north onto Haxby Road from Clarence Street and Wigginton Road. Traffic previously using Townend Street (reduced by 181 motorised vehicles in the am peak, 235 vehicles in the pm peak and 2,500 over 12 hours on a weekday), tends to redirect south onto Monkgate, Lord Mayor's Walk and Gillygate/Clarence Street or north through Dodsworth Avenue/Huntington Road, Haley's Terrace and Haxby Road.
24. **Monkgate** – As shown in Table 13, the traffic data for Monkgate (at the junction with Penley's Grove Street) shows mixed results, with a small overall reduction in traffic (over the 12 hour period) one year on from the start of the trial, but an increase in motorised vehicles using the street at this location in the am peak (from 802 to 948 motorised vehicles).
25. **Haley's Terrace and Dodsworth Avenue** – There are no traffic counts available for Haley's Terrace and Dodsworth Avenue. It is however clear, based on the modelling previously undertaken to support the 2019 report, the traffic data showing vehicles redirecting onto Haxby Road, and comments and objections received during the trial, that some drivers have been using these streets to circumvent the trial area. Journey time data does not however show an increase in journey times on Haley's Terrace.
26. **Lord Mayor's Walk** - There are no traffic counts available for Lord Mayor's Walk. It is however clear from the traffic data for Clarence Street and Monkgate, that some drivers have been using this route to circumvent the trial area.

Table 8: Huntington Road at the junction with Lowther Street

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	10,663	7,346	-3,317 (31% reduction)
Motorised vehicles between 8 and 9am (weekdays)	789	727	-62 (8% reduction)
Motorised vehicles between 1 and 2pm (weekdays)	951	542	-410 (43% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	1,086	771	-297 (28% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	456	633	178 (39% increase)
All vehicles counted at the junction including turning movements.			

Table 9: Huntington Road at the junction with Park Grove

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	6,642	7,352	910 (14% increase)
Motorised vehicles between 8 and 9am (weekdays)	491	753	262 (53% increase)
Motorised vehicles between 1 and 2pm (weekdays)	569	549	-20 (3% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	689	806	117 (17% increase)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	364	442	78 (21% increase)

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
All vehicles counted the junction including turning movements.			

Table 10: Haxby Road at the junction with Lowther Street

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	3,784	3,926	142 (4% increase)
Motorised vehicles between 8 and 9am (weekdays)	281	353	73 (26% increase)
Motorised vehicles between 1 and 2pm (weekdays)	321	319	-3 (1% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	388	362	-27 (7% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	314	396	82 (26% increase)
All vehicles counted at the junction including turning movements. Wigginton Road was not included in the August 2020 counts so not shown here.			

Table 11: Traffic to and from Wigginton Road at the junction with Haxby Road, Lowther Street and Clarence Street

Time periods	Number of vehicles before the trial*	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	13,573	14,445	872 (6% increase)
Motorised vehicles between 8 and 9am (weekdays)	856	1,347	491 (57% increase)

Time periods	Number of vehicles before the trial*	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles between 5 and 6pm (weekdays)	1,433	1,374	-59 (4% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	270	379	109 (40% increase)
*October 2019 counts for the junction (all arms) have been used to estimate likely traffic flows in August 2020 for Wigginton Road (pro rata to account for changes in traffic flows due to Covid)			

Table 12: Clarence Street at the junction with Townend Street

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	10,244	11,359	1,115 (11% increase)
Motorised vehicles between 8 and 9am (weekdays)	762	1,056	295 (39% increase)
Motorised vehicles between 1 and 2pm (weekdays)	901	929	28 (3% increase)
Motorised vehicles between 5 and 6pm (weekdays)	995	1,013	18 (2% increase)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	584	742	158 (27% increase)
All vehicles counted at the junction including turning movements.			

Table 13: Monkgate at the junction with Penley's Grove Street

Time periods	Number of vehicles before the trial	Number of vehicles one year on	Difference in number of vehicles
Motorised vehicles over a 12 hour period (7am to 7pm, weekdays)	11,774	11,530	-244 (2% reduction)
Motorised vehicles between 8 and 9am (weekdays)	802	948	147 (18% increase)
Motorised vehicles between 1 and 2pm (weekdays)	1,034	940	-94 (9% reduction)
Motorised vehicles between 5 and 6pm (weekdays)	1,190	1,064	-126 (11% reduction)
Pedal cycles over a 12 hour period (7am to 7pm, weekdays)	826	1,099	273 (33% increase)
All vehicles counted at the junction including turning movements.			

27. Additional data analysis was undertaken using journey time data available for streets around The Groves to better understand the impact of traffic redirecting on journey times. This analysis is presented in *Figure 1* to *Figure 3*, comparing journey times for routes around The Groves before the trial started in August 2020 with journey times in August 2021. *Figure 4* shows journey time data for Lawrence Street and Walmgate/Fishergate, which were selected as control areas to understand wider trends in journey times in the city over the same period.

28. *Figure 1* and *Figure 3* identifies that the most significant increases in journey times are located on the Gillygate/Clarence Street corridor and on Lord Mayor's Walk. It is important to note that delays on these corridors may not be due solely to the trial in The Groves and traffic redirecting as, due to air quality issue on Gillygate, there is a gating scheme in place at this junction, controlling traffic entering Gillygate. *Figure 4* also shows that journey times have generally increased over the same period in other parts of the city.

Figure 1: Median journey time comparison – AM peak

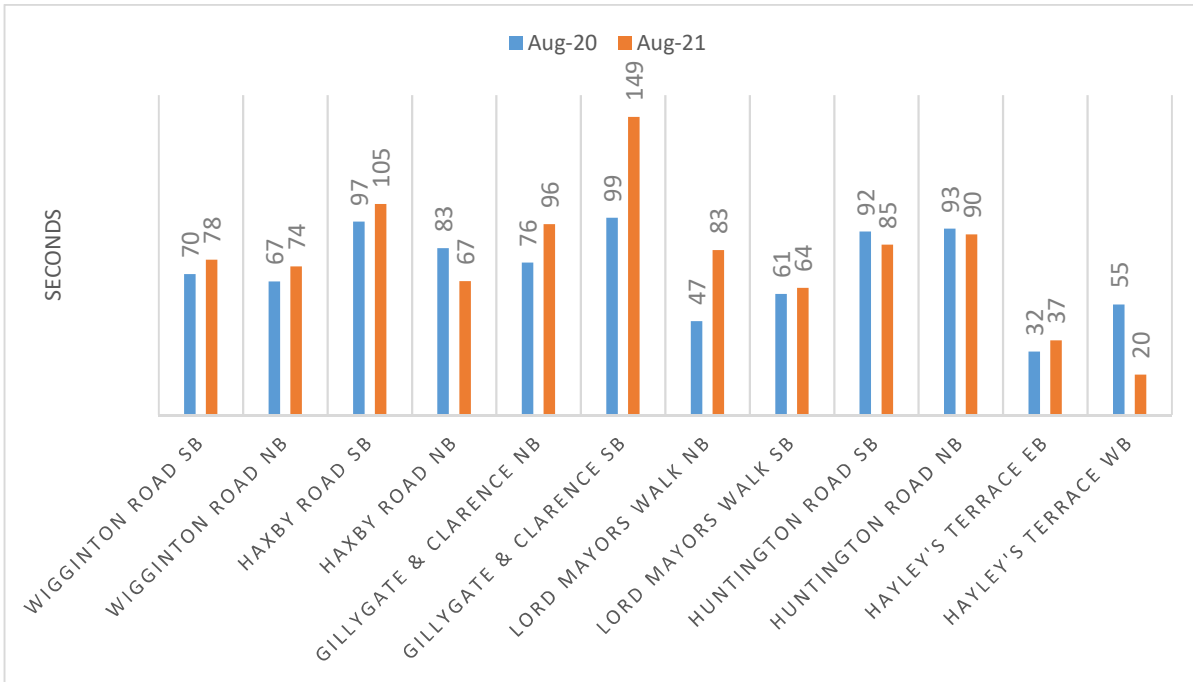


Figure 2: Median journey time comparison – Inter-peak

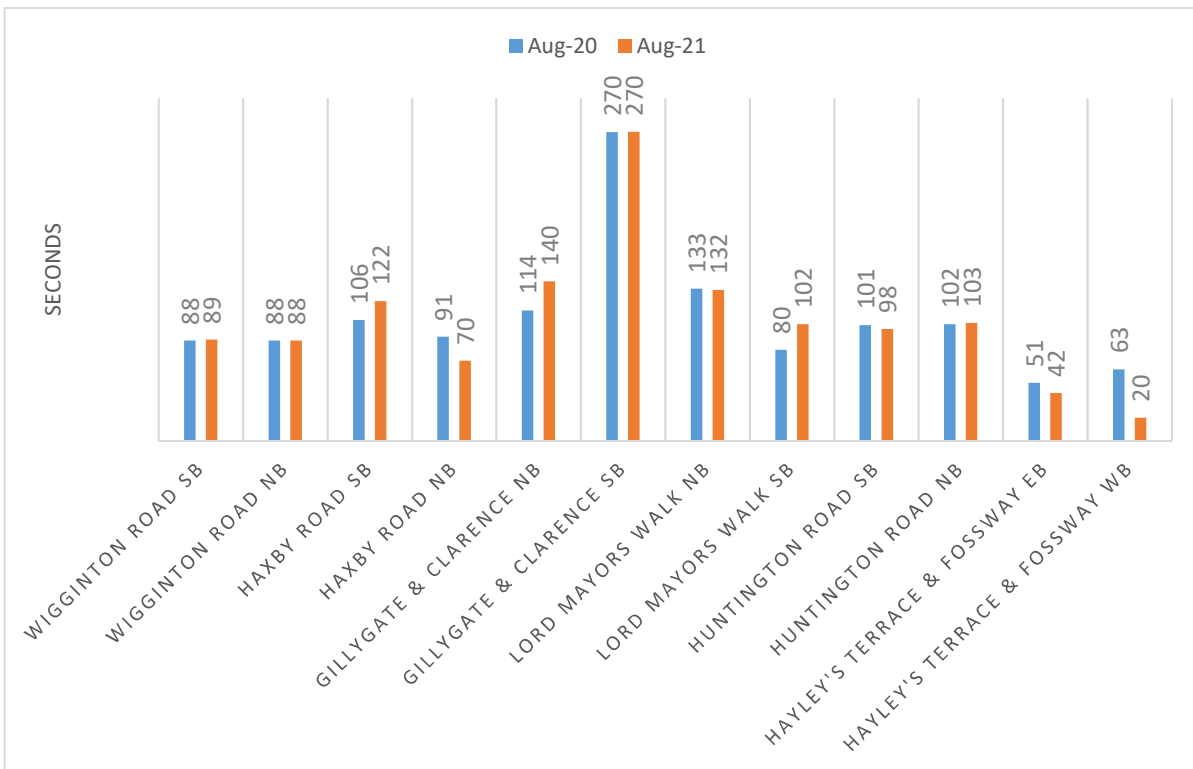


Figure 3: Median journey time comparison – PM peak

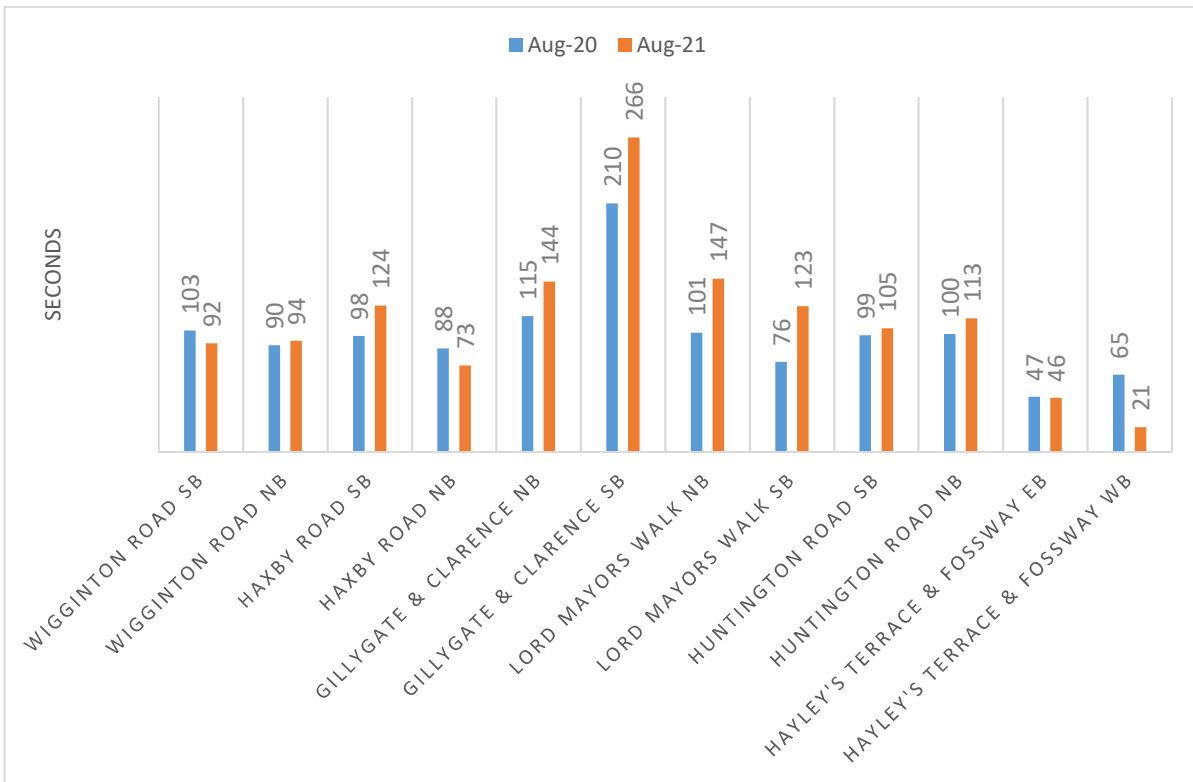
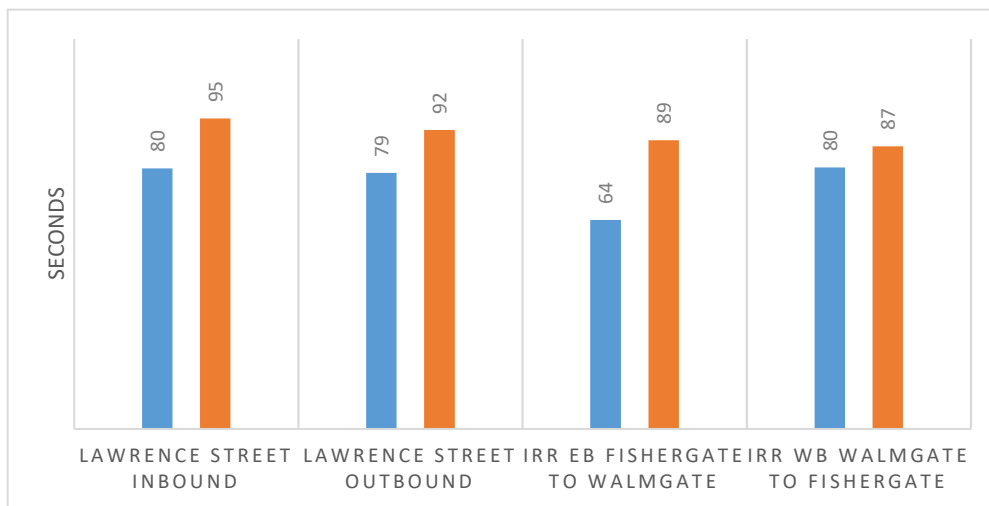


Figure 4: Journey time comparison in control areas

AM peak

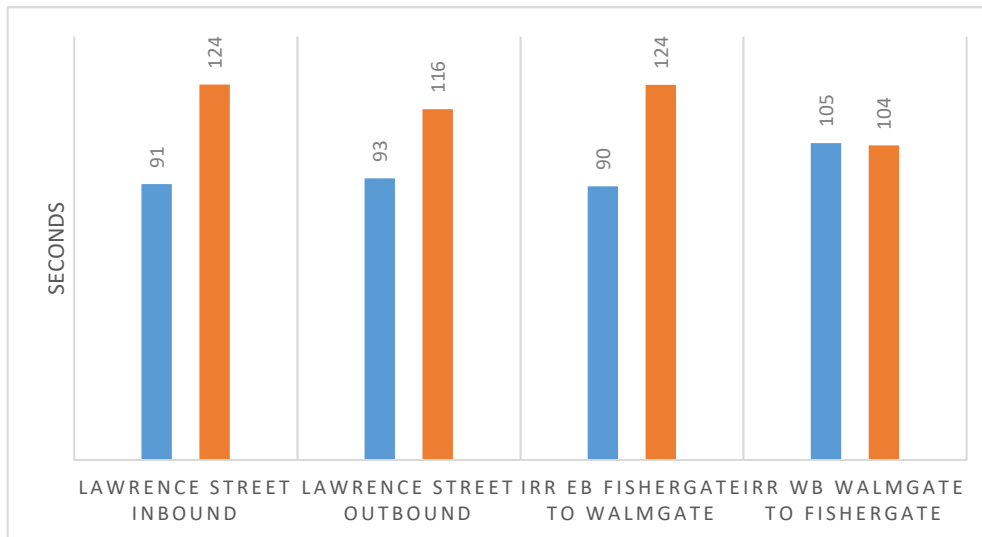


IRR: Inner Ring Road

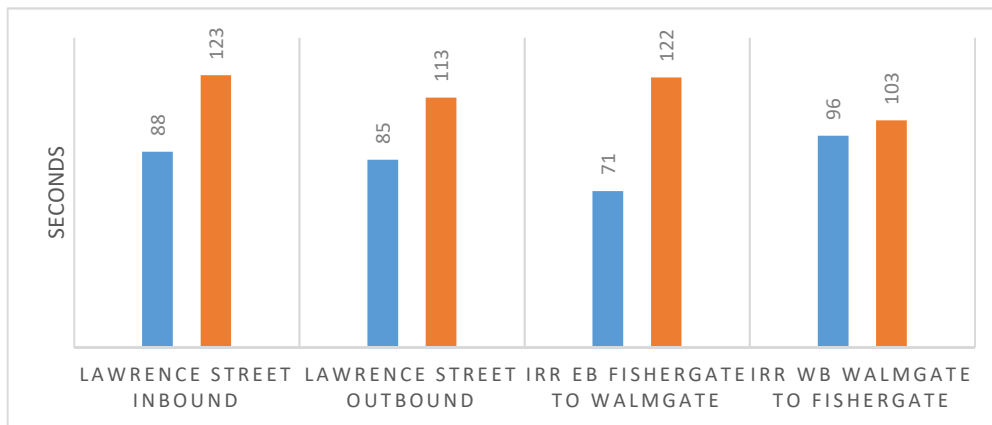
EB: Eastbound

WB: Westbound

Inter peak



PM peak



29. The journey times compared above are for journeys on the same route/street, before and after the introduction of the trial. For drivers who used to travel through The Groves, for example to access York Hospital or other destinations in or near The Groves, increases in journey times are more significant.

30. *Figure 5* illustrates this by comparing journey times (from Google) between an address on East Parade and York Hospital, during the weekday pm peak, before the trial and with the trial in place. This shows an increase in journey time between 1 and 8 minutes with the trial in place as a result of having to use diversion routes.

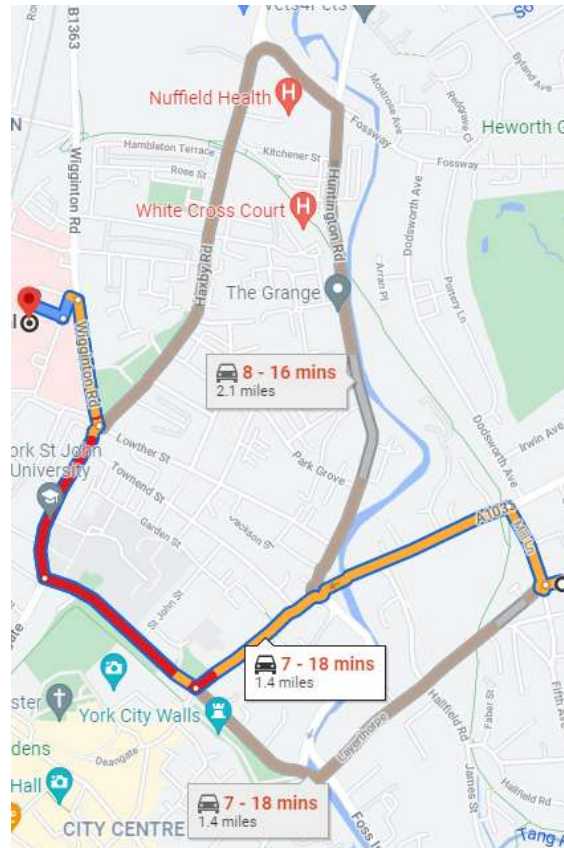
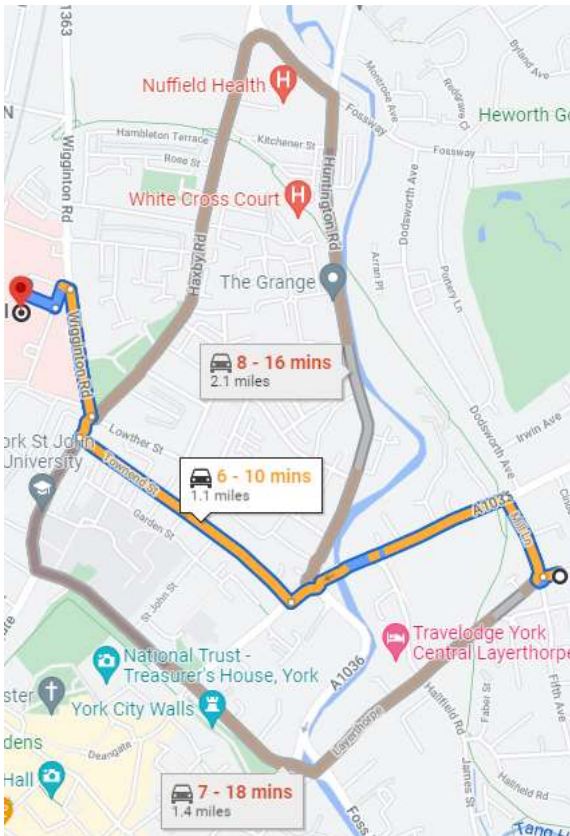
31. Google estimates show that this journey would have taken between 6 and 10 minutes on a weekday in the pm peak when the route through The Groves was available and is now estimated to take

between 7 and 18 minutes, using Lord Mayor’s Walk or Huntington Road and Haley’s Terrace. The weekday pm peak has been selected here as the data shows that this is the worst period in terms of journey time impacts.

Figure 5: Google journey time estimates – East Parade to York Hospital weekday, pm peak

Before the trial (Dec 2019)

With the trial in place (Dec 2021)



Impact on bus services

32. Journey time data was analysed for the following bus services: 5 Strensall – City – Acomb (using Haxby Road), 6 Clifton Moor – City – University Campus East (using Wigginton Road), and 12 Foxwood-City – Monks Cross (using Monkgate, Heworth Green and Dodsworth Avenue).
33. Between August 2020 and September 2021, the data analysed seems to indicate that journey times have increased between 30 and 90 seconds in the northbound direction for bus service 5, which travels on Clarence Street and Haxby Road, and between 50 and 90 seconds in the northbound direction for bus service 6 which travels on Wigginton Road.

34. The impact on southbound journeys is not clear with some services showing small delays (up to 30 seconds) and some services showing faster journey times (saving just below a minute). The impact on bus route 12 seems limited to a maximum 43 seconds delay northbound on weekdays
35. It is however not possible to directly attribute these limited changes in bus journey time to the Low Traffic Neighbourhood trial, as the comparison is between August and mid-September and the delays, which are relatively limited, could be due to the seasonal increase in traffic levels and bus use traditionally marking the end of the summer holidays. There are also recurring issues with access and parking at York Hospital on Wigginton Road, which have a much greater impact on journey times.

Impact on cycling

36. As shown in *Table 1* to *Table 13*, traffic data collated for streets in and around The Groves before the start of the trial and a year on generally show increases in the number of cyclists travelling through the area. This is generally valid for streets in The Groves, with the exception of Lowther Street at the junction with Haxby Road and St John Street where the data seems to indicate very small reductions in cycling numbers. More significant increases in cycling were noted in streets around The Groves, between 21% and 29% growth (when considering the 12 hour period). This shows that even on routes motorised traffic has increased as a result of the trial, cyclists have not been deterred as cycling numbers have continued to grow.

Impact on road safety

37. Road safety data was analysed for The Groves and the surrounding area for a period of 60 months before the start of the trial and for a period of 12 months after the start of the trial (collision data for 2021 is provisional and may change during validation in 2021/22). This is shown in Annex I.
38. In the 60 months before the trial, there were 114 collisions (averaging 22.8 collisions /12 month period) of which 14 were serious and one was fatal. In the 12 months during the trial, there were 15 recorded collisions of which one was serious.

39. Although it is not possible to assess the impact of the trial on road safety from such data analysis, the evidence shows that the trial has not had a detrimental impact on collision numbers or severity.

Impact on air quality

40. Table 14 presents air quality data collated and reported by the Council in The Groves and the surrounding area. This shows a general reduction in annual mean NO₂ concentrations. It is however important to note that any comparison between 2020 data and previous years should be undertaken with caution as the Covid-19 pandemic resulted in significant changes in travel patterns (especially during lockdown periods). Widespread improvements in air quality were observed in York in 2020 compared with previous years, primarily due to a reduction in emissions from vehicles caused by work from home directives and non-essential retail being closed for significant periods of time.
41. Whilst concentrations of NO₂ monitored in York throughout 2020 could be regarded as atypical (due to the Coronavirus pandemic and resultant reductions in traffic), they continue the general downward trend in NO₂ concentrations monitored across the city since 2012.

Table 14: Diffusion tube monitoring data for the area

Monitoring locations	Annual mean NO ₂ concentrations (µg/m ³)					
	2020	2019	2018	2017	2016	2015
Lord Mayor's Walk						
Lord Mayor's Walk opposite bike shop	19.2	25.5	24.4	25	25.7	27.2
34 Lord Mayor's Walk	25.3	33.6	32.6	32	34.1	31.7
55 Lord Mayor's Walk	27.9	32.8	34.5	33	32.9	37.6
Clarence Street / Haxby Road						
75 Clarence Street	25.7	31.4	31.6	30	32	31.1
Haxby Road between Markham Crescent and Markham Street	24	29.9	29.4	29	31.7	29.9
Haxby Road near Whitecross Road	20	23.5	23.7	26	25.8	26.9

Monitoring locations	Annual mean NO ₂ concentrations (µg/m ³)					
	2020	2019	2018	2017	2016	2015
Haley's Terrace / Huntington Road / Monkgate						
Haleys Terrace	21	26.7	26	28	25.7	24.1
70 Huntington Road	15.9	21.5	21.8	22	22	21.5
Huntington Road opposite Park Grove	17.9	24	22.8	24	24.9	24.4
Monkgate Cloisters	18.4	22.3	22.9	22	24.3	25.7
Heworth Green						
Dalguise Grove	17.4	24.1	21.5	22	22.2	19.4
26 Heworth Green, near Villa Grove	18.6	23	22.5	23	23.5	22.9
Heworth Surgery	12.2	17.3	15	15	16.7	15.2
55 Heworth Green, near Dodsworth Avenue	21.1	24.6	25.3	25	25.3	27.6
In The Groves						
Lowther Street opposite Riverside House Flats	18.2	28.9	26.6	28	27.9	29.4
All data published at http://jorair.co.uk/data-downloads/air-quality-data/						

42. The independent evaluation of the trial included a preliminary investigation to estimate indicative changes in air pollutant concentrations of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) following the implementation of the trial. The report is available at Annex H.
43. When considering concentrations of nitrogen dioxide, the highest predicted concentration before the trial was 19.3µg/m³ on Haxby Road, near Markham Crescent. Local air quality at this location is however predicted to experience the lowest increase in concentrations of 1.6%, with the trial increasing the annual mean NO₂ to 19.6µg/m³. The highest increase is observed near Haxby Road Primary Academy, which is predicted to experience a 3.3% increase in annual mean NO₂ from 18.0µg/m³ to 18.3µg/m³ with the trial in place. Similarly, increased NO₂ concentrations are modelled on Clarence Street, at the junction with Union Terrace (2.9%) and on Haxby Road at the junction with Fountayne Street (2.3%) due to increased traffic flows along

Haxby Road. The highest decrease in concentrations is modelled for Park Grove Primary Academy, with an 11.9% reduction in annual mean NO₂ from 16.0µg/m³ to 14.1µg/m³. Other receptors predicted to experience improvements in local air quality are on Lowther and Townend Street, showing changes of -3.4% and -9.6% respectively, following the implementation of the trial.

44. When considering predicted annual mean PM₁₀ concentrations, the highest predicted concentration before the trial was 13.3µg/m³ on Haxby Road, near Markham Crescent. This location is predicted to experience a 0.8% increase to 13.4µg/m³ with the trial in place. Similarly, increased PM₁₀ concentrations of 0.8 % are also observed at Haxby Road Primary Academy, on Clarence Street, at the junction with Union Terrace, and on Haxby Road at the junction with Fountayne Street. Park Grove Primary Academy is predicted to benefit from a 3.1% reduction in annual mean PM₁₀ from 12.9µg/m³ to 12.5µg/m³. Other receptors that are predicted to experience air quality improvements include Lowther Street and Townend Street.
45. When focusing on annual mean PM_{2.5} concentrations, the highest predicted concentration before the trial was 8.5µg/m³ on Townend Street. This location is predicted to experience the highest improvement in PM_{2.5} concentrations, with a 5.9% decrease to 8.0µg/m³. Other receptors showing a reduction in annual mean PM_{2.5} concentrations are Park Grove Primary Academy and Lowther Street, with reductions of 2.4% and 3.6% respectively. The strongest deterioration in in PM_{2.5} concentrations is predicted to occur on Haxby Road, near Markham Crescent (4.9%), with other deteriorations also observed at Haxby Road Primary Academy, on Clarence Street, at the junction with Union Terrace, and on Haxby Road at the junction with Fountayne Street (all estimated at 1.2%).

Impact on network resilience

46. There are only a limited number of routes available to traffic between the B1363 (Clarence Street/Wigginton Road) and the A1036 (Heworth Green/Malton Road) due to the geography of the area, the road layout and existing road closures. For traffic aiming to move between the B1363 and A1036 corridors before the trial, the main options were:
- Haxby Road/ Haley's Terrace/ Huntington Road of Fossway/ Dodsworth Avenue;

- Through the Groves, using Lowther Street eastbound or Penley's Grove Street/ Townend Street westbound; or
 - Monkgate/ Lord Mayor's Walk/ Clarence Street.
47. The trial has resulted in the removal of the routes through The Groves, increasing reliance on the other two routes for traffic moving between the B1363 and A1036 corridors.
48. Some major road and street works took place in the area during the trial (for example on Heworth Green and Eboracum Way and then at the Gillygate/ Bootham junction) for which suitable diversion routes were provided, although resulting in additional delays and increased journey times for road users.
49. If a road closure was required on Haxby Road or Lord Mayor's Walk however, it may not be possible to provide suitable diversion routes without reopening some of the routes in The Groves to through traffic on a temporary basis. It is therefore important that consideration be given to these requirements when designing the final closure points and road layout in The Groves if the decision is made to make the trial permanent.

Consideration of development sites in the area

50. Vehicular traffic and the number of people cycling, walking and using public transport are expected to grow in the area as a result of proposed developments. The main development sites identified as having an impact on traffic in and around The Groves are:
- Cocoa Works (Nestle south)
21/01371/FULM (and 18/01011/OUTM) - Erection of up to 302 dwellings and crèche, taking vehicular access off Wigginton Road. Estimated maximum vehicular traffic generation is 98 vehicles (two way) in the pm peak – based on the modelling undertaken for the planning application approximately half of these trips would use Wigginton Road south although some would then use Crichton Avenue (estimated max number of trips generated on Wigginton Road south in the am peak: 49 two-way vehicle trips);

 - 17/00284/FULM & 19/01509/FULM - Conversion and extension of the former Almond and Cream blocks to form 279 apartments, community room, convenience store, taking vehicular access off Haxby Road.

Estimated maximum vehicular traffic generation is 87 vehicles (two way) in the pm peak - based on the modelling undertaken for the planning application approximately one fifth of these trips would use Haxby Road south (estimated max number of trips generated on Haxby Road south in the am peak: 18 two-way vehicle trips);

- Former Gas Works Heworth Green - 19/00979/OUTM and subsequent applications, main vehicular access off Heworth Green - erection of a maximum of 607 residential apartments and retail or community use. Estimated maximum vehicular traffic generation is 134 vehicles (two way) in the am peak - based on the modelling undertaken for the planning application approximately 30 trips (two way) would use the Monkgate/Lord Mayor's Walk area in the am peak ;
- York Hospital - 19/01880/FULM - Erection of vascular imaging unit, removing up to 150 staff parking spaces from the site during construction (with temporary parking available on the Bootham Park Hospital site) and removing up to 50 spaces permanently once construction is complete – the impact of these changes on traffic is unclear as the removal of parking on site is likely to result in a mode shift for some staff whilst others may drive around the hospital area to find on street parking;
- Bootham Park Hospital - 21/02108/FULM – Creation of residential care community with 170 residential units, taking vehicular access off Clarence Street. Based on the modelling undertaken for the planning application, the estimated maximum vehicular traffic generation is 48 vehicles (two way) in the inter peak (12.00 – 13.00), with 34 two way vehicle movements in the am peak. All vehicles would use Clarence Street as the proposed site vehicular access is through Union Terrace.

51. If the trial in The Groves was to be made permanent, it is not considered that the estimated additional 130 two way trips travelling around The Groves in the am peak would have a severe impact on the highway network. The estimated number of additional vehicles associated with these development sites on the key corridors of Monkgate, Clarence Street, Wigginton Road and Haxby Road, are much lower than the amount of traffic which has rerouted on these corridors during the trial, estimated at around 400 vehicle trips in the am peak.

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Email Spar Shop Operator January 2021

Thank you for taking the time to meet with myself and Mark in December to listen to our issues regarding the above.

As discussed it is business critical that we put forward our written representations to the Council in order to offer our dissatisfaction at the existing measures that you have introduced at the location.

I confirm the salient points of our discussion-

1. The new road measures that the Council have introduced have reduced our turnover of the Spar store by approximately 25% since inception.
2. Generally speaking the Covid 19 pandemic has seen Convenience Stores turnover grow by 25% so I would argue your scheme has affected our turnover by around 50% in this financial year.
3. We need for full traffic flow to re-introduced to Lowther Street as a matter of priority.
4. We do not agree with your suggestion that the other businesses on the neighbouring retail parade are not affected by the measures the Council has introduced.
5. The measures the Council have introduced are clearly having a detrimental impact on all nearby businesses and the measures need to be reviewed by the Council and the Committee as a matter of priority.
6. The Council did not carry out any form of consultation with us and the other local businesses prior to the introduction of the new measures.
7. The new road measures has made our business a loss making shop and therefore has put the shop at risk of closure and therefore redundancies for the workforce.
8. The new road measures have ensured that we cannot let the First Floor Commercial Space at the property thus impacting us by a further £15,000 to £20,000 per annum.

I trust our comments will be taken on board as a matter of priority and therefore urgency and that you will provide a full detailed response at the earliest opportunity.

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Annex F

The Groves Support Bullet Points

ID	Reason for support	Support Ref's
1	Reduced noise pollution	1, 9, 10, 11, 12, 14, 15, 27, 28, 30, 33, 35, 39, 40, 44, 45, 48, 49, 52, 61, 75, 77, 78, 82, 83, 101,
2	Will make the Groves a safer place to live	1, 2, 9, 11, 14, 15, 23, 25, 26, 27, 28, 32, 38, 39, 41, 44, 48, 49, 50, 67, 83,
3	Will stop Eldon Street being used as a short cut	3
4	Will make parking more secure	3
5	Will reduce damage to parked vehicles	3, 30,
6	In favour of the experimental scheme	2, 4, 5, 7, 8, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 24, 25, 31, 34, 37, 39, 42, 46, 50, 51, 53, 55, 56, 57, 59, 60, 61, 62, 64, 65, 68, 69, 71, 72, 75, 76, 77, 78, 79, 82, 84, 85, 86, 87, 88,
7	Reduced air pollution	1, 9, 11, 14, 15, 18, 23, 25, 27, 28, 33, 35, 36, 40, 41, 43, 45, 47, 48, 49, 50, 52, 63, 66, 67, 81, 83, 84, 101, 102,
8	Feels safer on a mobility scooter	6

9	Less traffic in the area	8, 11, 13, 14, 23, 26, 29, 33, 35, 36, 37, 38, 40, 46, 47, 53, 58, 80, 81, 82,
10	It is good for pedestrians	2, 24, 26, 35, 40, 47, 54, 58, 63, 66, 68, 74, 75, 84,
11	A positive difference to quality of life	14, 32, 61,
12	Business has improved	19
13	duplicate	
14	Has delivered benefits for cyclists	24, 26, 38, 40, 47, 48, 54, 63, 66, 68, 74, 77, 84,
15	Traffic is slower	36,
16	There is increased community spirit	36, 37, 44, 101, 102
17	Reduction in commercial vehicles in the street	42,
18	Improved accessibility for wheelchair users	48, 74,
19	Encouraging more wildlife	48,
20	Meets the council aims for the Environment, housing, traffic management, cycle path improvements	83,

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place Directorate		
Service Area:	Transport & Housing and Safer Neighbourhoods		
Name of the proposal :	The Groves - The future of the Low Traffic Neighbourhood trial		
Lead officer:	Dave Atkinson / Michael Jones		
Date assessment completed:	16th December 2021		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Helene Vergereau	Traffic and Highway Development Manager	City of York Council	Transport
Ken Hay	Traffic Officer	City of York Council	Transport
Heidi Lehane	Senior Solicitor	City of York Council	Legal

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>The Executive Member for Transport approved revised proposals for the implementation of an 18 month Experimental Traffic Regulation Order (“ETRO”) to implement a low traffic neighbourhood trial in The Groves in June 2020.</p> <p>The low traffic neighbourhood trial was designed following significant feedback from residents of The Groves as part of public engagement into the development of a new community plan. The most significant and most common concern raised by residents was that The Groves is used as a through route for a significant volume of traffic. Residents described how this brings noise, pollution, and provides physical barriers between neighbours themselves, as well as reducing access to facilities and services within the area.</p> <p>The low traffic neighbourhood trial started on 2 September 2020, with closure points set up in five locations: the junction of Lowther Street and Brownlow Street, St John's Crescent, Penley's Grove Street, Neville Terrace, and Earle Street. These closure points prevent vehicles passing through, but are open to pedestrians and cyclists. In addition, the existing closure point at Neville Terrace was removed, Brownlow Street and March Street became one-way streets, except for cyclists, and Penley's Grove Street became two-way, to allow traffic to exit onto Monkgate.</p> <p>The 18 month trial period is now coming to an end and a decision is required as to whether the low traffic neighbourhood trial is to become permanent or whether the roads are to be re-opened to through traffic.</p>

1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	<p>Road Traffic Regulation Act 1984 and associated regulations (Experimental Traffic Regulation Orders)</p> <p>Government Active Travel guidance:</p> <ul style="list-style-type: none"> • Working Together to Promote Active Travel A briefing for local authorities, Public health England (link) • Reallocating road space in response to COVID-19: statutory guidance for local authorities (link) • Active travel schemes supported by government funding (link) • Emergency Active Travel Fund allocations (link) • Traffic Management Act 2004: network management to support recovery from COVID-19 Statutory Guidance (link) <p>York Local Transport Plan (www.york.gov.uk/LocalTransportPlan)</p> <p>The Publication Draft Local Plan 2018 sets out policies intended to help create happy, healthy and resilient communities, a central aspiration of both City of York Council's One Planet Council programme and York's Joint Health and Wellbeing Strategy 2017-2022</p>
1.3	Who are the stakeholders and what are their interests?
	<p>Residents, businesses and organisations located in The Groves</p> <p>Residents, businesses and organisations located in streets and areas surrounding The Groves</p> <p>Road users (including cyclists, pedestrians, pushchair, wheelchair and mobility aid users) travelling to/from and through The Groves</p>

1.4	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>Key outcomes</p> <ul style="list-style-type: none"> • Address the key issues raised by residents of The Groves as part of public engagement into the development of a new community plan: area used as a through route for a significant volume of traffic, noise, pollution, physical barriers between neighbours, reduced access to facilities and services within the area. • Retain vehicular access to all properties in The Groves • Maintain and/or improve cycle links through The Groves • Maintain and/or improve pedestrian links through The Groves • Improve air quality in the area • Encourage modal shift to sustainable forms of transport for local journeys • Assess and mitigate (where required) the impact of the closures in The Groves on the wider road network <p>These outcomes are in line with the following Council Plan key outcomes:</p> <ul style="list-style-type: none"> • Good health and wellbeing • Getting around sustainably • A greener and cleaner city <p>These outcomes are in line with the following elements of York’s Local Transport Plan vision:</p> <ul style="list-style-type: none"> • To enable everyone to undertake their activities in the most sustainable way • To have a transport system that: <ul style="list-style-type: none"> ○ Has people walking, cycling and using public transport more; ○ Enables people to travel in safety, comfort and security, whatever form of transport they use; ○ Addresses the transport-related climate change and local air quality issues in York.

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
ETRO statutory consultation (objections and other comments)		Statutory consultation
Trial consultation responses (non-statutory), including online survey and interviews with selected groups		Specific consultation on the trial
LTN related research reports including: <ul style="list-style-type: none"> • “Low Traffic Neighbourhoods, Car Use, and Active Travel: Evidence from the People and Places Survey of Outer London Active Travel Interventions”, 2020 • “The Impact of Introducing Low Traffic Neighbourhoods on Road Traffic Injuries”, 2021 • “The impact of Low Traffic Neighbourhoods (LTNs) on disabled people, and the future of accessible Active Travel”, 2021 • “The Impact of Introducing a Low Traffic Neighbourhood on Street Crime, in Waltham Forest, London”, 2020 • “The Impact of 2020 Low Traffic Neighbourhoods on Fire Service Emergency Response Times, in London, UK”, 2021 		Relevant research on similar trial and permanent schemes elsewhere in the UK
Census data		Demographic data for the area including income, long term health problems, religion, race, indices of deprivation

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
	No gaps identified	

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.		
Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>Positive Traffic levels - Significant reduction in traffic levels on Lowther Street near Park Grove primary school and Door 84 Youth & Community Centre, reducing noise, safety and severance impacts (easier to cross the road on foot or on a bike, especially for children and elderly people, and people with reduced mobility).</p> <p>Negative</p>	Positive and negative	Medium

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)
	<p>Access to York Hospital - Increase in journey time to and from the Hospital for some drivers. Increased cost of taxi journeys to and from York Hospital for some passengers</p> <p>Access to Door 84 Youth & Community Centre (where several services for children & adults with disabilities are located) – Increased journey times for some drivers, increased cost of taxi journeys for some passengers</p> <p>Traffic levels - Increase in traffic levels on Monkgate near St Wilfrid’s primary school, and on Haxby Road, near Haxby Road primary school.</p> <p>Traffic speeds – some representations raised concerns with traffic speeds in The Groves as there are less queues and traffic can move faster where allowed.</p> <p>Mixed impacts Based on Census 2011 data (LC3405EW, using Output Areas), approx. 39% of Groves residents do not have access to a car (compared to 20% of York residents and 43% of residents for areas around The Groves). This increases with long term health problems. In The Groves, 70% of residents with a long term health</p>		

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)
	<p>problem which limits their day to day activities a lot do not have access to a car (compared to 55% of residents for areas around The Groves). Groves residents with long term health problems are therefore more likely to rely on non-motorised modes of transport and on taxis and lifts to travel to and from their homes than those around The Groves.</p> <p>Access to emergency services – Some consultation responses raised concerns with access to emergency services, identifying issues with services accessing properties in The Groves or having to use other routes, adding to the response time. Evidence from London (The Impact of 2020 Low Traffic Neighbourhoods on Fire Service Emergency Response Times, in London, UK) found no evidence that response times inside the LTNs or on boundary roads were affected.</p>		
Disability	<p>Positive Traffic levels - Significant reduction in traffic levels in The Groves making the experience of disabled people walking or using a wheelchair or disability aid in The Groves more pleasant (e.g. easier to cross the roads).</p>	Positive and negative	Medium

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)
	<p>Negative Access to York Hospital - Increase in journey time to and from the Hospital for some drivers. Increased cost of taxi journeys to and from York Hospital for some passengers Access to Door 84 Youth & Community Centre (where several services for children & adults with disabilities are located) – Increased journey times for some drivers and increases in taxi costs for some passengers Vehicular access to addresses in The Groves – all addresses are still accessible by car but some journey times are longer where drivers are accessing a destination on the other side of a closure point, although journey times are reduced within The Groves due to lower traffic levels. This applies to all drivers but some disabled groups are more likely to be reliant on cars and taxis of their journeys. Traffic levels - Increased levels of traffic on surrounding roads may make the experience less pleasant in these areas.</p>		

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)
	<p>Traffic speeds – some representations raised concerns with traffic speeds in The Groves as there are less queues and traffic can move faster where allowed.</p> <p>Mixed impacts Disabled people’s views on LTNs (from The impact of Low Traffic Neighbourhoods on disabled people, and the future of accessible Active Travel, 2021):</p> <ul style="list-style-type: none"> • Positive views: Easier or more pleasant journeys; an increase in independence; a decrease in traffic danger and benefits to physical and mental health • Negative views: longer journey times for residents, as well as their visitors who provide care and support (travel becoming more exhausting, expensive, complicated or difficult), negative impact on mental health, issues with taxis and a perceived rise in traffic danger. <p>Access to emergency services – Some consultation responses raised concerns with access to emergency services, identifying issues with services accessing properties in The Groves or having to use other routes, adding to the response time. Evidence from</p>		

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)
	<p>London (The Impact of 2020 Low Traffic Neighbourhoods on Fire Service Emergency Response Times, in London, UK) found no evidence that response times inside the LTNs or on boundary roads were affected.</p>		
Gender	<p>Mixed impacts Some safety concerns were identified in the consultation responses due to the lower level of traffic in The Groves providing less surveillance during the day and at night, although this was not supported by any evidence from the Police. This was identified as more likely to affect women. However, research undertaken in London (The Impact of Introducing a Low Traffic Neighbourhood on Street Crime, in Waltham Forest, London, 2021) shows that <i>“the introduction of a low traffic neighbourhood was associated with a 10% decrease in total street crime, and this effect increased with a longer duration since implementation (18% decrease after 3 years). An even larger reduction was observed for violence and sexual offences, the most serious subcategory of crime. The only subcategory of</i></p>	Positive and negative	Medium

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)
	<p><i>crime that increased significantly was bicycle theft, plausibly largely reflecting increased cycling levels”.</i></p>		
Gender Reassignment	No differential impact identified		
Marriage and civil partnership	No differential impact identified		
Pregnancy and maternity	<p>Positive Traffic levels - Significant reduction in traffic levels in The Groves making the experience of people walking or cycling in The Groves (including with pushchairs) more pleasant (e.g. easier to cross the roads).</p> <p>Negative Access to York Hospital - Increase in journey time to and from the Hospital for some drivers. Increased cost of taxi journeys to and from York Hospital for some users.</p>	Positive and negative	Medium

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)
	<p>Traffic levels - Increased levels of traffic on surrounding roads may make the experience less pleasant in these areas. Traffic speeds – some representations raised concerns with traffic speeds in The Groves as there are less queues and traffic can move faster where allowed.</p> <p>Mixed impacts Access to emergency services – Some consultation responses raised concerns with access to emergency services, identifying issues with services accessing properties in The Groves or having to use other routes, adding to the response time. Evidence from London (The Impact of 2020 Low Traffic Neighbourhoods on Fire Service Emergency Response Times, in London, UK) found no evidence that response times inside the LTNs or on boundary roads were affected.</p>		
Race	<p>Mixed impacts Guildhall ward which includes The Groves area has a higher proportion of residents from a black and minority ethnic community group (10.2% compared to 5.7% for York as a whole).</p>	Positive and negative	Medium

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.		
Equality Groups and Human Rights	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
	The impacts noted in the report for residents of The Groves (both positive and negative) are therefore likely to affect a higher proportion of residents from black and minority ethnic community groups.		
Religion and belief	No differential impact identified		
Sexual orientation	No differential impact identified		
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	Positive Traffic levels - Significant reduction in traffic levels on Lowther Street near Park Grove primary school and Door 84 Youth & Community Centre, reducing noise, safety and severance impacts,		

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)
	<p>making it easier for carers to accompany their customers in The Groves (when not using a car). Negative Access to York Hospital - Increase in journey time to and from the Hospital for some drivers. Increased cost of taxi journeys to and from York Hospital for some passengers Access to Door 84 Youth & Community Centre (where several services for children & adults with disabilities are located) – Increased journey times for some drivers and increased cost of taxi journeys for some passengers Access to addresses in The Groves – all addresses are still accessible by car but some journey times are longer where drivers are accessing a destination on the other side of a closure point. This applies to all drivers but many carers are reliant on cars to travel to their customers.</p>		
Low income groups	<p>Mixed impacts Guildhall ward which includes The Groves area has a lower Average Net Weekly Household Income (£614.90 compared to £691.80 for York as a whole in 2017/18). Less people own their</p>	Positive and negative	Medium

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)
	<p>own homes in Guildhall ward when compared with York as a whole and 22% of Guildhall ward residents are social tenants, compared to 14% of York residents. 16.9% of children are living in low income families in Guildhall ward (compared to 12.4% of children for York as a whole) and there are 10.4% of households in fuel poverty (8.9% for York as a whole).</p> <p>As traffic has generally been redirected onto other streets in Guildhall Ward or in Heworth Ward, data for Heworth Ward is also considered here. This shows that Heworth Ward has a slightly higher Average Net Weekly Household Income when compared to Guildhall Ward but lower than the York average (£625.27 in 2017/18). 23% of residents are social tenants, 18.6% of children are living in low income families and there are 17.5% of households in fuel poverty.</p> <p>A map showing indices of multiple deprivation for the area is included overleaf.</p> <p>The impacts noted in the report (both positive and negative) will therefore affect a higher proportion of residents in a low income group.</p>		

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)
	<p>Increased cost of taxi journeys to and from York Hospital and other destinations where The Groves would previously have been used as a shorter route will affect lower income residents. However, lower income residents are also less likely to have access to a car and are therefore more likely to benefit from improvements in sustainable travel conditions.</p>		
Veterans, Armed Forces Community	No differential impact identified		
Other	No differential impact identified for any other groups		
Impact on human rights:			
List any human rights impacted.	No impact on human rights identified		

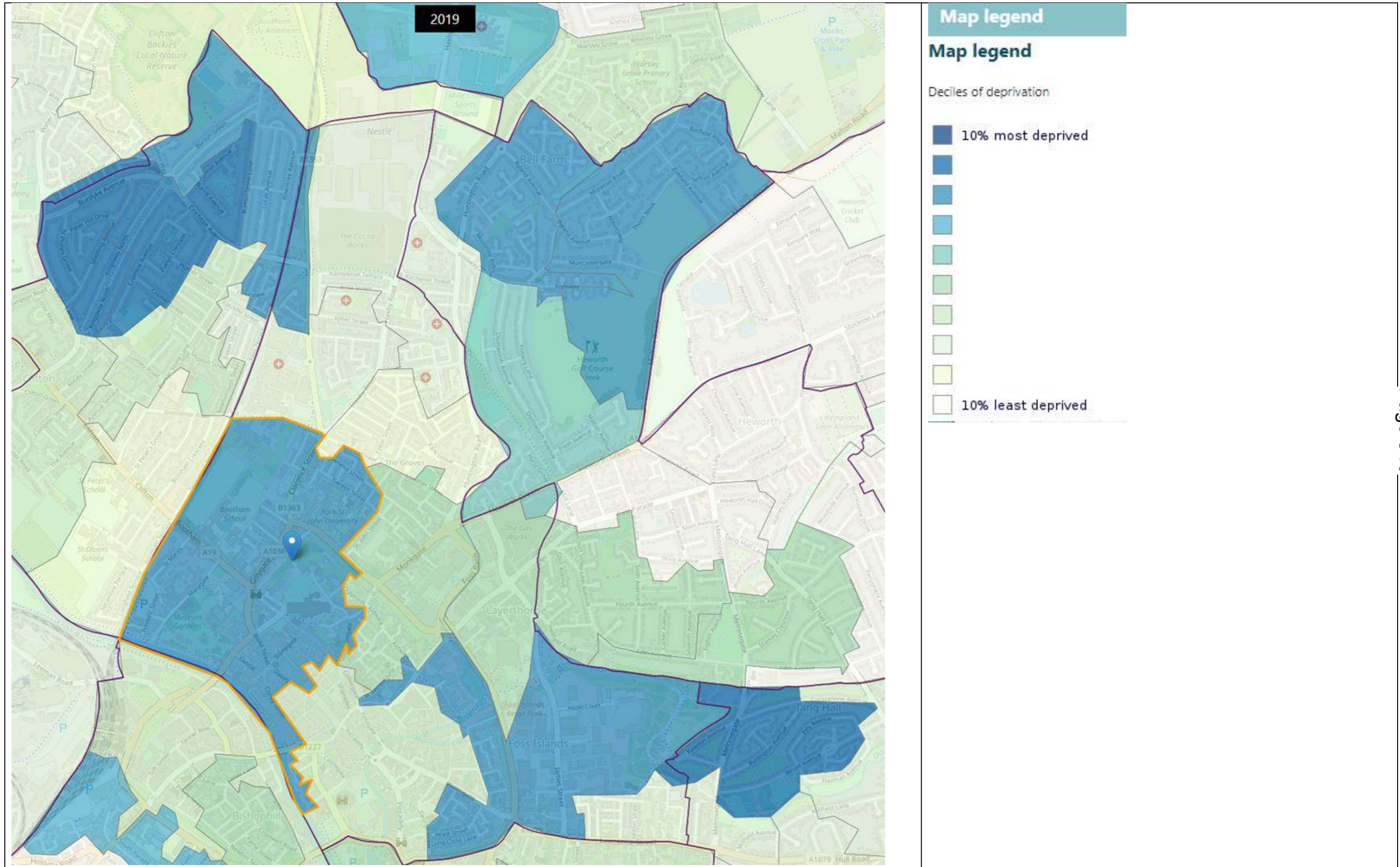
Use the following guidance to inform your responses:

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 main negative impacts identified above are linked to increased journey times and taxi costs for some drivers and passengers who would have travelled through The Groves before the trial. As noted above, this affects all car users on these routes but may particularly affect older users, disabled people, carers, and pregnant women more as they are more likely to be dependent on a car or taxi to travel and may require more frequent access to York Hospital.</p> <p>Some measures to reduce journey time and improve reliability are already planned at the Huntington Road/ Haley's Terrace/ Fossway junction and at the Dodsworth Avenue/ Mill Lane/ Heworth Green pedestrian crossing. Additional measures will be considered as part of the Local Transport Plan, in line with the following objectives:</p> <ul style="list-style-type: none">• Providing quality alternatives to the car to provide more choice and enable more trips to be undertaken by sustainable means;• Encouraging behavioural change to maximise the use of walking, cycling and public transport and continue improving road safety;• Tackling transport emissions to reduce the release of pollutants harmful to health and the environment; and• Enhancing public streets and spaces to improve the quality of life, minimise the impact of motorised traffic and encourage economic, social and cultural activity.	

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>The Council has considered the relevance of the proposal to the provisions of the Equality Act 2010 and the Human Rights Act 1998 and concluded that equalities duties are engaged by this proposal. As described above, the Low Traffic Neighbourhood trial has demonstrated both positive and negative impacts on all highway users and users within specific equalities groups. . The main negative impacts are linked to increased journey times for people who used to drive through the Groves and for people who live in The Groves but want to drive to the other side of the closure points, and increased traffic levels on surrounding streets.</p>

	As noted above, some mitigation measures are already being implemented to address some of these issues and more will be developed through the Local Transport Plan process. Making the trial permanent aligns with the Local Transport Plan objectives listed above.
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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
Increased traffic on surrounding streets	Mitigation actions identified above and in the report and further actions to be identified through the LTP process Continue the monitoring of traffic in the areas surrounding The Groves	Dave Atkinson	2022 and following years (linked to LTP process)
Safety (personal safety and traffic speed/driver behaviour) concerns	Monitoring the situation with the Police	Dave Atkinson	2022
Concerns for emergency services access	Monitoring the situation with the emergency services	Dave Atkinson	2022
Air quality concerns on surrounding streets	Continue to monitor the situation	Dave Atkinson	2022

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?
	Further community consultation will be undertaken through the Housing team to progress further work on the Community Plan for The Groves Further opportunity for feedback, data gathering and analysis through the LTP process (2022)



Executive**13 January 2022**

Report of the Housing & Safer Neighbourhoods Scrutiny Committee

**Provision of Affordable Homes on New Developments Scrutiny Review
Final Report – Cover Report****Summary**

1. This cover report presents the final report from the Affordable Homes Scrutiny Review undertaken by the Housing & Safer Neighbourhoods Scrutiny Committee. It seeks approval to the recommendations from the Executive.

Recommendation

2. Having considered the Affordable Homes on New Developments Scrutiny Review Final Report at Appendix 1 and its annexes the Executive is asked to approve the recommendations as shown in paragraph 6, below.

Reason: To conclude this scrutiny review in line with CYC scrutiny procedures and protocols.

Background

3. Prior to the onset of the pandemic, at its meeting on 28 October 2019, the Housing & Safe Neighbourhoods Committee considered a referral from the 5 September 2019 meeting of the Area Planning Sub Committee which requested that the Committee consider the impact of service charges on the delivery of social rented housing by housing associations through the planning gain process.
4. The Committee discussed this referral and resolved to form a task group whose aim would be to better understand the current situation with regard to the delivery of affordable dwellings arising from new developments with planning permission. The following objectives were set:

- a. To Investigate the delivery of homes for discounted sale resulting from the granting of planning permission for a new development;
- b. To investigate the council's working relationship with housing associations in relation to the allocation of properties for social rent resulting from the granting of planning permission for a new development;
- c. To explore what barriers exist that make it difficult for housing associations to take up affordable housing contributions and what policy options could help to overcome any barriers.

Consultation

5. The review involved wide-ranging and extensive consultation of key stakeholders, details of which are fully set out in the final report at Appendix 1.

Review Recommendations

6. Arising from the Committee's extensive consultation and key findings are a number of recommendations which it approved for the Executive to consider, as follows:

Recommendation 1 - When the First Homes initiative comes to be implemented in York, 75% of homes delivered through developer contributions as part of planning obligations agreed under section 106 should be for social rent

- Recommendation 2 - For future iterations of the CYC Housing Delivery Programme, CYC actively considers sale to - or joint working with - RPs for potential housing development sites
- Recommendation 3 - For future iterations of the CYC Housing Delivery Programme, officers consider how the programme can be structured and financed in a way that would deliver an increased proportion of affordable homes
- Recommendation 4 - Officers review what steps could be taken to make it more likely that open space can be managed by CYC, particularly on CYC Housing Delivery Programme sites

- Recommendation 5 – Officers consider improvements that can be made to the section 106 legal agreement template and steps that could be taken to reduce the risk of post-planning delays
- Recommendation 6 - Officers consider how they might be able to more positively respond to approaches from developers and RPs for informal discussions at an early stage, prior to a scheme proposal being submitted

Options

7. Having considered the final report at Appendix 1 and its annexes the Executive may chose to approve and/or amend, or reject the recommendations arising from the review as set out in paragraph 5, above.

Council Plan 2019-23

8. This review is linked to one of the key outcomes of the Plan which aims to ‘create homes and world class infrastructure’.

Implications and Risk Management

9. The risks and implications associated with the review recommendations were taken into account by the Committee in arriving at its final report at Appendix 1.

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Report Approved **Date** 18/11/2021

Wards Affected:

All

For further information please contact the author of the report

Annexes

Appendix 1 – Affordable Homes Scrutiny Review



Housing and Community Safety Policy & Scrutiny Committee

14 July 2021

Report of the Chair and Vice Chair of Housing and Community Safety Policy & Scrutiny Committee

Scrutiny Review into the Provision of Affordable Homes on New Developments

Summary

1. This is the final report of the scrutiny review into the provision of affordable homes on new developments. It contains a number of recommendations that members are invited to approve.

Background

2. At its meeting on 28 October 2019¹, the committee considered a referral from the 5 September 2019 meeting of the Area Planning Sub Committee which requested that the committee consider the impact of service charges on the delivery of social rented housing by housing associations through the planning gain process.
3. The committee discussed this referral and resolved to form a task group whose aim would be to better understand the current situation with regard to the delivery of affordable dwellings arising from new developments with planning permission. The initial objectives of the review would be:
 - a. To Investigate the delivery of homes for discounted sale resulting from the granting of planning permission for a new development;
 - b. To investigate the council's working relationship with housing associations in relation to the allocation of properties for

¹ <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=963&MId=11584&Ver=4>

social rent resulting from the granting of planning permission for a new development;

- c. To explore what barriers exist that make it difficult for housing associations to take up affordable housing contributions and what policy options could help to overcome any barriers.

4. At the committee's meeting on 23 December 2019² a Scoping Report was considered. It was agreed that Cllrs Fenton, Pavlovic, Wells and Baker would form the Task Group. Following a review of the initially-agreed objectives, it was agreed that the Task Group would consider the following:

- a. The importance of S106 affordable housing historically and looking ahead – data around numbers of homes delivered since 1998 by tenure and the numbers projected during the life of the local plan. The number of S106 affordable homes compared to those delivered on non-S106 sites to illustrate the critically important contribution of planning gain
- b. An overview of how S106 policy has evolved over time and why, including changes in government planning policies; for example, definitions of 'affordable' housing and exemptions for developers from providing affordable housing in certain circumstances
- c. The importance of on-site provision wherever possible – mixed income/tenure communities
- d. The importance of 'pepper-potting' affordable housing on private developments
- e. An overview of off-site contributions (commuted sums) and the mix of reasons historically why these have sometimes been agreed
- f. The proposed affordable housing policy in the submitted local plan – and the Supplementary Planning Guidance that will be written to support it (including consultation on this)
- g. The role of the Local Authority as strategic housing authority
- h. The role of Registered Providers (Housing Associations) in the delivery of affordable homes. This will cover how this has evolved over the years as land values have increased and council owned sites sold or gifted to HA's has reduced (most

² <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=963&MId=11586&Ver=4>

recently with the council developing its own development programme), and their perspectives on the delivery of homes through planning gain.

5. It was agreed that the Task Group would also consider the following:
 - a. Are the current S106 delivery mechanisms - where housing associations competitively tender for the homes – fair and best value for money?
 - b. Challenges to achieving a good specification for affordable housing from private developers
 - c. The issue of prohibitive service charges – examples, scale
 - d. A growing trend for very small homes – studio flats, quarter houses – which can challenge space standards most Housing Associations want (and the wider question of how we can cover this in policy terms)
 - e. Site layouts combining an unbalanced housing mix of larger 4+ bedroom market houses with most of the smaller houses identified for affordable housing
 - f. Policy options such as commuted sums, separate blocks for freehold and other site-specific approaches.
6. The intention was that the scrutiny review would be completed by July 2020. The Task Group held its first meeting on 10 January 2020 at which it discussed with Andrew Bebbington (CYC Housing Strategy & Development Officer) how best to approach the review. The outbreak of the Covid pandemic in March 2020 meant that work on the scrutiny review was paused before any meaningful progress had been made.
7. An informal meeting of the Housing & Community Safety Policy & Scrutiny Committee was held on 20 October 2020 at which it was agreed to re-start work on the review, with a focus on two key aspects – the bidding process and service charges – and for Cllrs Fenton and Pavlovic to take this forward.

Information gathering

8. Cllrs Fenton and Pavlovic held virtual meetings between 29 January and 15 March 2021 with a number of stakeholders in order to better understand the operation of current processes in York, to hear the views of some of those involved in these

processes and to learn about the approaches used in other local authorities. Meetings took place with individuals from the following organisations

- Harrogate Borough Council
- Joseph Rowntree Housing Trust
- Yorkshire Housing
- Persimmon
- Barratt Homes
- City of York Council Local Plan team
- York Housing Association
- Karbon
- Stockport Borough Council
- Home Builders Federation
- York Property Forum
- Northstar Developments

9. The committee is grateful to all of those who participated in these meetings for their time and willingness to engage.

10. Prior to each meeting, a list of questions was circulated to participants to help inform the discussion:

- a. Positives and negatives from your general experience of section 106 affordable housing in York
- b. What are your views on York's section 106 competitive tender approach?
 - i. Including comparison to those elsewhere where relevant
 - ii. How would you ensure that the developer delivers appropriate quality standards?
- c. What kind of difference in transfer prices (saving) would you expect between a competitive tender vs. fixed price approach?
- d. Do you have any experience of taking apartments as part of section 106 schemes in York or elsewhere –
 - i. As a whole freehold block that you manage yourselves?
 - ii. As individual leasehold apartments in a block that is managed by the block owner?

- e. Could you give some examples of typical service charge levels from privately managed blocks, and from blocks you manage?
- f. What is the maximum level of service charges that would be viable under York's 80% social rented / 20% discount sale split?
- g. Could you suggest improvements the council could make to achieve more on site section 106 opportunities?

Findings

11. Set out below are some key findings from the conversations held with stakeholders, split by theme.

Positives and negatives from your general experience of section 106 affordable housing in York

12. Registered Providers (RPs) and developers were united in wanting to see a Local Plan for York adopted as soon as possible in order to increase the supply of land for development. Some RPs have an appetite to take on entire sites and develop them for affordable homes, potentially in partnership with councils.
13. CYC's rigid approach in respect of the types of affordable homes that can be provided (only social rent or discounted sale) was a source of frustration, and there were calls for more flexibility, for example to include shared ownership options. It is noted that a recent planning application for housing on the Burnholme site (part of the CYC Housing Delivery Programme) includes shared ownership as an intermediate tenure in place of discounted sale.
14. We heard from Stockport Borough Council about the approach they have developed over a number of years which includes development both through the Housing Revenue Account (HRA) and a development company, with tenure mix varying across 'zones' within the borough.
15. There were some concerns raised about the section 106 legal agreement template that CYC uses, which is apparently more unwieldy than that which some other councils use. We were told that there is a new standard clause which York didn't adopt – the Mortgagee In Possession (MIP) clause. There were also concerns about post-planning delays in the section 106 process.

16. RPs and developers like to be able to liaise with councils at an early stage and want there to be sufficient resource to enable councils to be able to respond positively to these approaches, including having conversations before a scheme has been designed. It came across clearly in discussions that officers at CYC are well-respected. One RP said that they would like to see CYC adopt a stronger policy approach on quality standards.

What are your views on York's section 106 competitive tender approach?

17. We heard from Harrogate that their matching panel / fixed transfer price system is well-established (though it has no legal basis and so RPs and developers are not compelled to engage with it). RPs pay £10k to the council to fund the development team that runs the process. RPs and developers do work with the process, but we got a sense from our conversations that they do not think that its implementation in York would deliver benefits in terms of increasing the number of affordable homes being built (at least whilst land is in short supply). We heard that RPs and developers feel that the current competitive bidding process does give them a degree of control.
18. We heard that there is a network of strong working relationships between RPs and developers and that they prefer to work with partners who share their vision and ethos. This relationship helps to underpin conversations about quality standards, and we heard of an approach whereby an RP purchases plots from the developer (after the bidding process) and then the developer builds the homes. We got a sense from some RPs that they would rather work in partnership with a council than have to compete against them for affordable housing plots on private developments. It is noted that CYC has recently agreed to a proposal from Joseph Rowntree Housing Trust to purchase a plot of CYC-owned land adjacent to Sturdee Grove and Foss Way on which JRHT propose to build eight affordable homes.
19. We did not get a sense that there would be support at the present time for introducing a fixed transfer price similar to that used in Harrogate, though the idea of setting a maximum transfer price per square metre did come up in some of the later discussions. The RPs and developers with whom we discussed

this said that any such approach would need to have flexibility built in to guard against unintended consequences such as causing a development to stall or leading to a lower quality specification being agreed for the homes. The CYC Local Plan team explained that the transfer value is set out in the viability assessment document and that any move to establish a fixed transfer price and/or ceiling would need to be subject to a policy assessment.

20. Developers highlighted escalating costs due in part to labour shortages and cost of materials.

Do you have any experience of taking apartments as part of section 106 schemes in York or elsewhere?

21. We heard support from RPs for having the ability to take on a discrete block within a development rather than random pepper-potting of apartments. We heard that early engagement between RPs and developers at the design stage makes it more likely that apartment developments can deliver on-site provision of affordable units and that service fees can be largely 'designed out'. Developers were willing to consider passing on the freehold of a block to an RP.

22. Where it proves impossible to achieve on-site provision of apartments, some RPs and developers said that a commuted sum would be the best outcome in order to deliver affordable homes elsewhere.

23. It was suggested that some costs on a new development could be better controlled if CYC took on responsibility for managing open space and play areas rather than this being handed over to a management company.

24. Some RPs said that council tax banding, rather than service fees, can make an 'affordable' property unaffordable.

Conclusions

25. Having completed the information-gathering exercise, Cllrs Fenton and Pavlovic met with the Executive Member (Cllr Craghill) and CYC officers to brief them on the emerging findings. They also sought input from members of the committee and officers at an informal meeting of this committee held on 24 May 2021.

26. Having sought and considered feedback on the emerging findings, and having taken into consideration recent policy announcements from Government, set out below are the key questions the review has sought to address, and our conclusions.

Question 1 – Should CYC adopt any or all aspects of the Harrogate matching panel / fixed transfer price approach?

27. The clear feedback from the discussions with stakeholders was that there is not support (at least not at present) for adopting wholesale the Harrogate model.

Question 2 – Should CYC change its current default policy under which homes delivered through the section 106 competitive tender approach must be social rent or discounted sale?

28. Prior to the Government announcement on the First Homes initiative³ we believed that there was a strong case for change here, which would have the support of RPs and developers who told us that shared ownership tenure models are increasingly popular.
29. The picture is changed however by the First Homes initiative, under which 25% of all homes delivered through developer contributions as part of planning obligations agreed under section 106 should be available to buy with a minimum discount of 30% below their full market value as First Homes. These homes would retain their discount in perpetuity and would need to be sold on to other eligible purchasers at a discounted price.
30. So although there is support for increased flexibility to enable shared ownership tenures to be provided, the implementation of First Homes in York means that any shared ownership homes delivered through developer contributions as part of planning obligations agreed under section 106 would be at the expense of homes for social rent. With First Homes to account for 25% of homes, the proportion of homes for social rent is already due to fall from 80% to 75%, and we do not believe that a further reduction would be appropriate given the high demand for social rent homes in York. We therefore recommend that, when the First Homes

³ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-first-homes-proposals-in-changes-to-the-current-planning-system>

initiative comes to be implemented in York, 75% of homes delivered through developer contributions as part of planning obligations agreed under section 106 should be for social rent.

31. We note that there is also a new model for shared ownership being introduced by Homes England⁴ under which the minimum initial share to be purchased is 10% rather than 25%, which will hopefully support the provision of this popular tenure type.

Question 3 – Is there scope for more partnership working between CYC and RPs in developing sites for the provision of affordable housing and maximising the proportion of affordable homes on CYC sites?

32. We believe that there is a strong appetite among RPs for more partnership working, and we note the recent example of an RP (JRHT) purchasing a plot of CYC land in order to build eight affordable homes. We recommend that for future iterations of the CYC Housing Delivery Programme CYC actively considers sale to - or joint working with - RPs for potential housing development sites. We also recommend that for future iterations of the CYC Housing Delivery Programme officers consider how the programme can be structured and financed in a way that would deliver an increased proportion of affordable homes.

Question 4 – Are there steps that could be taken to maximise on-site provision in apartment developments and make apartments more 'affordable'?

33. We heard that early engagement between RPs and developers at the design stage makes it more likely that apartment developments can deliver on-site provision of affordable units and that service fees can be largely 'designed out,' for example through minimising indoor communal areas. There was a recognition that where this proves impossible, then a commuted sum would be an appropriate outcome.
34. With regard to outdoor amenity space, we have concerns that the trend for space being managed by companies who charge all residents (regardless of tenure) a set fee can undermine the affordability of some homes for some residents. We recommend

⁴ <https://www.gov.uk/government/consultations/new-model-for-shared-ownership-technical-consultation/new-model-for-shared-ownership-technical-consultation>

that officers review what steps could be taken to make it more likely that open space can be managed by CYC, particularly on CYC Housing Delivery Programme sites.

Question 5 – Are there any other changes that could be made to support RPs and developers?

35. We heard about frustrations with the section 106 legal agreement template that CYC uses, and post-planning delays, and we recommend that officers consider how this situation might be improved. We also heard that RPs and developers want to be able to liaise with officers at an early stage and so we recommend that officers to consider how they might be able to more positively respond to these approaches.

Recommendations

36. It is proposed that the following recommendations are approved by this committee for consideration by Executive:
- Recommendation 1 - When the First Homes initiative comes to be implemented in York, 75% of homes delivered through developer contributions as part of planning obligations agreed under section 106 should be for social rent
 - Recommendation 2 - For future iterations of the CYC Housing Delivery Programme, CYC actively considers sale to - or joint working with - RPs for potential housing development sites
 - Recommendation 3 - For future iterations of the CYC Housing Delivery Programme, officers consider how the programme can be structured and financed in a way that would deliver an increased proportion of affordable homes
 - Recommendation 4 - Officers review what steps could be taken to make it more likely that open space can be managed by CYC, particularly on CYC Housing Delivery Programme sites
 - Recommendation 5 – Officers consider improvements that can be made to the section 106 legal agreement template and steps that could be taken to reduce the risk of post-planning delays

- Recommendation 6 - Officers consider how they might be able to more positively respond to approaches from developers and RPs for informal discussions at an early stage, prior to a scheme proposal being submitted

Cllr Stephen Fenton (Chair) and Cllr Michael Pavlovic (Vice Chair)
Housing and Community Safety Policy & Scrutiny Committee
July 2021

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Executive**13 January 2022**

Report of the Director of Public Health
Portfolio of the Executive Member for Health and Adult Social Care

**Extension of Contract for Long-Acting Reversible Contraception
("LARC")****Summary**

1. The commissioning of LARC in Primary Care in York is a shared responsibility between the council and the Vale of York Clinical Commissioning Group ("**CCG**"). The service is commissioned by the council on behalf of the CCG via a Section 75 agreement dated 30th October 2019, which commits both organisations to commissioning LARC through shared responsibility and budget allocation. This Section 75 agreement is in place until 31st March 2026.
2. The council holds a contract with Nimbuscare Ltd for the provision of the LARC service, which commenced on 1st April 2020, and is due to expire on 30th June 2022. Nimbuscare Ltd represents the eleven (11) NHS GP practices in York and has a good working relationship with this sector.
3. The council holds a separate contract with York and Scarborough Hospitals NHS Foundation Trust (the "**NHS Trust**") for provision of specialist sexual health and contraception services which is scheduled to be reviewed in 2024.
4. The commissioning intentions of the council and the CCG are to tender for a fully integrated sexual health and contraception service, which will include the council's and CCG's responsibilities for LARC, through one procurement exercise in due course leading to the award of a single contract in 2024.
5. The CCG will cease to exist from 1 April 2022 and its functions will transfer to the Humber, Coast and Vale Integrated Care System Board ("**HCV ICS Board**"). 2022/2023 will be a transition year for the HCV ICS Board.

6. The decision required is for the Executive to agree to the direct award of a further contract, without proceeding with a full tender exercise, to Nimbuscare Ltd on behalf of the council and the CCG for a further two (2) years until 30th June 2024, to allow for the new HCV ICS Board to become established and a new fully integrated sexual health and contraception service to be jointly commissioned through a competitive procurement exercise.

Recommendations

7. The Executive is asked to:

- 1) Approve Option 3, and agree to the direct award of a further contract with Nimbuscare Ltd for provision of LARC in Primary Care for a further two (2) years when the current contract expires on 30 June 2022 without proceeding with a full tender exercise.

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

Background

8. The Health and Social Care Act 2012 transferred the responsibility for commissioning of sexual health services to local authorities. Since 1st April 2013, local authorities are required, as part of public health regulations, to ensure that their residents have access to free sexual health and contraception advice and treatment.
9. In September 2019, Executive Member approval was given for the Director of Public Health, on behalf of the Council and the CCG under the Section 75 joint commissioning agreement, to carry out a competitive tender exercise, in accordance with the Public Contracts Regulations 2015 for the provision of LARC in primary care. However the Council was unable to award a contract following this process and as a result Nimbuscare Ltd was asked to provide LARC in primary care with a contract awarded from 1st April 2020, initially for a period of twelve (12) months.
10. Originally, the intention was to recommission the service via competitive tender at the end of the twelve (12) month period, but because of the

pressures of the coronavirus pandemic, the public health team had no capacity to do this and a waiver to the Council's Contract Procedure Rules was sought and approved to extend this contract until 30th June 2022.

11. At the time the contract was extended, no-one could have predicted that the coronavirus pandemic would still be with us almost two (2) years later. The recent emergence of the Omicron variant has meant the UK Alert Level has been raised to Level 4 on 12th December 2021 confirming high and rising number of cases of COVID-19. The rapid rise in Omicron cases is expected to impact on the NHS. The NHS is under significant pressure already and is having to reprioritise staff and resources to support the COVID-19 vaccination booster programme, and to prepare for an increase in hospital admissions due to Omicron.
12. The Council's Public Health team is also impacted and resources are again having to be reprioritised to support the pandemic response and the roll-out of an accelerated COVID-19 vaccination booster programme. It is anticipated that this heightened public health response will be required until at least 31st March 2022.
13. This is happening against a background of continuing change within the NHS, with the planned government reorganisation of the NHS. This involves the dissolution of Clinical Commissioning Groups and the transfer of functions and commissioning responsibilities to new Integrated Care Systems to be established on 1st April 2022.

Consultation

14. Within the Council consultation has taken place with legal, finance and procurement and their comments are included in the relevant sections of the report.
15. Consultation has been undertaken with the CCG who are supportive of the recommendations.
16. Consultation has taken place with Nimbuscare Ltd who are willing to accept a new contract for the provision of LARC in primary care for two (2) years when the current contract ends on 30th June 2022 if this is the Executive decision.

Options

17. Option 1

Allow the existing contract with Nimbuscare Ltd for the provision of LARC in primary care to end on 30th June 2022.

18. Option 2

To commence on a full re-procurement process before the current contract expires on 30th June 2022.

19. Option 3

To support the direct award of a new contract with Nimbuscare Ltd without running a full procurement exercise under the Public Contract Regulations 2015.

Analysis

20. Option 1

- a) This will prevent the Council from delivering its contractual obligations within the Section 75 joint commissioning agreement with the CCG. It will also mean that the Council will not be able to fulfil its statutory obligations for free and easily accessible contraception. LARC is one of the most effective methods of contraception, particularly for younger women and not being able to access LARC in primary care could potentially result in unintended pregnancies.
- b) Any failure to provide an appropriate LARC service for women living in York will bring the Council under the scrutiny of the Department of Health and Social Care and could potentially lead to a request to return a proportion of the Public Health Grant.

21. Option 2

- a) A full procurement exercise under the Public Contract Regulations 2015 took place in 2019 and failed to award a contract. Given that this exercise took place in the last two (2) years, with no other providers expressing an interest, one could argue that, from a practical Best Value perspective, it is likely that another similar process would result in the same outcome. Therefore it could be argued that the Council has sufficiently tested the market and that

a further tender exercise at this point is unlikely to yield a different result.

- b) Moreover, it could be argued such a procurement exercise will not be the best use of the Council's and local tax payer's money, particularly in light of the ongoing pandemic and the pressures on the Council resources.
- c) Although there is no absolute guarantee that another provider has not appeared on the market within the last two (2) years who may be able to deliver these services, there is no available intelligence to suggest that this is the case.
- d) Therefore, Option 2 does provide the Council with significantly less risk from a Procurement Law standpoint when compared to Option 3 (see **Legal Implications** below).
- e) The ongoing pressures to health care organisations and to the Council's Public Health team of the pandemic do however need to be taken into account when considering this option. The pandemic has shifted significantly in nature since the emergency of the Omicron variant, and with the UK Alert level raised to level 4, and health organisations and public health have had to respond by increasing the level of our response.
- f) The nature of the coronavirus pandemic so far means that it is impossible to predict the path it will take, but it is anticipated by officers in Public Health, that this escalated response will be required until 31st March 2022.
- g) This effectively means that there is no capacity in the Public Health team to be able to plan and execute a full procurement exercise. It should also be noted that, even if capacity were to be found in the Public Health team, because of the pressures on the whole health and care system, it is highly likely that there would no capacity for potential providers to participate in a full procurement exercise, which would create the risk of the Council being unable to award a contract for the provision of LARC in primary care.

22. Option 3

- a) Given the timescales involved, and the ongoing pressures on the Public Health team from the coronavirus pandemic as described

in paragraph 21 above, directly awarding a further contract with Nimbuscare Ltd is the simplest way of ensuring that the Council delivers its public health statutory responsibilities for sexual health and contraception services and fulfils its contractual obligations within the Section 75 joint commissioning agreement with the CCG.

- b) Nimbuscare Ltd are the current provider of the LARC service, they are familiar with the requirements of the contract and they have expressed an interest to further extend the current service.
- c) It is a requirement of the contract that the provider is able to deliver access to LARC in primary care settings across the city. Nimbuscare Ltd has membership from all eleven (11) NHS GP practices in York and provides good access to the service in communities across the city which helps to reduce health inequalities. There have been no patient safety or quality concerns with the current service.
- d) However Option 3 is potentially problematic from a technical, legal standpoint as a direct award since it does not technically comply with the Public Contract Regulations 2015 and therefore such an award carries with it a risk of possible legal challenge. This is explored more fully in the **Legal Implications** and **Risk Management** sections of the report below.

Council Plan

- 23. Sexual health and contraception services contribute to the achieving good health and wellbeing priorities in the Council Plan 2019-23 and the Joint Health and Wellbeing Strategy for York 2017-2022.

Implications

Financial

- 24. Finance are happy to support the extension of the current LARC service with Nimbuscare Ltd by directly awarding Nimbuscare Ltd another contract for the next two (2) years without any prior advertisement or tender exercise further to Option 3. The contract is activity based and there is sufficient budget to cover the costs. These payments are made from the ring-fenced Public Health Grant Allocation to the council.

25. Payments from Quarter 2nd July 2022 until 30th June 2024 would be an estimated total of £888,692.75.

Human Resources (HR)

26. There are no implications from this report.

Equalities

27. LARC is expected to be accessible to all women in York with a need for either contraception or gynaecological use of the service. The provider will be expected to comply with the duties of the Equality Act.

Legal

A) Decision Making

28. The principles of decision making are set out in Article 14 of the Constitution and require all decisions to be taken with regard to them. They include proportionality, lawfulness, and clarity of aims, considering options and giving reasons.
29. It is within the Monitoring Officer's statutory role to ensure these principles are upheld. The responsibility for this decision under the Constitution rests with the Executive.

B) Public Contracts Regulations 2015

30. The LARC Services are subject to the Public Contracts Regulation 2015 ("**PCRs**") and the Council's Contract Procedure Rules ("**CPRs**")
31. For the purposes of the PCRs, the LARC services are subject to the PCR Light Touch Regime ("**LTR**"). LTR services are subject to a threshold of £663,540 (as at December 2021). It is noted the LARC Services are above threshold.
32. For above threshold matters, the PCRs require a contract be advertised and a procurement conducted in accordance with PCR award processes, unless any other grounds under the PCRs apply.
33. Challenges are possible under the PCRs where bodies do not act in compliance with the PCRs. This includes where direct awards without

prior publication are made without following procedural rules of the PCR's when required.

34. Compliance with the PCR's is a legal duty owed by contracting authorities to suppliers. A supplier that suffers a loss as a result of a breach may bring judicial proceedings under the PCR's. Where such proceedings are brought, a court has powers to:
 - a. take interim measures to suspend an award procedure; or
 - b. where a court is satisfied that there has been a breach of the PCR's, it can either order:
 - i. an award decision be set aside; or
 - ii. award damages for the loss of opportunity be awarded to the complainant against the Council; and
 - c. if a contract has already been entered into, the court is able to declare contracts that do not comply with the PCR's to be ineffective in certain circumstances, as well as again a substantial civil financial penalty and an award of damages.
35. Generally speaking, where an aggrieved party seeks to bring a claim in respect of any other breach of the PCR's 2015, it has thirty (30) days from the date when it knew or ought to have known that the grounds for starting proceedings had arisen. Time will start to run from the date of either actual or constructive knowledge of matters that could have been discovered upon a reasonable enquiry.
36. Decisions of public bodies can also be subject to judicial review. A claim for judicial review relating to a decision governed by the PCR's 2015 must also be brought within thirty (30) days, subject to the provisions contained in Reg 92 of the PCR's. Judicial review of procurement decisions rarely involves a determination of the merits of the challenged decision itself, as opposed to the lawfulness of the procedure adopted in arriving at that decision. Save in especially technical matters, a court is unlikely to require expert evidence.
37. The remedies available under Judicial Review are either:
 - a. a quashing order, setting aside the original decision made, which usually results in the matter being sent back to the original decision-

maker to re-make the decision in light of the decision from the court; in rare cases, though, the court may make the decision;

- b. a mandatory order requiring requires the public body to take a particular course of action and/or to take action;
- c. a prohibiting order to prevent a certain action/decision; such an order is rarely sought as it is more usual now to seek an injunction
- d. a court declaration that, for example, an act/decision was unlawful;
- e. an injunction to prevent a certain decision and/or action; an injunction will only be granted in circumstances where it is just and reasonable to do so and may be sought as an interim remedy before the substantive hearing; or
- f. the court may order damages in circumstances where they are claimed and it is satisfied that they would have been awarded if the claim had been made at the same time as making the application for judicial review.

All remedies are at the discretion of the court. The court may refuse to grant the remedy sought if there has been undue delay in making the application, the remedy would cause undue and/or unnecessary hardship and/or there was another potential course of action open to the applicant.

38. Any of the above will also have a significant impact on the Council's insurances as well as the cause substantial reputational harm to the Council.

39. A full PCR procurement process however may not be required for above threshold matters where:

- a. an exemption applies to the type of service (**PCR Reg 10 – Specific exclusions for service contracts**); or
- b. use of the negotiated procedure without prior publication can apply (**PCR Reg 32 - negotiated procedure without prior publication**)

40. It is noted in this instance that:

- a. The list of exemptions at PCR Reg 10 **does not** include LARC type Services.
- b. The use of negotiated procedure without prior publication under **PCR Reg 32** has very limited application in these circumstances. It is the view of CYC legal services that whilst it may be possible to argue that some parts of Reg 32 may apply, this strategy is not entirely without risk of legal challenge under the PCRs, and must be approached with caution.

41. Regarding Reg 32, the following further analysis is provided below for the Executive's consideration:

- a. **Reg 32(2)(a)** - "Where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate **have been submitted in response to an open procedure or a restricted procedure**, provided that the **initial conditions of the contract** are **not substantially altered**"

Comment - The above applies where a tender has been issued, but there has been **no or no suitable tender or participation**.

As a tender has not been issued for the proposed two (2) year arrangement, the negotiated procedure without prior publication under PCR Reg 32(2) (a) would **not** be available.

It is noted that the current contract does not expire until 30th June 2022, so arguably there is technically no reason why the Council cannot run a full tender exercise in the time available.

Even if no suitable tenders were returned, we could still directly award the two (2) year contract at that point under Reg. 32(2) (a) of the PCRs following publication of a VEAT notice (see below - subject to further advice at that point from both the Procurement and Legal Services teams being sought by Public Health to ensure compliance).

- b. **Reg 32(2)(b)** – "*Where the...services can be supplied **only by a particular economic operator for any of the following reasons**:-*

- i) the aim of the procurement is the creation or acquisition of **a unique work of art or artistic performance**,*

ii) competition is **absent for technical reasons**, or

iii) the **protection of exclusive rights**, including intellectual property rights,

*but only, in the case of **paragraphs (ii) and (iii)**, where no reasonable **alternative or substitute exists** and the absence of competition is **not the result of an artificial narrowing down of the parameters** of the procurement.”*

Comment - i) and iii) do not apply on the facts.

With regards to ii), further to discussions with colleagues in the Public Health Team it is understood that there is sufficient evidence on file to support an argument that if the Council were to go out to tender, this would not generate any kind of meaningful competition as Nimbuscare Ltd. are likely to be the only provider interested in this opportunity or even the only one capable of delivering the Council's service requirements in this instance.

However, whilst Legal cannot comment on the fullness and accuracy of such evidence, we can add at this point to assist with the Executive's decision making:

- If what the Public Health team says is correct, and if the Council is comfortable that it can address any concerns raised by the public and the market based on the evidence in its possession, then we may be able to directly award a contract to Nimbuscare Ltd. without prior publication of a tender under Reg. 32(2) (b) (ii).
- If we proceed under Reg. 32(2) (b) (ii), the Council (with advice from Legal Services and Procurement) will need to publish a public Voluntary Ex-Ante Transparency of “**VEAT**” notice in the Official Journal, and the equivalent on the UK's E-Procurement system, to inform the market of its intention to award under Reg. 32(2) (b) (ii) by providing full and transparent details of the proposed LARC contract.

- The Council will not be able to award any kind of contract to Nimbuscare Ltd. for the LARC services until at least ten (10) days after the publication of such a notice.
- Any benefit of publication of a VEAT notice must be balanced against the risk that publication of a VEAT notice may increase awareness of the proposed direct award and so actually increase the risk of scrutiny and possible legal challenge.
- It should then be noted that if after the end of the ten (10) day standstill period has expired, this would effectively bar any challenge that seeks a declaration of ineffectiveness.

Further, where an aggrieved party seeks to bring a claim in respect of any other breach of the PCRs 2015 and is not seeking a declaration of ineffectiveness, it has thirty (30) days from the date when it knew or ought to have known that the grounds for starting proceedings had arisen. Time will start to run from the date of either actual or constructive knowledge of matters that could have been discovered upon a reasonable enquiry.

Finally, a claim for judicial review relating to a decision governed by the PCRs 2015 must also be brought within thirty (30) days, subject to the provisions contained in Reg 92 of the PCRs.

As such, if the Council were to publish a VEAT notice and waits for thirty (30) days after publication before directly awarding the contract, or if it awards after the minimum ten (10) days and no challenge was received within thirty (30) days of publication, any challenge after that would effectively be time barred, subject to the discretion of the Courts.

- However, deliberate and intentional infringement of the requirement to advertise would mean that a VEAT notice would not be valid and the potential remedy of ineffectiveness would remain on the table. The Council must therefore be satisfied that it has reached a reasonable and justifiable decision under Reg. 32(2) (b) (ii) before proceeding with a VEAT notice.

- Whilst the representations regarding the procurement from two (2) years ago are appreciated, it is the view of Legal Services that further evidence subsequent to the original failed tender will be necessary to properly justify a decision based on Reg 32(2) (b) (ii).
- Further, as already acknowledged by the Public Health team earlier in this report, there is no absolute guarantee that another provider has not appeared on the market within the last two (2) years who may be able to deliver these LARC services, so there is a possibility (however small) that someone could see the VEAT notice and challenge the direct award.
- Again, the current LARC contract does not expire until 30th June 2022, which means there technically is no reason why a full tender exercise cannot be run given the amount time available. If then Nimbuscare Ltd. are the only respondents to such an exercise, then this would allow the Council to directly award under Reg. 32(2) (b) (ii) (as well as Reg 32(2) (a)) following VEAT notice (subject to further advice at that point from both the Procurement and Legal Services teams being sought by Public Health to ensure compliance)., with the risk of challenge reduced significantly. However, the representations above regarding the lack of capacity due to the current pandemic and the emergence of the Omicron variant are noted also, meaning that there are potential practical difficulties at present with running tender exercise.

c. **Reg 32(2) (c)** – “*Insofar as **is strictly necessary** where, for reasons **of extreme urgency** brought about by **events unforeseeable by the contracting authority**, the **time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with**, provided that the circumstances invoked to justify extreme urgency **must not in any event be attributable to the contracting authority.**”*

Comment – At the present time it is arguable that, even with the emergence of the Omicron variant, given that the current LARC Contract does not expire until 30th June 2022 it is highly unlikely that we will be able to rely upon Reg 32(2) (c) at the present time.

Also, as we are now nearly two (2) years into the pandemic, and have seen multiple lockdowns and variants at this stage, if a challenge was made against any kind of direct award it may be the view of the Court that given the amount of time that has passed, the

ongoing pandemic may no longer be a valid justification in relation to Reg 32(2) (c).

However, if the situation with the Omicron variant, which Legal acknowledge is slightly different to other variants form before given its apparent high levels of transmission and its apparent ability to resist vaccines, were to continue well into the first half of 2022, beyond 31st March 2022, there may be a possibility that the Council could argue that Reg 32(2)(c) may apply at that point, so long as the Council can demonstrate that its inability to run a full tender exercise before that point was entirely down to staff and resources having to be completely diverted to the response to the variant and the roll out of the booster programme, but again whether such an argument would be successful or not remains to be seen.

Again, as with Regs 32(2)(a) and 32(2)(b) above, any reliance on Reg 32(2)(c) will require a VEAT notice, which again may increase awareness of the proposed direct award and so actually increase the risk of scrutiny and possible legal challenge under the PCRs, so the Council must be able to demonstrate that any urgency to procure at that point was due to factors completely outside of the Council's control (like the response to the Omicron variant if that was still going on), that as a result we did not have any resource whatsoever to run a tender exercise, and the urgency was not brought about by our unwillingness to engage with the market.

- d. **Reg 32(9)** – *“The negotiated procedure without prior publication may be used for new works and services consisting of the repetition of similar works or services entrusted to the economic operator to which the same contracting authority awarded an original contract, **provided that such works or services are in conformity with a basic project for which the original contract was awarded following a procedure in accordance with Regulation 26(1) and (2).**”*

Comment – This is not likely to apply:-

- The original LARC contract from two (2) years ago, was not awarded following a procedure in accordance with PCRs Regs. 26(1) and (2), but was awarded directly after an original tender procedure failed.

- Also, the contract that was actually directly awarded does not match the scope of the contract that was subject to the original failed procurement procedure.
- Regardless, the current contract does not include any reference to the possibility of further services being awarded under Reg. 32(9).

C) Contract Procedure Rules

42. Internally, CPR Rule 10.4 also applies to service requirements in excess of £100,000. Under 10.4.2 “*where no Internal Service Provider, existing Contract, approved Framework Agreement or Dynamic Purchasing System exists completion is required for procurements over £100,000.*” The LARC services are also subject to this.
43. The Council Executive can potentially waive certain CPR requirements under CPR 25.1 **but only if the PCRs do not apply.**
44. As the proposed contract for the LARC services would be subject to the PCRs (please see above), the Executive unfortunately **cannot** exercise its power under CPR 25.1 on this occasion.
45. Further, the CPRs can be waived and/or varied without going to Executive, **but only if certified by the Chief Finance Officer or their deputy advised as appropriate by the Monitoring Officer and Chief Procurement Officer as meeting any of the specific criteria set out under CPR 25.2.**
46. Any reliance upon Reg 32(2) (a) – (c) above by Public Health for this award would need clearly demonstrate to the satisfaction of the Chief Finance Officer, Chief Procurement Officer and Monitoring Officer that the relevant parts of CPR 25.2 would apply for a waiver to be granted, specifically:
 - a. CPR 25.2.3 - services or the purchase of supplies involving specialist or unique knowledge or skills;
 - b. CPR 25.2.5 - with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the Contract to cover this additional requirement, without exposing the Council to unacceptable risk;

c. CPR 25.2.6 - for works, supplies or services which are only available from one organisation (due to their specialised nature); and/or

d. CPR 25.2.7 - involving such urgency that it is not possible to comply with the CPRs.

47. Finally, CPR 25.9 sets out which categories of contracts are exempt from following the CPRs. None of these categories would apply in this instances.

D) Legal analysis of Options

48. What follows below is further analysis from a Legal perspective of each of the three (3) options presented in this Report:

49. **Option 1** – Allowing the Contract to lapse without any kind of replacement service will not incur an procurement risk, however the risk of reputational damage and harm to residents by not meeting our statutory duty of care and our responsibilities to commission these LARC Services under the Health and Social Care Act 2012 and our obligations under our Section 75 Agreement with the CCG, means that this is not a viable option.

50. **Option 2** – Option 2 does not raise significant legal risk as it would be a compliant tender under both the PCRs and the Council's CPRs, provided that such a procurement exercise be carried out with appropriate advice assistance from the Procurement and Legal Services teams.

Further, given that the current LARC contract does not expire until 30th June 2022, there is more than enough time for Public Health, in conjunction with colleagues in Procurement, to carry out both appropriate market engagement and any subsequent tender exercise, as well as deal with any necessary transfer and/or handover arrangements should the incumbent not be successful.

It is also observed that:

i. were a PCR compliant LARC competition to be conducted; and

ii. no tenders, no suitable tenders, no requests to participate or no suitable request to participate were received,

then the Council would potentially be in a more secure position to consider whether the negotiated procedure without prior publication could

apply at that stage under PCR Regs 32(2) (a), 32(2) (b) or 32(2) (c), provided that a full, accurate and transparent VEAT notice is published, the required ten (10) day standstill period is followed and provided further that the Contract without any substantial amendments to its terms and scope whatsoever, otherwise the direct award would still be non-compliant at that point.

Further advice from both the Procurement and Legal Services teams should be sought by Public Health at that point time to ensure compliance.

51. **Option 3** – Further to detailed analysis of the PCRs above, Option 3 could potentially apply, however it would not be entirely without risk of challenge under the PCRs, and our ability to defend such challenges will hinge entirely on the Public Health’s ability to demonstrate that a direct award to Nimbuscare Ltd. was the only viable option due to either (i) the lack of response to a valid tender exercise (Reg 32(2) (a)); or that Nimbuscare are genuinely the only provider technically capable of delivering the LARC service requirements (Reg 32(2) (b)); or (if at the point of commissioning/award) there is genuinely not time or available resource to run a fully compliant tender due to circumstances entirely outside of the Council’s control (Reg 32(2) (c)). The Council must be entirely satisfied that any evidence Public Health have collated to back up such a decision must be robust enough to stand up to scrutiny, particularly as reliance upon Reg 32 requires a public VEAT notice.
52. **Alternative Option** - One additional possible way forward without having to run a full tender exercise could be for the Council to carry out **a market engagement exercise prior to directly awarding any contract to Nimbuscare for LARC Services**, and if the result of said market engagement was that if we went ahead with a full procurement exercise there would either:
- a. be a strong likelihood that there would be no competition due to lack of interest; or
 - b. we received interest only from Nimbuscare Ltd.,

then we may be able to argue **at that point** that a direct award would be justifiable in terms of value for money considerations, rather than spending further time and taxpayer money on this matter, and we would potentially be able to argue that we had considered other potential

providers before deciding upon proceeding with a direct award, which in turn could help to mitigate the risk of challenge.

It is acknowledged that:

- i. due to the proposed contract's relatively short duration and low value (when compared to other longer term higher value LARC contracts or integrated sexual health services elsewhere); and
- ii. given the fact that a fully integrated sexual service for the Council, including the LARC services, will go out to tender in the next two (2) years; and
- iii. as there has been an attempt by the Council to run a full and complaint tender for these services in the last two (2) years, which resulted in the previous direct award for the reasons outlined above; and
- iv. because any procurement of the proposed two (2) year contract is likely to have possible staff transfer implication under TUPE,

one can appreciate that it is highly probable that any market engagement exercise will reveal that there would all likelihood be a distinct lack of interest from providers in a tender exercise for the proposed two (2) year contract.

The problem with this proposed market engagement however is that such an exercise would still technically not comply with Reg, 32(2) (a) of the PCRs. Again, a direct award without advertisement under that regulation can only be made following where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted ***in response to a formal invitation for tenders under an open procedure or a restricted procedure (NOT a market engagement exercise)***. This would mean that direct award following market engagement would still carry a risk of possible legal challenge for non-compliance of Reg 32(2) (a) PCRs.

However, conversely the market engagement could mitigate such risk if what Public Health and Procurement say about this being a small, niche market is true, and provide a possible additional justification of an award under Reg. 32 (2) (b) (ii).

Again, **the current contract does not expire until 30th June 2022**, which means there technically is no reason why a full tender exercise cannot be run given the amount time available. The exercise would guarantee compliance, mitigate risk of legal challenge completely, and even if no suitable tenders were returned we could still directly award the two (2) year contract at that point under Regs. 32(2) (a) or 32(2) (b)(ii) of the PCRs (subject to further advice at that point from both the Procurement and Legal Services teams being sought by Public Health to ensure compliance).

Also, any reliance on Reg 32 following such a market engagement would still require publication of a VEAT notice, and again increased awareness of the proposed direct award which in turn increases the risk of scrutiny and possible legal challenge.

Crime and Disorder

53. There are no implications from this report.

Information Technology (IT)

54. There are no implications from this report.

Property

55. There are no implications from this report

Other – Procurement

56. There was a previous procurement for LARC in primary care that was published inviting tender submissions during 2019/20 and we were unable to award a contract due to the bid submitted being unaffordable for the budget available. Therefore a waiver request form was submitted in March 2020 seeking approval to award the LARC service contract to Nimbuscare Ltd who represents the eleven NHS GP practices in York and this waiver was approved for the period 1st April 2020 to 30th June 2022.
57. It is arguable that the market for this service has been tested relatively recently through an openly advertised procurement exercise where only a single interested provider responded to the service that the council and the CCG wish to commission. And therefore means that this does comply with the procurement competition requirements as stated within

CPR 10.4 (Procurement over £100,000) and relying upon the following CPRs stated under CPR 25 – Waivers and Exemptions:

- a) The nature of the LARC service, which is a mandated service, and the knowledge and skills required to deliver this service means the market of suitable providers is very limited and has been tested within the last two years by the previous procurement that was unsuccessful.
- b) The widespread, ongoing impacts of the coronavirus pandemic on all providers of public health services, including sexual health services, means that it is highly unlikely that there is a suitable alternative provider.

- 58. Procurement support the ambition to achieve a fully integrated sexual health and contraception provision across the city which would mean commissioning both LARC and the integrated sexual health service through one procurement exercise in due course, working jointly with the new HCV ICS Board.
- 59. In order to achieve this goal, procurement support the proposals under Option 3 for the direct award of a new contract to Nimbuscare Ltd, without prior advertisement for the continuation of the service, through the submission of a waiver for the contract period 1st July 2022 to 30th June 2024 provided that a legally compliant route can be found that will allow such a direct award to take place.

Risk Management

- 60. There is a potential technical risk of a legal challenge to the Council if the Executive makes a decision to approve Option 3. However this risk has been assessed as low for the reasons set out in the report. There is, however, a much greater risk of challenge from the Department of Health and Social Care to the Council if we fail to ensure that mandated sexual health and contraception services are effectively delivered to our local population together with a financial risk of clawback of the local authority Public Health Grant Allocation awarded to the council for the provision of public health services.

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Background Papers:

Re-procurement of Primary Care Contraception Service. Report to Executive 26 September 2019.
[Re-procurement of Primary Care Contraception Service Report.pdf \(york.gov.uk\)](#)

List of Abbreviations Used in this Report

LARC	Long Acting Reversible Contraception
CCG	Clinical Commissioning Group
NHS Trust	York & Scarborough Hospitals NHS Foundation Trust

ICS	Integrated Care System
HCV ICS	Humber, Coast and Vale Integrated Care System
PCR	Public Contract Regulations
CPR	Contract Procedure Rules
VEAT	Voluntary Ex-Ante Transparency



Executive

13 January 2022

Report of the Assistant Director of Customer and Communities
Portfolio of the Executive Member for Culture, Leisure & Communities

Future Libraries Investment Programme (FLIP)

Executive Summary

1. This report provides an update to Members on the Future Libraries Investment Programme (“Programme”), including -
 - Haxby and Wigginton (“H&W”) Library’s proposed move to Oaken Grove Community Centre;
 - Clifton Library’s proposed move to Clifton Without Old Junior School Site (“CWJS”);
 - Investment proposals for Acomb Explore;
 - the public consultations held for H&W and Clifton libraries;
 - the current affordability of the Programme, based on revised outline feasibility studies completed through 2021;
 - the future delivery timetable of the Programme.

Report Recommendations

2. The Executive is asked to approve the following officer recommendations -

In relation to the project finances, the details of which are set out in table 1 of this report;

- a. Approve the new overall Programme Capital Budget of £7.701m, including -
 - I. Approve the additional borrowing of £1m is undertaken to fund the Programme. Such additional borrowing subject to onward Full Council approval in February 2022.
 - II. Approve £0.3m be allocated from the Council Climate Change budget into the Programme’s revised total Capital Budget.

- III. Approve £0.88m be allocated from the Education (Basic Needs & SEND programmes) into the Programme's revised total Capital Budget.
- IV. Approve that all future land sale income from the disposal of the existing Clifton Library site and housing land disposal as part of the CWJS development are ring fenced and reinvested into the Programme's revised total Capital budget. As per table 1 of this report and at the date of this report assumed to be £400k for the existing Clifton Library site and £375k for the CWJS development housing land disposal.

In relation to Property matters;

- b. To approve the disposal (by freehold sale or long lease) of the existing Clifton Library site, as shown edged red on the plan appended at Annex E, by an open market disposal. Such land not to be disposed of until CWJS development is complete.
- c. To approve with effect from/on 1st August 2022 the appropriation of the former Clifton Without Junior School (CWJS) site (as shown red on the plan attached at Annex G from holding for the purpose of school/education to:
 - I. Library and ancillary social/community purposes in respect of that part of the CWJS site shown edged green on the plan attached at Annex G;
 - II. Housing purposes that part of the CWJS site shown edged blue on the plan attached at Annex G;(the 8 year restriction period imposed by Paragraphs 4 and 6 of Schedule 1 of the Academies Act 2010 ("AA 2010") requiring that the consent of the Secretary of State for Education is obtained for the disposal or appropriation/change in use of land which was used wholly or mainly for the purposes of a school/academy will expire by the end of July 2022 as any use for education purposes (non-sport/non playing-field use) ceased by 18th July 2014 according to confirmation received from Hope Sentamu Learning Trust).
- d. To approve the principle of disposal (by freehold sale or long lease) of that part of the former CWJS site shown edged red on the boundary plan attached at Annex I for the purpose of an affordable housing provision, including to negotiate the terms of and enter into any necessary legal documentation.

- e. To approve the disposal (by freehold sale or long lease) of the vacant former Haxby Library site as shown edged red on the plan appended at Annex D by an open market sale, including to negotiate the terms of and enter into any necessary legal documentation. Capital income from such sale returning to be classed as a corporate capital receipt.
- f. To approve the entry into of a Settlement Agreement with Hope Sentamu Learning Trust (“HSLT”) regarding the former CWJS site on the proposed terms set out at paragraphs 38-40.
- g. To approve the entry into an Agreement for Surrender and Leases with both Haxby & Wigginton Youth & Community Association (“HWYCA”) and Explore regarding proposed new co-located library and community centre at Oaken Grove in Haxby whereby:
 - I. the Council will agree to apply for planning permission for the proposed development
 - II. if and when planning permission is granted on satisfactory terms:
 - i) HWYCA will Surrender its current lease of the site back to the Council,
 - ii) the Council’s chosen contractor will carry out the necessary construction works, on completion of which:
 - iii) the Council will grant HWYCA a replacement Head Lease of the redeveloped site on similar terms to HWYCA’s existing lease (at nil Premium and peppercorn rent for a Term expiring on 31st December 2102)
 - iv) HWYCA will grant the Council a long sublease of the ‘library exclusive areas’ (with a communal right to use the ‘shared used areas’) for a Term expiring circa 25th December 2102 at nil Premium and peppercorn rent until the 34th anniversary of the lease date (“the Rent Commencement Date”) (after the Rent Commencement Date the rent payable by the Council to HWYCA would increase to open market rent, which would after that point be subject to upwards only review every 5 years but the Council can terminate the lease at any point after the Rent Commencement Date by giving at least 6 months’ prior written notice to HWYCA).
 - v) the Council will in turn grant Explore a sublease of the ‘library exclusive areas’ (with a communal right to use

the 'shared used areas') at nil Premium and at peppercorn rent for a Term/period expiring on 31st March 2034 (with option for grant of further lease if the libraries service contract between the Council and Explore is extended)

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

In relation to all other matters in respect of the Programme;

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

Reason for all recommendations:

To progress with the Programme, entering into all necessary legal agreements, to deliver new libraries for Haxby & Wigginton and

Clifton. Start the public conversation with regard to planned future development at the current Explore Centre in Acomb.

Programme Background

3. A £4m capital allocation was made by the Council in February 2019 for investment in Acomb and Clifton libraries.
4. Libraries are a key priority for the current administration – there are 15 libraries and a mobile library all serving the key communities of York, providing access to information, playing an active role in bringing communities together and working with other key partners to deliver wider activity, advice and information. They are hubs within local communities, as demonstrated in the recent pandemic when they pivoted to provide support for local residents shielding during lockdown. For more information on what libraries deliver and achieve please see www.exploreyork.org.uk.
5. In April 2019, Explore were awarded a new 15 year service contract (with associated leases of library premises) to operate the Council's library estate ("the Service Contract"). The specification for this Service Contract reflects the Comprehensive Assessment of Need, approved by the Executive on 21 June 2018, which was drawn up following extensive public consultation. It also reflects the Council's commitment that there will be no reduction in the number of staffed libraries across the city. The Council vision established in 2019 is at the heart of the Service Contract attached at Annex A. It suggests a move away from stand-alone buildings and through appropriate partnerships, the creation of improved services co-located with other community amenities.
6. Key findings of the library vision consultation were:
 - Residents expressed clear aspiration to enhance the role of libraries as community hubs through improvements to buildings and facilities. The role as a community hub will vary depending on local needs, but residents recognise the key role that the local library can play in social inclusion, providing a neutral place where people can meet and engage in activities.
 - Co-location: There was support for a vision of moving away from stand-alone buildings and recognition of the need for partnerships to create services co-located with other community amenities.

- Future priorities for services: Users' top priorities for services are the same for all library types: Borrowing books, reading and studying space, local information, events, computers (together with archives and local history in the case of York Explore).
 - Non-users indicated that the top three things that would encourage them to come to a library in the future were: a reading café on site, better information about services, and more events and activities.
7. The contract between Explore and City of York Council clearly sets out the expectation of collaboration between the 2 parties to enable the delivery of the Council's key outcomes across the City and within local communities. This investment will facilitate and enable that Explore support and deliver this in the following key areas:
- **Learning and Skills** – partnering with York Learning in each Explore Centre to take formal and informal learning into the heart of local communities, delivering learning that meets the skills needs within that local community in a safe welcoming accessible comfortable learning environment.
 - **Literacy attainment**– partnering with Early Years and schools to work towards improving the literacy gap between the affluent and more deprived areas within the City. This includes supporting the rollout of NSPCC's Look, Say, Sing, Play (focussing on early child development skills), relationships with local schools mapped to local libraries and the delivery of the annual Summer Reading Challenge (focused on supporting children retaining literacy levels over the summer period through a love of reading for pleasure).
 - **Digital Inclusion** - leading on the 100% digital partnership for the City, working with partner organisations and City of York Council to help support and enable residents to gain digital skills to bridge the digital divide and supporting the Council's digital shift agenda to move more services online.
 - **Health and wellbeing** – working with City partners on the cultural commissioning group, delivering social prescribing activity to bring people together in community spaces to support loneliness and social isolation. The provision of a volunteer programme provides residents with a sense of belonging and a sense of place, enhancing quality of life and wellbeing. Highly skilled staff support health literacy and provide access to free, impartial information to help bridge health inequalities within local communities.

- **Culture and creativity** – Explore are central to the City's Cultural Strategy. By having spaces on varying sizes that are fully flexible, bring the community together and encourage the co-production of activity, creative and cultural activity can be at the heart of local communities. Rhyme times in libraries often cited as being a child's first cultural experience
8. In summary, the following has been achieved on the Programme since the last Executive report in October 2019:
- ✓ H&W Library has come into the scope of the Programme.
 - ✓ Selection of the CWJS Site for a New Clifton Library Learning Centre.
 - ✓ Feasibility studies completed for H&W and Clifton Library sites to develop size of developments and estimated costs.
 - ✓ Explore revenue business model assessment completed to ensure capital investment will allow additional income opportunities to offset ever increasing costs e.g. utilities.
 - ✓ Co-location partners have been shortlisted and their needs fed into the feasibility design proposals.
 - ✓ Public consultations started for H&W and Clifton Libraries.
9. The Programme is now ready to seek Executive approvals to move forward into the construction delivery phases for both H&W and Clifton Libraries, and for Acomb library into public consultation.

Haxby & Wigginton Library

10. The old library in Haxby closed on 16th July 2016 on the grounds of public safety and that building has since been demolished and the site is vacant. This site is proposed under this report to go forward for open market land disposal, as per the red line boundary plan shown at Annex D and recommendation E.
11. The Council has already approved a £0.8m budget towards a replacement library for Haxby and in March 2017, a decision was made by the Executive Member to invest in the development of a new library and a number of feasibility projects with community partners have been explored but not been successful.
12. Previously H&W Library had been treated as a separate project to the wider Future Investment in Libraries Programme. However, through the Capital Monitor 2021-22 Q2 Report it was deemed prudent to now bring all library projects together under the same

single programme. There is a clear imperative to deliver the H&W library as soon as is practically possible given that residents of this area have been without a permanent Library in their locality since 2016.

13. The original budget provision for H&W envisaged a scheme at the Memorial Hall. This scheme could not be delivered. A new scheme now at Oaken Grove Community Centre cannot be delivered within the original (2017) budget provision; furthermore, construction and building materials costs have risen sharply in the interim. All projects have been subject to continuous value engineering to minimise all possible cost.
14. As per the H&W cost report detailed at Annex C, the current estimated cost of delivering the H&W scheme is £975k (£690k construction costs + £285k other costs (fees, fit out, VAT, SDLT and contingency)), this compared to a remaining 2017 budget provision of £746k. By now combining the remaining budget provision into the overall FLIP programme, and funding it from this Programme it will allow this scheme to proceed without further delay.
15. Over the past 18 months the Council, Explore and HWYCA Trustees have worked in partnership to co-design a new integrated library that meets the Explore vision. Public consultation took place in October and November 2021. The public overwhelmingly supported the proposals with 91% of respondents in favour of the proposal. An agreement for lease between Haxby & Wigginton Youth & Community Association and the Council has been agreed in principle (subject to negotiation of detailed provisions). With regards latest design, legal position and timescales for delivery of H&W Library more detail is provided in Annex B.

Explore's H&W Operational Business Case

16. For H&W Library a business case has been developed by Explore which outlines the income and expenditure for the new building.
17. The business case for H&W library assumes a drop in overheads due to a free rent period as defined in the negotiated Agreement for Lease, however Explore would be paying a service charge which will cover the cost of heating, repairs, etc. The café will be staffed by Explore and is expected to make a small surplus. There may be an increase in staff costs if the opening hours increase following consultation but these will be included in Explore's annual budget.

18. CYC finance officers have reviewed Explore's business plan and at this feasibility stage agree with the findings.

Clifton Library CWJS development

19. Clifton's current Explore library provides services to residents across multiple communities, including but not limited to Clifton and Rawcliffe and Clifton Without Wards. The existing library building is requiring significant investment, is located on a small site, and does not represent the Council's or Explore's vision for resident's library services.
20. Therefore an options appraisal was conducted to short list the best possible development sites for the future of Clifton library. The outcome of such work being a new Library Learning Centre proposal as part of the redevelopment of the former CWJS site.
21. Outline feasibilities have now been completed on the proposed C.£5.3m Clifton Library CWJS Development (C.£4.3m construction cost + C.£1m other costs (fees, fit out, contingency). More details can be found at Annex H including the outline design plans and external construction cost report at Annex J.
22. The outline feasibility scope included -
 - The completion of conducting site surveys to highlight any significant site risks;
 - Consideration of the best site layout and stakeholder issues;
 - The identification of co-location partner options;
 - The investigation of land values for various sites;
 - Options for mixed use development;
 - The development of initial concept site plan and floor plans;
 - Cost estimate produced by an external quantity surveyor.

Community benefits of Clifton development

23. The proposed site plans (Annex H) are based on retaining the most functional and architectural elements of the existing CWJS buildings. For example it retains the large main hall as this space is easily adaptable and a modern part of the building, whilst demolishing the two wings of classrooms. A new two storey extension connects the two remaining parts and this was assessed as the most financially viable solution.

24. The designs at feasibility stage have looked to incorporate the Explore vision set out at Annex F, which in summary includes for:
- A library area of no less than 250m² (equivalent to Acomb) with access to over 15,000 books.
 - An identifiable, large, welcoming, safe, accessible, area for children which should be away from the main entrance.
 - The ability to transform the library area into a performance space, with a capacity of no less than 150 people, to bring providers of quality cultural activity into the heart of the local community
 - A reading café area that provides space for 30 covers with a variety of different seating options that can accommodate informal meetings.
 - Access to a number of quality meeting rooms for use by community partners, paid hirers, community anchor tenants.
 - Access to an ICT suite for up to 12 students to support learning provision as delivered by York Learning.
 - An outside space to enable internal activity to spill out – a space to sit, eat, drink, reflect, play.
 - Access for cycle users, car parking, including designated accessible parking spaces and space to park disabled buggies and pushchairs.
 - Environmental and sustainable energy options to future-proof the facility and lessen the impact on the immediate environment, with an aspiration to achieve BREEAM excellent rating. The additional climate change fund requested in this report enables the scheme to deliver higher environmental benefits than may otherwise be the case, during the detailed design phase.

Co-location Partners

25. The vision at Clifton is to deliver a real community hub, with the expanded library space allowing Explore to expand their offer and engaging activities to residents. To compliment this the CWJS proposal will look to bring co-location partner tenants into the development that complement the vision and offer joint working opportunities with Explore.
26. The proposed co-location partner tenants which Explore are looking to work with to provide joint working opportunities are:
- *City of York Council's Home Tuition service (HTS)* - providing opportunities for some group learning as a part of the City's statutory specialist education provision for children and young

people who are medically unfit to attend school due to ill health. This relates to the £500k investment of Education Basic Need capital funding noted in table 1, to create this critical community based learning space, which is a key step to re-engaging young people back into main stream school.

- *Snappy* – Snappy is a well-established local Charity who for over 30 years have been offering play, recreation and vocational opportunities to Children and Young People aged 5 to 25 with wide ranging disabilities. They provide out-of-school, weekend and evening projects as well as a support outreach for parents and carers. A contribution from the Special Educational Needs and Disability (SEND) capital programme of £200k to support the additional space being built to cater for the increasing demand for respite services for families. The vast majority of children and young people attending Snappy are referred directly by the Council, with Snappy a key part of their care plan. It is these services, offered by Snappy that help to enable the Council to deliver on its statutory obligations.
 - *Accessible Arts and Media* – a local charity running arts and creative media learning projects in York including provision to support disabled adults and young people, to older people with dementia and memory loss and people with mental ill-health.
 - *York Learning* – enabling York Learning to expand on their current provision to bring even more learning opportunities to Clifton residents, in partnership with Explore.
27. All co-location partners are selected to a) add value to the offer of the Library Learning Centre to the local community and b) add value to one another's offers, so will work in partnership across the Centre, with Explore, to enhance one another's service provision.
28. Explore will be the Landlord of the above co-location partner tenants and as such will enter into Agreement for Leases with each of the above partners before any construction works commence.

Explore's Clifton Operational Business Case

29. For Clifton a business case has been developed by Explore which outlines the income and expenditure for the existing and new buildings to ensure that sufficient additional income is generated to cover the increased running costs. Explore will seek to agree room hire licences for some of the additional space created but will market the remainder to achieve maximum additional income.

30. The business case for Clifton assumes that the community tenants will pay a rent or room hire licence fee along with a service charge which will cover the cost of heating, repairs, etc. The café will be staffed by Explore and is expected to make a surplus.
31. For Clifton at this feasibility stage the estimated increase in running costs for the new Clifton Library Learning Centre is C.£95k and the additional income generated through the creation of the new space (494 sqm²) creates an income of C.£127k.
32. CYC finance officers have reviewed Explore's business plan and at this feasibility stage agree with the findings.

CWJS Site – Housing Considerations

33. The entire CWJS site was previously approved as being within the scope of the council's Housing Delivery Programme. The housing team are working to deliver hundreds of homes over the next few years, with one project on site, two with planning permission and a further site pending a decision on a planning application. The team are also working on the early stages of two further sites. The housing team are supportive of the CWJS site being removed from the housing delivery programme given the opportunity the latest proposal provides of working in partnership with a housing association to deliver affordable housing on a parcel of approximately 2500sqm.
34. The full CWJS site is bigger than the Clifton Library Learning Centre needs and to help fund the Library Learning Centre further capital income is required. Therefore a partial housing residential scheme is proposed within the red line boundary plan shown at Annex I.
35. The Council do not propose to deliver the housing ourselves, but subject to recommendation D, will seek to dispose (either by freehold sale or long lease) of approximately 2500sqm surplus land, as per the red line boundary plan shown at Annex I, to a housing developer.
36. Through any sale/long lease entered with a housing provider the Council will seek to impose the following restrictions -
 - 100% Affordable housing to be delivered on the CWJS housing development land;
 - Houses shall be of a sustainable efficient build, I.e Low Carbon;
 - The purchaser of the site will be required to adhere to all statutory permissions governing the development of the site, including

planning considerations such as Tree Protection Orders, landscaping and character of the scheme.

37. An external housing land parcel valuation has been commissioned based on the above Clifton design and principles, detailed at Confidential Annex K.

CWJS Site – Education Use Considerations

38. Due to the CWJS site previously being used by:
- i. Clifton Without Junior School for education purposes until that school closed in summer 2011; and
 - ii. then by the adjoining Canon Lee School (now Vale of York Academy) for non-sport/non playing-field use until 18th July 2014 (when any school/education use ceased)

any disposal or change of use prior to 18th July 2022 would require consent from the Secretary of State for Education. After that point the Council can dispose of the land or use it for a different purpose without needing such consent.

39. Given the land's previous school use, HSLT were promised a Council financial settlement back in 2017 when the Council decided to include this site in the Council Housing's Delivery Programme.
40. This CWJS development has been agreed in principle with HSLT Trustees and they support the investment being proposed by the Council. In respect of their financial settlement, this has been agreed in principle (though detailed terms of Settlement Agreement are currently being negotiated between the Council and HSLT via respective legal advisors) as:
- A guaranteed minimum £150k payment from CYC to HSLT in recognition of the capital gain from the affordable housing development part of the site.
 - An overall 50% share of the capital gain/net sale proceeds (i.e. gross sale proceeds minus the Council's disposal costs) from the affordable housing development part of the site for which planning consent has yet to be obtained.
 - The programme will cover the cost of providing site alterations to ensure HSLT Vale of York Academy were not impacted negatively from the development by:
 - Creating a new access path for students;

- Safe vehicle access to the school parking with safe delivery and drop off point;
- Relocation of a school garage that sits across the land boundary.

Public Engagement

41. A 1st stage public engagement, led by Explore, was held 26th July – 3rd September 2021. The purpose of which was to announce CWJS as the preferred location for the new Explore Centre and a) seek residents views on the proposed relocation of the library and b) seek initial thoughts from residents and key stakeholders on what they would like to see from their local Library Learning Centre, tackling any key principles that will inform the detail design or site layout. The key headline from the 277 responses was that 90% of residents like the proposal.
42. A 2nd public engagement, led by Explore, was held throughout November and December 2021. Following stakeholder feedback on the design elements in stage 1, this 2nd stage shared the first detailed plans based on that feedback of the new Clifton Explore Library Learning Centre. The key findings from this consultation were:
 - 75 responses were received with a high percentage 84% supporting the overall design proposal, saying they liked or strongly liked the overall design.
 - The two most liked design elements were; 87% for the inclusion of a reading café and 75% for the library hall being flexible as an event space.
 - Parking was resident's key area of concern at 62%, which will be addressed at the planning stage and with further consultation and engagement to ensure the type of parking concerns are fully understood.
 - A summary of the free text responses focussed on comments regarding the housing development, the school access path from Fairway and the potential disturbance to natural habitats on the site. All these points will be looked into further during the pre-planning consultation phase.

Acomb Library

43. As part of an initial outline feasibility study the Project Team assessed alternative sites in and around the area for a new Acomb Library Learning Centre but concluded the current Library site was best placed to deliver the Vision and any future expansion.
44. Acomb was the very first Library Learning Centre, opened in 2007 after a £500k investment to include a café and create new flexible spaces, therefore it already has the core Explore vision at its heart. It has also recently benefited from over £110k investment on replacing a large part of the main roof.
45. There is now the potential to develop and improve the current building, further enhancing the offer to local residents. Explore will engage with local residents, seeking their views and ambitions for the Explore Centre to influence the next stages of its development.
46. A benefit of the existing Acomb site is the 1265m² of vacant land to the rear of the existing Acomb Library that previously was allocated for future development alongside Acomb Library. This additional land has most recently been used as a construction compound for a neighbouring residential development which has now been completed. Further feasibility work for this additional piece of land at Acomb is to be commissioned at the next stage and will look at options to develop an additional community garden on the site. The existing library community garden is well-loved and very well-used and this does provide the potential to further enhance the outside offer. This is subject to affordability and Explore agreeing to manage the outdoor space.

Community Benefits of Acomb investment

47. The investment will enable Explore to deliver more of its offer, working with more partners, artists, creatives and local residents to provide more for the local community.
48. Subject to affordability and public consultation feedback, the initial design aspirations include;
 - Ground floor Entrance / café improvements – bringing the Explore Centre entrance closer to Front Street, but also enabling an increase in covers for the café area, supporting an increasing demand in use and further increasing income opportunities for Explore.
 - An extended and improved library area, enabling a) improved access by residents to other service providers e.g. drop-ins held by IAG providers, housing services etc. and b) the delivery of

Explore's full programme of events and activities, delivered in partnership with cultural providers.

- Outdoor space improvements – Subject to Explore agreement, public engagement and feasibility results to enable Explore to take its events/activities programme outside in a larger space and to create an additional community garden/outdoor class room to the rear of the building. There will also be car parking improvements and additional space for more cycles and for the introduction of electric scooters/bikes.

Co-location Partners

49. Key to Explore's vision is the ability to connect communities – to enhance wellbeing, to support and encourage learning and to provide access to cultural and creative activity in communities. To compliment this Explore will look to bring co-location partners into the development that complement their vision and offer joint working opportunities, both with Explore and with one another.
50. Proposed co-location partners at Acomb which will provide joint working opportunities are summarised below:
 - York Learning – enabling York Learning to expand on their current provision to bring even more learning opportunities to Acomb residents, in partnership with Explore.
 - City of York Council Housing Team – touchdown office accommodation, as well as space to meet housing residents in an environment that's safe, welcoming, unthreatening and offers opportunity for other members of the household to engage in other library activities during their visit e.g. children could take part in a story time.
 - Other service's touch down – residents drop in's such as North Yorkshire Police, Citizens Advice, etc.

Programme Financials:

Capital

51. A £4m capital allocation was made by the Council in February 2019 for investment in Acomb and Clifton libraries in response to CYC's contractual commitment to two new Library Learning Centres. At this stage no sites or proposals were identified.
52. Through the development of the business case and feasibility studies for the chosen Acomb and Clifton library sites it has become

clear that the original £4m capital allocation made in February 2019 would not be sufficient to deliver the Vision at both sites and there is a budget deficit of C.£3m. Therefore the Project Team has come up with a number of options to fund the increase in the Capital Budget, as set out below in Table 1, and are seeking Executive approval under this report, including to earmark connected land sales to the Programme and ring fence such land receipt incomes to be reinvested solely into the FLIP Programme.

53. As noted within the individual Library update sections above, it is now also proposed that three Libraries come under this Programme and are delivered in the following order:

- Haxby and Wigginton Library
- Clifton Library
- Acomb Library

Table 1 below looks to summarise a latest Capital financial summary of both costs and funding on this basis:

Table 1: Capital financial summary

Capital Costs	£,000	Total £,000	Notes
Haxby Library cost estimate (construction + all fees remaining at Sept 2021)	975		£690k construction cost as per Aug'21 external cost report at Annex C. £285k separate professional fees and other costs (fees, fit out, VAT, SDLT and contingency).
Clifton Library cost estimate (Inc all Fee's + fit out costs)	5,308		Construction Cost element as per Clifton QS Cost report at Annex J. Plus separate professional fees, fit out, contingency, and other costs.
Acomb Library enhancements allowance	500		Allowance for Acomb Library enhancements
Programme Costs	418		Feasibility Studies, procurement, legal fees. Programme Manager staff cost (2 years). Public engagement + planning costs.
Programme risk allowance	500		Programme allowance above H&W + Clifton QS report construction allowances.
Total Capital Costs		7,701	
Funding	£,000	Total £,000	Notes
Approved Capital Funding	4,000		Approved February 2019
Additional Capital Funding	1,000		<i>Executive approval sought under this report at recommendation A I. (Subject to Full Council approval February 2022)</i>

Education Funding (from "Basic Need" and SEND capital programme)	880		<i>Executive approval sought under this report at recommendation A III.</i> Funding to cover £500k Home Tuition Service accommodation, £180k contribution to infrastructure enabling/demolition works at CWJS, £200k contribution to support out of school places for children with complex needs
Open market sale of existing Clifton library site	400		<i>Executive approval sought under this report at recommendation(s) A IV & B.</i> Value as per external land valuation report at Confidential Annex L. Actual land income received risk sits with the Programme.
Sale of land at CWJS for affordable housing	375		<i>Executive approval sought under this report at recommendation(s) A IV & D.</i> Value as per external land valuation report at Confidential Annex K. Actual land income received risk sits with the Programme.
Capital budget for Climate Change	300		<i>Executive approval sought under this report at recommendation A II.</i> To enable the scheme to deliver higher environmental benefits than may otherwise be achievable.
Haxby Capital Budget remaining at Sept 2021	746		Budget moved into Programme under Capital Monitor 2021-22 Monitor 2
Total Funding		7,701	

54. An indicative phasing of the Capital expenditure on the Programme is shown below in Table 2

Table 2: Phasing of Capital Expenditure

Financial Year	Indicative Capital Expenditure (£,000)
2021/22	325
2022/23	1,950
2023/24	4,700
2024/45	726
Total	7,701

Revenue

55. The running costs of the new Library at Clifton will increase the operational costs to Explore but it is anticipated that there will be additional revenue opportunities for Explore from room bookings,

external partner use and catering. It is anticipated that these will be contained within the overall Explore contract.

Financial Implications / Section 151 Officer comments

56. As expected at this stage of the Programme key financial risks remain on both the fixed future construction costs for H&W and Clifton being in line with the cost reports received to date / budget, and risk to design creep, inflation, tender prices. Also, land receipt income projections supporting the overall programme remain a risk, at the values assumed, until the land parcels are placed on the open market and sold.
57. The capital costs of the revised programme are included in Table 1 above. This is a significant investment in Library facilities across the city, however Members need to carefully consider whether this is affordable. The project requires a total of £5.3m prudential borrowing (c£370k per annum revenue cost) and also uses Education Funding and the diversion of capital receipts from a currently vacant land at Clifton Without Junior School. The new facilities do not currently provide any anticipated revenue savings for the contract with Explore.
58. The Council capital strategy determines that capital receipts are corporate resources rather than being used for specific schemes. As part of this project and associated funding package Executive are agreeing that the capital receipts identified above are being ring-fenced for this programme.

Programme Delivery Plan

59. Officer recommendation is that the focus for the Programme should be on delivery of a Gateway Library for Haxby and Wigginton and a new Library Learning Centre for Clifton first. Out of the three Libraries, Acomb already offers Explore's library learning centre vision, including a reading café, it has also recently received £110k in renovations, focused on the roof area of the building. Together these three are the priority across the library estate.
60. On this basis, summary delivery timetables, from January 2022 forward, for each of Haxby, Clifton and Acomb Library are shown in the tables below.

Table 3: Haxby Library Timetable

Period	Haxby Library Milestones
Early 2022	Planning applications submitted / determined

Spring 2022	Construction works tendered, contractor appointed
Spring/Summer 2022	Construction works (estimated at 14 weeks)
Autumn 2022	Explore fit out and mobilisation
Autumn 2022	New Library opens

Table 4: Clifton Library Timetable

Period	Clifton Library Milestones
Spring - Summer 2022	Planning applications submitted / determined
Autumn – Winter 2022	Construction works tender, contractor appointed
Early 2023	Construction works start on site
Early 2024	Construction works complete
Early 2024	Explore fit out and mobilisation
Spring 2024	New Clifton library opens from CWJS site

Table 5: Acomb Library Timetable

Period	Acomb Library Milestones
Winter 2022	Public consultation engagement
Spring 2023	Investigate options / feasibility studies
Summer 2023	Gateway monitor – Seek approval on proposals

Council Plan

61. This report demonstrates the Council's commitment against a number of the Council plan objectives:
- **A greener and cleaner city** – The replacement of the Clifton library provides the opportunity to reduce building emissions by installing green heating solutions. In addition electric charging bays for electric vehicles will be invested in.
 - **Good health and wellbeing** – Explore libraries will be able to enhance their programme of activities to promote this agenda working with relevant agencies.
 - **A better start for children and young people** – Libraries play a key role in providing activities for children and young people, working hand in hand with Children Services.

- **Creating homes** – This project prioritises the use of vacant land to develop new homes with a focus on affordable and low carbon homes.
- **Safe communities and culture for all** – Explore are one of the largest providers of volunteer opportunities in York in a safe and welcoming environment. Libraries are seen as safe and neutral places that provide quality information and advice. Part of Explores vision seeks to put learning and cultural activities at the heart of the service.

Public Engagement and Consultation

62. This report at each of H&W, Clifton, Acomb library sections has documented the public engagement undertaken to date. Further public engagement for Clifton will commence early in 2022 and Acomb will start towards the end of 2022.
63. A Programme level communication plan has been developed and is being delivered to which details the key messages in any communication with regards all the schemes.

Risk Management

64. In compliance with the Council's risk management strategy the main risks that have been identified associated with the proposals contained in this report are those which could lead to damage to the Council's reputation and failure to meet stakeholders' expectations.
65. The level of risk is assessed as "Medium".
66. There are a number of key financial risks that apply to the Programme at this stage, these include;
 - Design Risk – costs could increase once the design of the new facilities are further developed.
 - Delay and Cost Inflation – the construction sector is facing significant cost increases at this time. Whilst there are allowances in the cost plan this will need to be closely monitored particularly if there are delays to the programme.
 - Site Valuations – the proposed scheme is supported by capital receipts from the current Clifton Site as well as excess land at Clifton Without Junior school. The actual receipts will be dependent on the level of affordable housing agreed on the site as well as market conditions at the time of sale.

Report Implications

67. The following implications have been identified:

- **Financial** – Covered under the financial section of this report.
- **Human Resources (HR)** – Considered to be no impact.
- **Equalities** – The completed Equalities Impact Assessment can be found at Annex N. Overall this programme of investment into delivering changes to the library network has a neutral or positive impact. A strong focus on public engagement that listens to resident’s feedback and improves access to services is key.
- **Legal** – Before entering into any legally binding negotiations and or agreements and or contracts, Members must consider the advice of the Chief Finance Officer at paragraph 57 of this report which states *“This is a significant investment in Library facilities across the city and given other financial pressures across the council, Members need to carefully consider whether this is truly affordable. The project requires a total of £5.3m prudential borrowing (c£370k per annum revenue cost) and also uses Education Funding and the diversion of capital receipts from a currently vacant land at Clifton Without Junior School. The new facilities do not currently provide any anticipated revenue savings for the contract with Explore.”*

Clifton Library

The Council has statutory powers under Sections 120, 121 and 123 of the Local Government Act 1972 (“the LGA 1972”) to:

- I. acquire interests in land (including taking a lease of land) for the purposes of:
 - a) any of their functions under the LGA 1972 or any other legislation; or
 - b) the benefit, improvement or development of the Council’s area
- i. dispose (whether by sale or lease) of land owned by the Council (the consent of the Secretary of State for Housing, Communities and Local Government is required for disposal at less than open market value/best reasonably

obtainable but such consent is given by the General Consent Order 2012 provided that:

- a) the difference between the price obtained and open market value/best consideration is less than £2 Million; and
 - b) the Council (acting reasonably) considers that the purpose of the disposal will contribute to the improvement of the economic, environmental or social well-being of the Council's area)
- ii. (Where land owned by the Council is no longer needed for the particular purpose(s) for which it was acquired/is currently held), to 'appropriate' that land to other purpose(s) for which the Council are authorised to acquire land

Section 77 of the School Standards and Frameworks Act 1998 requires that the consent of the Secretary of State for Education is required for the disposal or change in use of any land used as school playing field/for school sport and recreation within the preceding 10 years. It is understood however that no part of the former CWJS site has been used as school playing field/for school sport and recreation since the former CWJS school closed in summer 2011. Accordingly, it is considered that the 10 year restriction period imposed by Section 77 expired in summer 2021 such that consent from the Secretary of State for Education under S.77 of the SSFA 1998 is no longer required for disposal of or change in use of any part of the former CWJS site.

Paragraphs 4 and 6 of Schedule 1 of the Academies Act 2010 ("AA 2010") require that the consent of the Secretary of State for Education is obtained for the disposal or appropriation/change in use of land which was used wholly or mainly for the purposes of a school/academy within the period of 8 years preceding the date of the sale or appropriation. It is understood that after closure of the former CWJS school in summer 2011, the adjoining Canon Lee School (now Vale of York Academy) used part(s) of the former CWJS site for non-sport/non playing-field use until 18th July 2014 (when it is understood that any school/education use ceased). Accordingly, it is considered that the 8 year restriction period imposed by paragraphs 4 and 6 of Schedule 1 of the AA 2010 will expire on 18th July 2022.

H&W Library

As the costs to be incurred by the Council in carrying out the proposed construction works on the Oaken Grove site will be treated as 'chargeable consideration' for the Surrender by HWYCA of their current lease and/or for the grant by HWYCA to the Council of a long sublease of part of the redeveloped building. The Council will due to the nature of the lease transactions involved be liable to pay Stamp Duty Land Tax (SDLT) to HM Revenue & Customs, the amount of which is terminable to the rates applicable at the time the transactions are entered into.

General

Any construction and related works/services contracts to be entered by the Council with third parties will need to be procured in accordance with the Council's own Contract Procedure Rules and any applicable procurement laws. (The Public Contracts Regulations 2014 oblige public authorities to procure any 'works contract' where the value of the 'works contract' exceeds the relevant threshold for such a contract specified in those Regulations (at present the threshold amount is £4,733,252).

The 15-year Library Contract sets out the requirement for Explore to co-locate all the Gateway libraries by 31 March 2027. The Council have reserved the right to change the location of Acomb and Clifton Library Learning Centres. It is the intention where possible that Explore will lease space in any co-located buildings directly from the owner (rather than the Council taking a lease and then granting a sublease to Explore).

- **Crime and Disorder** – considered to be no impact.

Contact Details

Author(s):	Chief Officer Responsible for report:
Andrew Laslett - Strategic Services Manager Mark Wilson - Programme Manager <u>Specialist Officers:</u> Debbie Mitchell – Chief Finance Officer Maxine Squires – Assistant Director for Education Nick Collins - Head of Asset & Property Management Gerard Allen - Legal Services	Charlie Croft Assistant Director, Customer & Communities Report Approved: 20.12.2021

Relevant Previous reports:

24 October 2019 – Future Libraries Investment Programme

Annexes

- Annex A – Council Libraries Vision
- Annex B – H&W Library Detail
- Annex C – CONFIDENTIAL - H&W Cost Report
- Annex D – Old Haxby Library Plan
- Annex E – Existing Clifton Library site plan
- Annex F – Clifton Vision
- Annex G – CWJS site appropriation plan
- Annex H – CWJS Plans
- Annex I – CWJS Housing Land Parcel Plan
- Annex J – CONFIDENTIAL - CWJS Clifton Library Cost Report
- Annex K – CONFIDENTIAL - CWJS Housing Valuation Report
- Annex L – CONFIDENTIAL - Clifton Library Valuation Report
- Annex M – Acomb Library Additional Rear Land Plan
- Annex N – EIA / One Planet Council Assessment

List of abbreviations used in this report

- AA – Academies Act
- CWJS – Clifton Without Junior School
- EXPLORE – Explore York Libraries and Archives Mutual Ltd
- FLIP – Future Library Investment Programme
- HSLT – Hope Sentamu Learning Trust
- H&W – Haxby & Wigginton

HWYCA – Haxby & Wigginton Youth & Community Association
IAG – Information Advice & Guidance
LGA – Local Government Association
PROGRAMME – The future library investment programme
SDLT – Stamp Duty Land Tax
SEND – Special Educational Needs and Disability
SSFE – Secretary of State for Education

Report of the Assistant Director of Customer and Communities

Future Libraries Investment Programme (FLIP)

ANNEX A - The Council's Vision for the future of its libraries

“We propose to build on the success of our libraries by continuing to place learning at the heart of everything we do, re-imagining our libraries as Centres of Learning and Opportunity for All. We believe that our libraries should continue to be stocked with a broad range of books and materials that promote reading and literacy and to support people with the information they need in their everyday lives. Increasingly they will be:

- Fit-for-purpose, contemporary spaces meeting the needs of everyone
- Fully accessible: information will be easy to obtain, reading encouraged, research easy and learning natural
- Outward looking, linking with the community and drawing people in to foster a sense of place
- Open at times that reflect the needs of the community including late night and weekend opening where required
- Shaped by local need, promoting community involvement and enabling local people to take action in their area
- Transparent and visible from the outside, clearly signed and encouraging people to come in
- Staffed by well trained staff with excellent customer focus

And they will:

- Maximise use of the building assets through partnership working and innovative programming
- Proactively promote their activities and services making sure that the whole community is aware of the offer

They will also provide state-of-the-art learning spaces that have:

- The latest digital technologies

- Flexible spaces for formal and informal learning
- Study space and creative spaces
- A range of learning programmes
- Digital inclusion programmes to get people online for free

What network of library buildings should we have?

There should be a range of libraries to meet the needs of different users. Some libraries will be larger, offering all services, and some smaller, designed to meet more local needs. Reading cafés should be incorporated into libraries wherever possible and appropriate to local circumstances. There will be five broad types of library as set out below. It should be stressed that these types are a guide rather than a precise blueprint. It is critical that individual libraries develop in a way that suits local needs.

York Explore: this should remain the flagship facility where all services are available including the Archive & Local History Centre.

Explore Library Learning Centres: Experience shows that the bigger libraries are popular (the biggest 4 currently account for 64% of library visits). People will travel further to use them because they have more stock, are open longer and offer more services. There is a case to build on this by creating three Explore Library Learning Centres across the city providing:

- A broad range of library and information facilities
- Space for Adult Learning courses
- Café
- Space for multiple community use / hires
- Access to archive and local history resources

The Explore Library Learning Centres would be located in the areas of greater need: at the Centre@Burnholme, Acomb Explore (which has been so successful that it would now benefit from enlargement) and in the Clifton area (potentially a replacement for / upgrade of the current Clifton library).

Explore Gateways: Offered in a variety of venues, preferably with café facilities, these libraries should be co-located with other community activities where possible, with local communities invited to be involved in

their operation. They will remain a key part of the statutory service and the library provider will continue to ensure that they are staffed and stocked with books, materials and information.

Virtual Libraries: A 24/7 online service including e-books and e-magazines, other online resources and virtual spaces for people to share ideas e.g. online reading groups.

Reading Cafés: These are a different type of library service encouraging the joy of reading especially for those who may feel uncomfortable in a more traditional library. There is currently a reading cafe within Rowntree Park and Homestead Park.”

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Report of the Assistant Director of Customer and Communities

Future Libraries Investment Programme (FLIP)

ANNEX B – Haxby & Wigginton Library Detail

1. The old library in Haxby closed on 16th July 2016 on the grounds of public safety and that building has since been demolished and the site is vacant.
2. A new partnership between Haxby & Wigginton Youth & Community Association (HWYCA) (who have a long lease of the site from the Council until 31st December 2102), Explore and the Council have worked collaboratively on a feasibility to co-locate a library at Oaken Grove Community Centre which has resulted in this project.

Oaken Grove Community Centre

3. HWYCA is a well-established community organisation with charitable status, who provide a wide range of services and activities for the local community of Haxby and Wigginton from Oaken Grove Community Centre. The HWYCA have a 99 year lease of the Oaken Grove Community Centre site (“the New Site”) from the Council since 2004 until 31st December 2102 (under the Community Asset Transfer Policy agenda) and a board of trustees employ staff to manage the community building, facilitate room hire and direct delivery of essential youth and community activities. HWYCA are fully responsible for the upkeep and maintenance of the site and buildings under the lease granted to them.
4. The community centre is well established and has the support of both Haxby Town Council and Wigginton Parish Council in delivering youth and community activities for the local area.
5. The development proposal (See plans below) fits with the long-term vision for libraries to move from standalone facilities into community buildings co-located with other partners. By co-locating this brings benefits to both parties including; higher footfall potential, share operating costs and provide new income streams for our library operator Explore.

New Library for Haxby and Wigginton

We'd love to hear from you!

Have your say on our exciting plans to redevelop Oaken Grove Community Centre to co-locate the library to create a fabulous modern facility for all residents of the community.

1 Library areas
Shelved with a combination of adult and children's stock. Shelving will be on wheels to create flexible spaces that support the delivery of our events and activities programme eg. readers group.



2 Community meeting rooms
High quality meeting rooms at various sizes. These will be available to hire via Oaken Grove Community Centre at competitive rates.

3 Public toilets
Refurbished public toilets, including accessible toilet.

4 Outside play space
Secluded, safe, welcome playspace for your family – great for enjoying a cup of coffee from the café while your children play on the equipment, or to sit and enjoy a storytime.

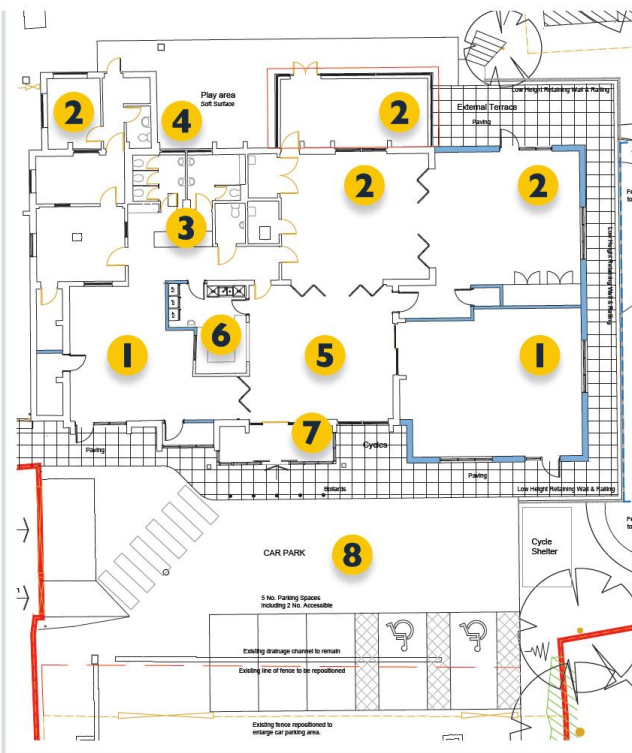
5 Reading café
A community space open to all to sit, relax, read a book or meet up with friends for a good catch up.



6 Kitchen
Staffed by Explore during the day, available for use by users of the community centre on evenings and weekends.

7 Lobby
A larger entrance giving you an even bigger welcome! Handy for storing pushchairs.

8 Improved disabled parking
Increased number of parking spaces available.



Front Elevation



6. HWYCA already have a varied and busy programme of activity, across 7 days a week, daytime and evenings. An extension to the

existing community centre would provide space for a co-located library which would be accessible whenever the community centre was open, with self-service facilities. The proposal will ensure the library is staffed 6 days a week, supported by a small army of local volunteers welcoming users.

7. A new café run by Explore will also provide the community and library users with a place to relax and enjoy refreshments inside and outside.
8. The key features of the proposed design plan are:
 - To create a new extension to the side of the community centre which will allow the new library and cafe to be accommodated at the front of the building, with the community rooms for hire to the rear. This will give the library a fantastic prominence.
 - A new central entrance with improved storage space for pushchairs and buggies will lead into a central café and seating area for all to enjoy.
 - Two dedicated library areas will have book shelves on wheels that can be pushed to the sides to make the space usable for other activities.
 - A new kitchen will be installed to support the new reading café offering barista style coffee options, snacks and able to offer hot meals for specific events or if demand requires. An outdoor terrace area will provide a nice extension to the internal space to read a book or just enjoy the peaceful garden.
 - Free public Wi-Fi throughout the building will be extended.
 - The fabric and energy efficiency of the building will be improved with enhanced insulation, LED lighting throughout, new gutters and fascia, new aluminium double glazed windows to enhance the appearance and reduce future maintenance costs.
 - A refurbishment of the existing toilets to reflect the rest of the new build.
 - A new more efficient heating system for the building.
 - The existing community rooms will be reconfigured and refurbished with new acoustic dividing walls to improve the flexibility of use, new floor coverings and decoration.
 - Agreement to share back office and administration spaces.
 - Car park retained but with two newly marked disabled bays.
 - New covered cycle shelter.
9. The overall design has focussed on delivering a new style Gateway Library with access through the reading cafe to then explore the books, activities and information displayed in the library spaces.

Agreement for Surrender and Leases

10. Detailed discussions have taken place between the Council, HWYCA and Explore to ensure a true partnership approach to delivering a fantastic new community facility for the residents of Haxby and Wigginton.
11. These discussions have been formalised into terms for a proposed Agreement for Surrender and Leases. A high level summary is shown below:
 - Agreement for Surrender and Leases (“AFSL”) entered into between HWYCA, Explore and the Council
 - The Council to apply for planning permission, manage the detailed design, tender the construction project to an agreed specification of works and select the supplier in accordance with procurement regulations
 - If and when CYC are granted planning permission on satisfactory terms for the proposed redevelopment, then HWYCA will Surrender its existing lease of the site back to CYC.
 - The Council to appoint successful building contractor and manage the works programme to completion and pay for the capital works
 - HWYCA have agreed a term of 6 months to enable construction to deliver the agreed designed scheme. Officers have sought to negotiate with HWYCA that the term be longer than 6 months (to give the Council and our building contractor more headroom/leeway in case the construction works are delayed by adverse weather or supply chain issues etc.) but HWYCA are not agreeable to a longer term as they are anxious for the period of construction/temporary closure of the community centre to be as short as possible. The Council understands the HWYCA position as a longer closure period could jeopardise the financial sustainability of the organisation. This is particularly important at a time when charity organisations have suffered already due to long periods of closure due to covid. This potentially creates a risk for the Council as although officers currently believe that it should be possible for our contractor to complete the necessary construction works within 6 months if no significant delay events occur (estimated at 3-4 months construction period), if the Council fails to achieve this deadline then the Council will still be obliged to grant HWYCA a new replacement Head Lease of the

Oaken Grove site on similar terms to HWYCA's existing lease (at nil Premium and peppercorn rent for a Term expiring on 31st December 2102) but:

- (i) the Council may be in breach of its obligations (and therefore potentially liable to pay damages to HWYCA); and
 - (ii) HWYCA would not be obliged to grant the Council the proposed long term sublease of the library exclusive use areas (or any communal right to use the shared used areas)
- Provided that the Council has completed the new extension and fit out works by the agreed 6 months period or earlier,
 - HWYCA will then grant the Council a new Underlease of the parts of the building, comprising the parts of the building which are to be used exclusively by the Council ("the Library Exclusive Use Areas") until circa 28th December 2102 ("the Council Underlease"). The Underlease will also grant the Council /Explore a shared/communal right to use the parts of the building in common with HWYCA ("the Shared Use Areas"). HWYCA will have sole/exclusive use of the areas not required by the Council/Explore.
 - The Council Underlease will be for a peppercorn rent (i.e zero) for the first 34 years ("the Rent Free Period") in view of the fact that the Council will have made a significant investment in carrying out construction works and fees to extend and improve the building currently standing on the New Site.
 - After expiry of the Rent Free Period the Council will pay a market rent for the space which we/our subtenant occupy (subject to upwards only review every 5 years) but the Council will have a break option exercising at any time after the end of the Rent Free Period entitling us to terminate the Underlease (and thus any future obligations arising under it including to pay rent) by giving 6 months' written notice to HWYCA. HWYCA retain the maintenance and repair liability but a service charge payment between Explore as the end user and HWYCA will cover a fair contribution.
 - The Council will grant Explore a sublease of the Library Exclusive Use Areas (and a right for Explore to use the Shared Use Areas in common with HWYCA) until 31st March 2034 ("the Explore Sublease") in line with Explore's library services contract with the Council. Any liabilities will be passed through to Explore under

the Explore Sublease, leaving the Council without any ongoing liability whilst there is a subtenant under the Council.

- The operating costs for the building including but not limited to; planned maintenance, reactive repairs, lifecycle replacement, utilities, rates etc. will be split between the HWYCA and Explore on a fair and proportionate basis as a service charge.
- All parties to share a commitment to work collaboratively to drive joint outcomes for the benefit of local people, for example ensuring that the building use is maximised.
- The Surrender of HWYCA's current head lease and the granting of the proposed Underlease to the Council will also result in Stamp Duty Land Tax being payable by the Council to HM Revenue & Customs.

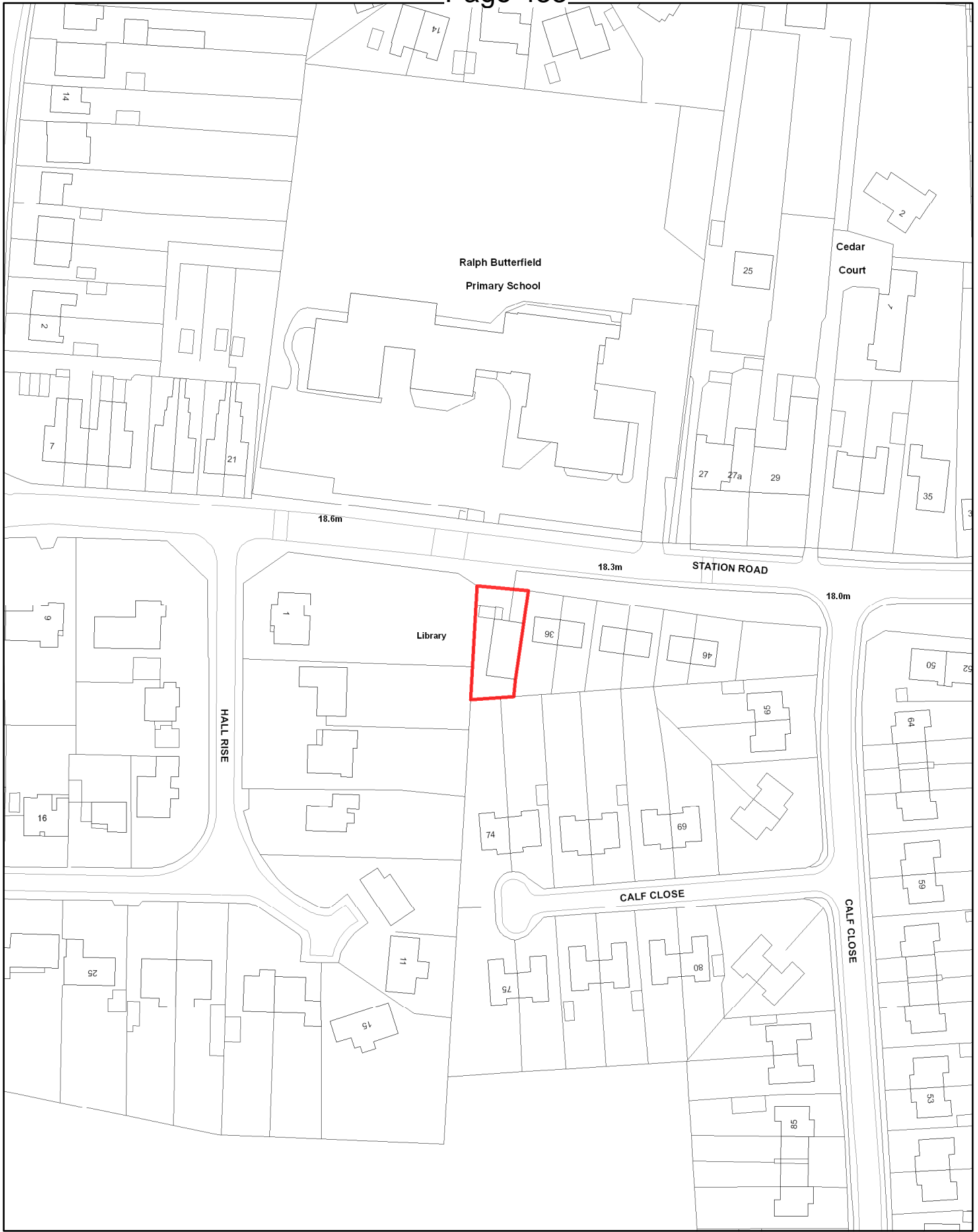
Public consultation results

12. During October and November 2021, the plans as shown in paragraph 5 above were shared with the public by Explore.
13. 233 responses were made to the questionnaire, with the headline being 90% of respondents supported the proposal. Other key findings from the consultation included:
 - a) Thoughts on opening hours with Monday to Saturday opening being popular, with preferences evenly split between mornings and afternoons. Least popular times were evenings (30%) and Sundays (25%).
 - b) The most popular suggestions for events, activities and services were access to free Wi-Fi, drop-in surgeries by other organisations, readers' groups and author talks, children's story time and activities, access to computers and a quiet space to read and reflect

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Resources
Property Services

Haxby Library



SCALE 1:1,250

DRAWN BY: GR

DATE: 18/01/2010

Originating Group:

Property Services

Drawing No.

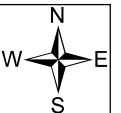
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CYC Ownership At Clifton Library Site



SCALE 1:500

DRAWN BY: KLM

DATE: 18/11/2020

**Asset & Property
Management**

Originating Group:

Asset & Property Management

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Report of the Assistant Director of Customer and Communities

Future Libraries Investment Programme (FLIP)

ANNEX F – Clifton Vision

A library area which should be no less than 250m² (equivalent to Acomb) that provides:

- Access to over 15,000 books.
- An identifiable, large, welcoming, safe, accessible, area for children which should be away from the main entrance.
- To include digital access to archives/local history collections,
- Identifiable, safe, welcoming & comfortable area for teenagers.
- Access to PCs that can be booked for use by customers.
- Space for sitting, reading, relaxing, informal meeting.
- The ability to transform into a performance space, with a capacity of no less than 150 people.

A reading café area that provides:

- Space for 30 covers.
- A variety of different seating options.
- A space for informal meetings / groups.

Access to a number of quality meeting rooms for use by community partners, paid hirers, community anchor tenants and Explore that deliver and enable the following:

- Access to high quality digital technology and screens for shared learning, meetings and creative activity
- Access to quality 1 to 1 information/advice/support from external providers/community partners that replicate the needs of the community at Acomb e.g. financial inclusion, digital support, health information,
- Are flexible in size to support the needs of multiple users and occupants– they may need to host a meeting of 10 in the morning, and a yoga class for 20 in the afternoon and an event for 150 in the evening. At least one room will contain a sink and vinyl flooring to allow for ‘messy’ activity.

- Encourage creativity – a space for makers, creatives and the community to meet and experiment and explore - to challenge their imagination. (eg a Fab Lab)
- Generation of income to support operational running of the Library.
- Access to an ICT suite for 12 students to support learning provision as delivered by York Learning. Learning will need to be via fixed PCs, but the design could be as such that the PCs are 'hidden' in desks to enable use as a meeting room
- Multiple uses as any one time – a quiet learning class might be operating at the same time as an adult singing session.

The development of flexible, comfortable, accessible spaces that enable and encourage:

- The delivery of a large events (e.g. an author event for between 100/150 people)
- Time for reflection – e.g. a quiet study area/zone
- The expression of creativity – this might be space on walls to display art created by the community in partnership with local artists.
- Use of free wi-fi for connecting, learning, working, creating.

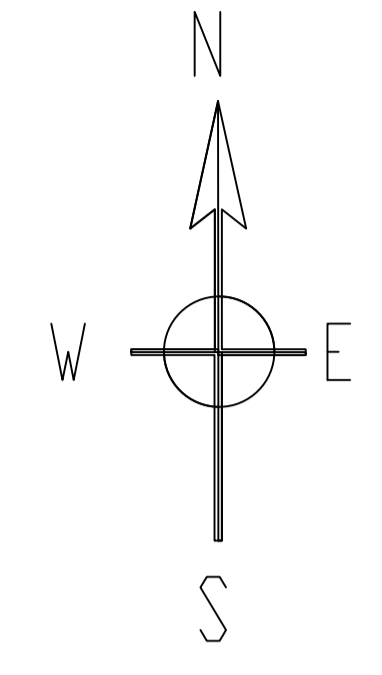
An outside space to enable internal activity to spill out – a space to sit, eat, drink, reflect, play. Part of the outside space should be covered, so it's an all-year round external extension of the library environment, usable in all weathers and able to host a range of activities – from small scale events to attract the passer-by to fundraising activity. This may offer the opportunity to create a community garden, tended by local volunteers.

Access for cycle users, car parking, including designated accessible parking spaces and space to park disabled buggies and pushchairs.

Include in our building design, environmental and sustainable energy options to future-proof the facility and lessen the impact on the immediate environment.

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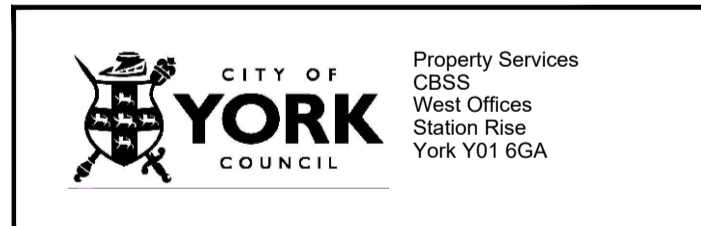




Vale of York Academy



Rev	Date	Revision	By
B	17-11-21	Reviewed following SNAPPY feedback	AT
A	8-11-21	External areas updated	AT



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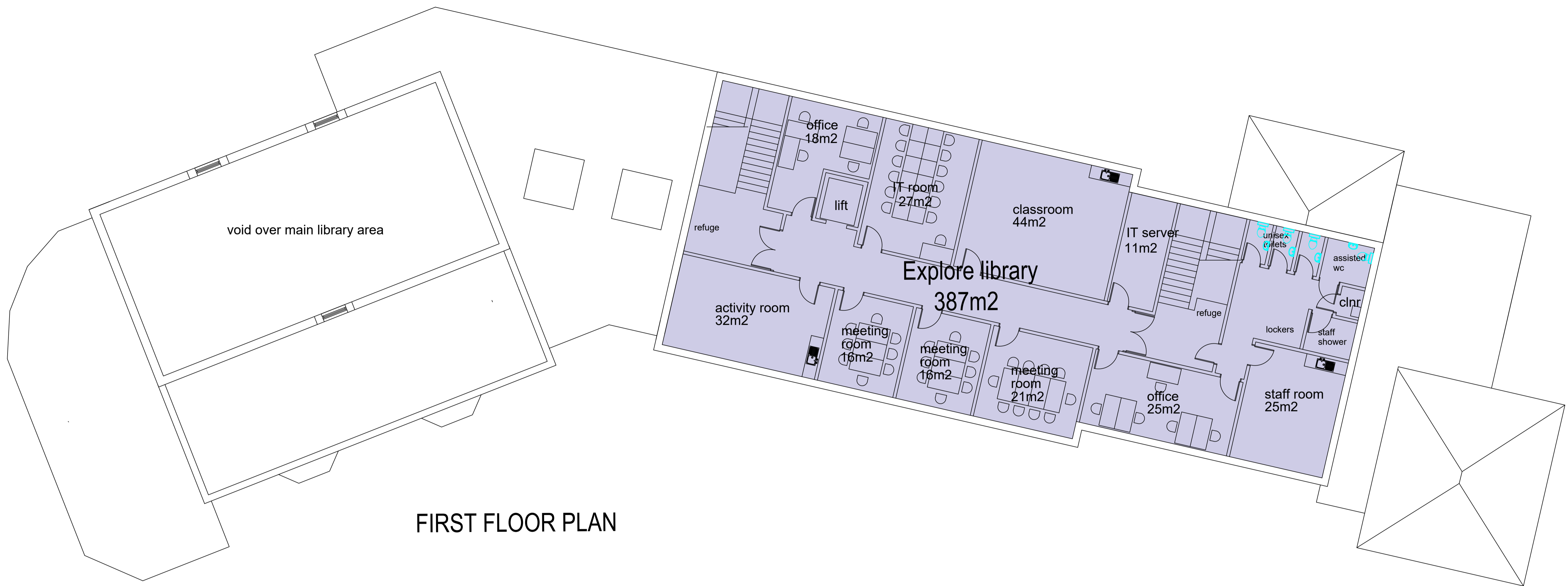
Job Title
CLIFTON EXPLORE LIBRARY
 SITE PLAN AS PROPOSED

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AT		

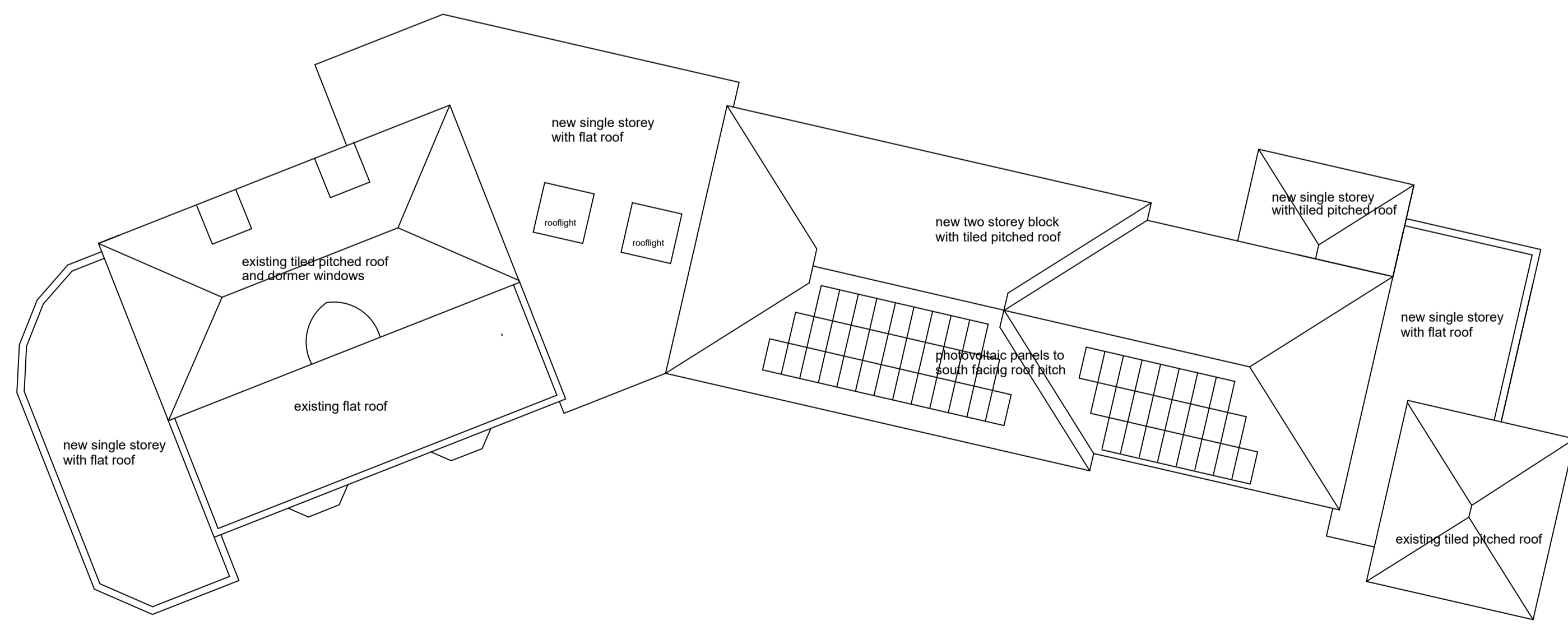
Date: Nov 2021
 Scale: A1
 1/200

Issue Status:
CONSULTATION

Drawing Number	Revision
200043/CD101	B

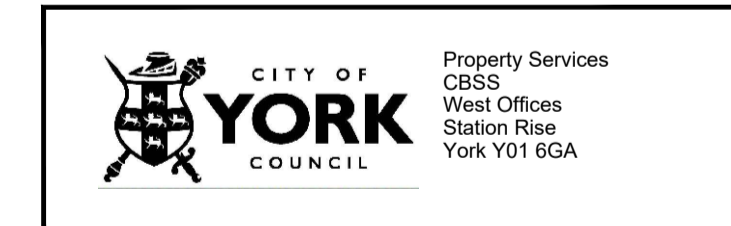


FIRST FLOOR PLAN



ROOF PLAN 1:200

Rev	Date	Revision	By



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Job Title
CLIFTON EXPLORE LIBRARY

FIRST FLOOR PLAN AS PROPOSED

Drawn: **AT** Checked: Authorised:

Date: **Oct 2021** Scale: **A1 1/100**

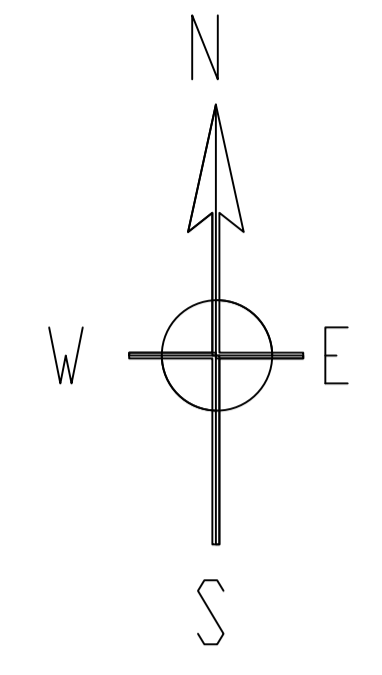
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CONSULTATION

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RESIDUAL DESIGN RISKS- CDM REGS
ARE IDENTIFIED WITH THIS SYMBOL
SEE DESIGN RISK SHEET OR LAYOUT

REVISION NOTES



Vale of York Academy

RAWCLIFFE DRIVE

NEW CLIFTON EXPLORE LIBRARY

new school access

HOUSING SITE AREA 2500m²

FAIRWAY

RAWCLIFFE LANE

Rev	Date	Revision	By
-			



Contact:
Tel No:
FAX No:
Email:

Job Title
CLIFTON EXPLORE LIBRARY

SITE BOUNDARY LAYOUT

Drawn AT	Checked	Authorised
Date Nov 2021	Scale@A1 1/200	

Issue Status:

Drawing Number 200043/CE 100	Revision
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of the Local Government Act 1972.

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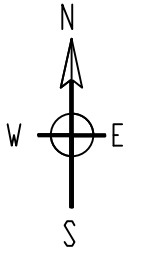
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CYC PREMISES FOLDER REFERENCE
E00637

REVISION NOTES



Rev	Date	Revision	By
A			



Contact
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 FAX No:
 Email:

Job Title
ACOMB EXPLORE LIBRARY

LOCATION PLAN -
 VACANT SITE TO SOUTH

Drawn: AT Checked: Authorised:

Date: November 2021 Scale@A3: 1/500

Issue Status:

Drawing Number: **190092-L1** Revision:

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City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	CSS		
Service Area:	Library & Archive Service		
Name of the proposal :	Future Library Investment Programme		
Lead officer(s):	Mark Wilson & Andy Laslett		
Date assessment completed:	01.12.21		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Mark Wilson	Programme Manager	CYC	Project management
Andy Laslett	Strategic Services Manager	CYC	Contract management
Sarah Garbacz	Chief Operating Officer	Explore Libraries	Library operations
Charlie Croft	AD Communities & Culture	CYC	Strategic management

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>A capital allocation has been made by the Council for investment in Haxby and Wigginton, Clifton and Acomb libraries in response to the Council’s contractual commitment to provide new Library Learning Centres for Acomb and Clifton as part of the new library vision and replacing the demolished Haxby and Wigginton Library in 2016. This proposal focuses on the programme to deliver such Council commitment.</p> <p>Clifton – A brand new library, on a new site, that will allow the current library to operate until the new library is ready to open, so preventing any service disruption for members of the public.</p> <p>Haxby & Wigginton – A co-location proposal which will see the library share the Oaken Grove Community Centre and improve accessibility and access to services, both in terms of physical access and wider opening hours.</p> <p>Acomb – The current library already delivers on many elements of the vision, but due to its popularity and success, a development is proposed to increase public space, further enhance the reading café and look to bring in co-location partners to work from the library.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>Yes:</p> <ul style="list-style-type: none"> ➤ Library services are statutory services – Public Library Act 1964 ➤ The Council’s library service is being operated by ‘Explore York Libraries and Archives Mutual’ who are contracted for 15 years commencing on April 2019.

1.3	Who are the stakeholders and what are their interests?
	<ul style="list-style-type: none"> ➤ York Explore Libraries – service operator / landlord to any co-location partner tenants at Acomb and Clifton ➤ Hope Sentamu Learning Trust – Clifton, adjacent school academy. Hold an existing land interest. ➤ Library users – using the services and informing future design and service changes. ➤ Residents – impact on the scheme and how it affects them. Potential library users. Availability of services from library buildings. Also informing future design and service changes. ➤ Ward Councillors & Parish Councils – Ensuring residents receive a quality service which meets local need. ➤ Future co-location partners – Working collaboratively with Explore to add value and increase audience/participation, access to Explore’s services and availability of services. Specific partners include: <ul style="list-style-type: none"> ○ Snappy – A partner at Clifton who provide out of school activity for young people with learning and physical learning disabilities to support families and parents in the York area ○ CYC Home Tuition Service – A partner at Clifton providing Special Educational Needs and Support (SEND) providing opportunities for some group learning as a part of the City’s statutory specialist education provision for children and young people who are medically unfit to attend school due to ill health. ○ Accessible Arts and Media – A partner at Clifton who are a local social enterprise running arts and creative media learning projects in York including provision to support disabled adults and young people, to older people with dementia and memory loss and people with mental ill-health. ○ York Learning - A partner at Acomb & Clifton enabling York Learning to expand on their current provision to bring even more learning opportunities to Clifton residents, in partnership with Explore. ○ CYC housing team – A partner at Acomb to provide touchdown office accommodation, as well as space to meet housing residents in an environment that’s safe, welcoming, unthreatening and offers opportunity for other members of the household to engage in other library activities during their visit e.g. children could take part in a story time.

	<ul style="list-style-type: none"> ○ Haxby & Wigginton Youth & Community Association – Explore are co-locating at Oaken Grove Community Centre and sharing back office and ancillary accommodation to host both organisations from the same building. They are the current lease holder of Oaken Grove Community Centre and will be the future landlord for Explore.
<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>City of York council consulted city wide on a new vision for its library service in 2018. This identified that key stakeholders wanted to see the following:</p> <ul style="list-style-type: none"> ● The development of the community hub model of library – a space where the local community can access what might typically be seen as city centre services from within their own community ● A lively, modern space where events and activities and delivered in collaboration with the local community ● Improved library spaces – more books and study spaces ● Reading cafes – a place to meet, socialise, work, study, relax ● Access to high quality tech – free Wi-Fi and up to date technology to support study, work and leisure activity ● Access to high quality meeting rooms – to attend participate in informal and formal learning opportunities. ● Welcome, safes, accessible spaces for all with opening hours that fit the needs of the local community ● Increasing volunteer opportunities for local residents to develop skills and supporting social isolation. <p>The capital programme enables the delivery of the above in the communities of Acomb, Clifton and Haxby & Wigginton.</p>

A further outcome is the identified need to generate income for Explore, to support the additional costs of moving into larger premises with improved opening hours. The meeting rooms and the reading café are a key contributor to this outcome.

Explore Staff - Modern, safe and flexible working environments, working alongside other co-located partners which provides partnership working at all levels.

Council's commitment against a number of the Council plan objectives:

- A greener and cleaner city – The replacement of the Clifton library provides the opportunity to reduce building emissions by installing green heating solutions. In addition electric charging bays for electric vehicles will be invested in.
- Good health and wellbeing – Explore libraries will be able to enhance their programme of activities to promote this agenda working with relevant agencies.
- A better start for children and young people – Libraries play a key role in providing activities for children and young people, working hand in hand with Children Services.
- Creating homes – This project prioritises the use of vacant land to develop new homes with a focus on affordable and low carbon homes.
- Safe communities and culture for all – Explore are one of the largest providers of volunteer opportunities in York in a safe and welcoming environment. Libraries are seen as safe and neutral places that provide quality information and advice. Part of Explores vision seeks to put learning and cultural activities at the heart of the service.

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>
<p>Source of data/supporting evidence</p>	<p>Reason for using</p>
<p>CIPFA Adult Public Library User Survey (PLUS) in Oct 2016</p>	<p>Explore took part in CIPFA Adult PLUS survey in Oct 2016, with 2,354 completed surveys. The results have been used in the equalities section to consider the impact of this proposal. Full results of survey available.</p>
<p>CIPFA Adult Public Library User Survey (PLUS) in Oct 2021</p>	<p>Explore took part in CIPFA Adult PLUS survey in Oct 2021, with results pending. The results will be used in the equalities section to consider the impact of this proposal once understood.</p>
<p>High Level options appraisal to identify potential sites for Acomb, Clifton and Haxby & Wigginton</p>	<p>To consider all potential relocation options in light of access via public transport and location in relation to key residential areas and other community spaces</p>
<p>Clifton stakeholder consultation</p>	<p>High level stakeholder consultation undertaken in August 2021 to seek views on the proposed relocation from the current library site on Rawcliffe Lane to the former Clifton Without Junior School on Rawcliffe Lane. The consultation asks residents postcode, age, gender to enable the mapping of responses aligned to those protected characteristics.</p>
<p>Planning/building regs</p>	<p>Ensure compliance in the design with accessibility regulation and inclusion of key components such as changing places facilities</p>
<p>Partner consultation (ongoing throughout the development)</p>	<p>Snappy, Home Tuition Service and Accessible Arts and Media have customers with specific needs. Involving them in the planning and design of the building ensures that the specific needs of their service users are met and the end result is fully accessible and fit for purpose</p>

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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
	Clifton residents views on relocating the library from its current site.	Stage 1 public consultation for Clifton was carried out in August 2021 and 90% of residents liked or strongly liked the move to the proposed site.
	Data on characteristics of library users at Acomb and Clifton libraries	PLUS survey to be undertaken in October 2021 with results released in early 2022.
	Specific views of residents and users on the design of the new libraries and spaces – target groups will be asked like; Accessibility groups, young people, as well as designing the space with co-location partners that work directly with young people with a learning and physical disability e.g. Snappy	Consultation is planned with target groups for early 2022, but some feedback has already been received following general public consultation for Clifton and Haxby & Wigginton.

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	We know from the 'PLUS survey' in Oct 2016 that the library service in York is used by a wide ranging audience. The identified breakdown of users were; Under 25's=6%, 25-44yrs=30%, 45-64yrs=30%, 65-74yrs=21%, 75yrs+=13%. Feedback from Clifton stage 1 consultation identified that older people were seeking safe outdoor space to meet up with friends and socialise, so this is being design into the plans at Clifton.	neutral	L
Disability	The 'PLUS survey' in Oct 2016 identified breakdown of users with a disability; Mobility=9%, Mental Health=7%, Hearing=6%, Dexterity=4%, Learning disability=3%, Eyesight=3%, Other=3% and no disability=65%. The new Clifton library will be designed following the DDA regulations and physical improvements will include for example; accessible parking bays, automatic front doors and a changing place. All these were missing from the existing library and impacting users. Consultation with Snappy has steered the design for Clifton library as they will be operating services for children and young people with a physical or learning disability at the site.	Positive	M
Gender	We know from 'PLUS survey' in Oct 2016 identified breakdown of users; Female=62% & Male=38%	neutral	L
Gender Reassignment	The move to unisex individual toilets facilities is a small but important aspect of recognising privacy.	neutral	L

Marriage and civil partnership	We know from 'PLUS survey' in Oct 2016 identified breakdown of users; Married=54%, single=22%, widowed=9%, divorced=7%, cohabiting=6%	neutral	L
Pregnancy and maternity		neutral	L
Race		neutral	L
Religion and belief	We know from 'PLUS survey' in Oct 2016 identified breakdown of users; Christian=57%, no religion=38%, other=3%, muslim=1%, Buddhist=1% & Hindu, sikh, jewish >1%	neutral	L
Sexual orientation	We know from PLUS survey in Oct 2016 identified breakdown of users; Hetrosexual=95%, bisexual=2%, Gay/lesbian=2%, other=1%	neutral	L
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	We know from 'PLUS survey' in Oct 2016 identified breakdown of users; empyed=42%, retired=41%, looking after the home/family=5%, student=4%, unemployed=4%, long term sick/disabled=3%, other=1%	neutral	L
Low income groups		neutral	L
Veterans, Armed Forces Community		neutral	L
Other	n/a		
Impact on human rights:			

List any human rights impacted.	No impacts – any neutral or positive		
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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.

High impact (The proposal or process is very equality relevant)	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.
Medium impact (The proposal or process is somewhat equality relevant)	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
Low impact (The proposal or process might be equality relevant)	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

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>Accessibility groups will be asked for feedback on the detail design of the proposed changes to identify if further improvements can be made, as well as working with other organisations like Snappy to reach out to their service users to ensure the design of the building and dedicated space is fit for purpose.</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:	
	<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. 	
	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	Robust programme governance in place to regular review and ensure project is delivering to the EIA principles. Several stages of public consultation will allow for regular resident as well as target group input and feedback on building design and service design which covers many of the EIA principles.
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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
Positive accessibility changes	Explore will be leading on the conversations with those target groups to ensure accessibility benefits are maximized	Sarah Garbacz	Clifton – Spring 2022
Review results from Oct 2021 PLUS Survey	Explore will receive and digest the results (once received) and feedback any issues	Sarah Garbacz	Spring 2022

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?
	<ul style="list-style-type: none">• Monthly project working group meetings. EIA standard agenda item to monitor deliverables• Service specification & Key Performance Indicator's reviewed after consultation feedback• Lessons learnt review at project end

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