

Meeting	Executive
Date	18 July 2024
Present	Councillors Douglas (Chair), Kilbane (Vice-Chair), Kent, Baxter, Lomas, Pavlovic, Ravilious, Steels-Walshaw and Webb
In Attendance	Councillor Fenton, Karen Bull - Managing Director City of York Trading
Officers in Attendance	Debbie Mitchell – Chief Finance Officer Dan Moynihan - Senior Lawyer and Deputy Monitoring Officer James Gilchrist – Transport, Highways and Environment Pauline Stuchfield – Director of Housing and Communities Claire Foale - Assistant Director Policy and Strategy Julian Ridge - Sustainable Transport Manager Steve Wragg - Head of Highway Asset Management Michael Howard – Head of Highways and Transport Kathryn Daly – Head of City Development Julie Stormont-Dawber - Regeneration Project Delivery Officer Mike Southcombe - Environmental Protection Manager Andrew Gillah - Principal Air Quality Officer Sophie Draper - Resourcing Manager Michael Jones - Head of Housing Delivery and Asset Management Andrew Bebbington - Housing Policy Officer Sophie Round - Housing Delivery Programme Manager Nick Collins – Head of Property

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**8. Declarations of Interest (16:33)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

**9. Exclusion of Press and Public (16:33)**

Resolved: That the press and public be excluded from the meeting during consideration of Annex A to Agenda Item 13 and Annexes G and H of Agenda Item 15 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).

**10. Minutes (16:36)**

Resolved: That the minutes of the Executive meeting held on 13 June 2024 be approved and then signed by the Chair as a correct record.

**11. Public Participation (16:36)**

It was reported that there had been 10 registrations to speak at the meeting under the Council's Public Participation Scheme and 3 written representations. However, two registered speakers had to withdraw before the start of the meeting.

Flick Williams raised concerns regarding the Local Transport Strategy's impact on disabled people. She stated that there was a lack of funding for bus accessibility and that it required more than increasing the number of accessible seats. She stated that the Council was failing on its public sector equalities duty.

Cllr B Burton voiced his support for the Local Transport Strategy and stated that it was vital the Movement and Place Plan went forward. He outlined the need to reduce car dependency and improve mass transport options.

Anthony May spoke on behalf of York Civic Trust. He welcomed the Local Transport Strategy and noted his delight to see the impact of the Civic Trust who supported its creation and provided examples of other best practice cities. He did however request that clearer targets be added to ensure the Council met its climate, health, safety, and accessibility targets.

Andy D'Agorne noted that York Green Party supported the work on the Local Transport Strategy and Movement and Place Plan. He stated that the Council needed to move at pace on implementation and asked that the public be invited to comment on the Movement and Place Plan.

Cristian Santabarbara spoke on behalf of courier cyclists GMB members. He stated that GMB wanted to work with all stakeholders to create a safe and decongested city. He outlined the decline in cycling numbers in York and the need for new safe infrastructure and spoke in favour of a cycle route through the city centre.

Cllr Rose thanked the Council for the public engagement on the use of Acomb Front Street phase two funding and spoke in favour of pedestrianisation of the space. He asked that the Council ensure consultations on transport strategies reach residents across the city.

Lynette Mills spoke on behalf of York Cycle Campaign. She noted the campaigns support for a Movement and Place Plan and stated that it needed to prioritise people over cars. She stated that the city required a north/south cycle route and a removal of problematic barriers. She spoke in favour of a 20mph speed limit and two way cycle access. She also raised concerns that the Air Quality Action Plan did not match the ambition set out in the Local Transport Strategy.

Graham Collett spoke on behalf of the York Bus Forum. He noted the forums support for the Local Transport Strategy. He welcomed the aim to improve weekend of night time bus services but noted that these would likely not be commercial for operators and instead asked that the Council explore alternative

models of provision such as franchising. He also noted his support for seeking a return of a community transport provision.

## **12. Forward Plan (17:00)**

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.

## **13. Finance & performance outturn (17:01)**

The Chief Finance Officer introduced the report. She noted that there had been improvements in the Council's finances, but that there remained a significant overspend with recurring issues within Adults and Childrens Services.

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion noted that the financial outturn continued to be a challenge and that Council's across the country were struggling to fund services particularly with the costs associated with complex care. She confirmed that the Executive worked with officers to set ambitious savings targets to ensure the Council maintained financial independence and protect frontline services.

Resolved:

- i. Noted the finance and performance information;
- ii. Noted the use of the contingency and earmarked reserves to fund the overspend of £3.6m;
- iii. Approved the £591k savings identified during the year and outline in paragraphs 89 to 91 of the report as part of the review of early intervention and prevention activities across the Council;
- iv. Approved the business rates write offs outlined in paragraphs 29 to 32 of the report.

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

- v. Approved the extension to April 2026 for the letter of credit to York Museums Trust as outlined in paragraphs 24 to 26 of the report;

- vi. Approved the provision of a letter of guarantee to the York Theatre Royal, providing them with access to a maximum of £426k over the next 2 years should it be required as outlined in paragraphs 27 to 28 of the report.

Reason: To secure the financial viability and confidence in the Theatre Royal through its change programme.

#### **14. Capital Programme outturn (17:11)**

The Chief Finance Officer noted the significant level of investment currently outlined in the Capital Programme. She confirmed that some slippage on projects had meant that funds were moved into future years.

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion thanked officers for their work in maintaining an ambitious programme despite financial challenges and highlighted the importance of the capital programme for the city.

Resolved:

- i. Noted the 2023/24 capital outturn position of £98.377m and approved the requests for re-profiling totalling £23.054m from the 203/24 programme to future years;
- ii. Noted the adjustments to schemes increasing expenditure in 2023/24 by a net £1.708m;
- iii. Recommend to Full Council the restated 2024/25 to 2028/29 programme of £421.368m as summarised in Table 3 and detailed in Annex 1 to the report;
- iv. Agreed to a contribution of £200k from capital contingency to the York Museum Trust to fund roof works at York Castle Museum.

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

**15. Treasury Management 23/24 outturn and Prudential Indicators (17:17)**

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion welcomed the report into the Council's Treasury Management for 2023/24 outturn and Prudential Indicators. She also welcomed the scrutiny provided by the Council's Audit and Governance Committee.

Resolved:

- i. Noted the 2023/24 performance of treasury management activity;
- ii. Noted the Prudential Indicators outlined in Annex A and note the compliance with all indicators.

Reason: To ensure the continued effective operation and performance of the Council's Treasury Management function and ensure that all Council treasury activity is prudent, affordable and sustainable and complies with policies set.

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the 2023/24 financial year, the Council has operated within the Treasury and Prudential Indicators set out in the Council's Treasury Management Strategy Statement for 2023/24.

There are no policy changes to the Treasury Management Strategy Statement 2023/24 for members to agree and approve; the details in this report update the Treasury Management position and Prudential Indicators in the light of the updated economic position and budgetary changes already approved.

**16. Local Transport Strategy (17:48)**

Officers introduced the proposed Local Transport Strategy and the introduced the summary of the Movement and Place Plan approach.

The Executive Member for Transport thanked officers for all the work undertaken in producing the strategy, as well as, thanking the York Civic trust for their support. She stated that the Local Transport Strategy and Movement and Place Plan would put people at their heart. She recognised that transport in York didn't function how residents would wish it to, therefore she acknowledged the need to deliver good quality accessible transport for all and improve the cities spaces and health. She highlighted that through this work the Council could support the city to create a more liveable city.

The Executive Member also acknowledged that the Council was on a journey in regards to accessibility, she noted that schemes where mistakes were made would be reviewed to explore improvements. She welcomed work being undertaken on implementation plans, a parking strategy, as well as, noting the effect of the loss of the dial and ride service in York. She outlined the importance of bus travel in York and the work that would be required to improve journeys across the city.

Resolved:

- i. Approved the new policy framework for Transport across the City by approving the Local Transport Strategy (Annex A). Noted the feedback in the Our Big Transport Conversation and, the support for the strategy and the identification of the areas of the city residents find most challenging, and why (Annex B).

Reason: to articulate the transport vision, objectives and outcomes of the city.

- ii. Adopted the recommendations to shape a more accessible city centre developed in consultation with the disabled community and local businesses (Annex C);
- iii. Considered and noted the Equalities Impacts of the independent recommendations made on accessibility (Annex D) and on the Local Transport Strategy (Annex G);
- iv. Noted the report, sharing best practice from other cities who have made their places more accessible (Annex E) collated by MIMA.

Reason: To ensure accessibility is considered at every step of decision making across the Council.

- v. Approved the summary of the Movement and Place Plan approach as per that detailed in (Annex F) as the basis for future transport planning in York and instruct officers to commence work on a Movement and Place Plan for York (including a bid to the Mayoral Combined Authority for funding), and a five year Implementation Plan for York's Transport – both for presentation to Executive for approval at a later date.

Reason: To co-design, with residents, businesses, community groups, elected members, and health and care partners, the Movement and Place Plan which will deliver better health, climate, access and equalities outcomes for York and to guide transport implementation in York over the next five years.

## **17. Combined Authority Key Route Network (18:07)**

The Director of Environment, Transport and Planning introduced the report, outlining the options available for proposed roads to be included within the Key Routes Network. The Council was required to submit to the York and North Yorkshire Combined Authority its recommendation for which roads would be within this network. Officers noted that roads included within the network would receive funding for improvement and maintenance from the Combined Authority, but would reduce the Council's autonomy over said roads.

The Executive Member for Transport spoke in favour of approving option 3 which would see the York Outer Ring Road and external 'A' Roads added to the Key Route Network. She suggested that this approach would leave open the option to seek additional roads added to the Key Routes Network at a later date, while maintaining authority over more of the network while the Council developed and delivered its own strategies.

Resolved:

- i. Approved Option 3's (found in the report) proposals for a Key Route Network in the City of York Council



- area ahead of submission for approval to the York and North Yorkshire Combined Authority;
- ii. Noted the linked Key Route Network being developed by North Yorkshire Council.

Reason: To support the future improvement of City of York Council's strategic highway links and local delivery of Movement and Place Plan priorities.

### **18. Acomb Front Street – Phase 2 Update (18:20)**

Officers introduced the report which provided an updated on the proposed use of phase two UK Shared Prosperity Funding for Acomb Front Street. They outlined the consultation work which had been undertaken with residents and the intention to take proposals to a relevant Council Scrutiny Committee before a final decision on the scheme was made. They noted that UK Shared Prosperity Funding was required to be spent by March 2025.

Officers also thanked the What a Load of Bollards campaign for their valued contribution to the consultation and confirmed a feasibility study would take place in the autumn for pedestrianisation as well as parking restrictions. They noted the long term ambition from the consultation for Acomb Front Street would be for a more eco-friendly space which could be a hub of activity for its users.

The Executive Member for Economy and Culture thanked officers for their work on Acomb Front Street. He outlined that the Council had sought to engage with the community to create the best possible space for all those that use Acomb Front Street and welcomed the collaboration with residents to reach the high level principles set out in the report.

Resolved:

- i. Approved the high-level principles set out for the phase 2 scheme design as detailed in Table 3, reconfirming Executive's agreement to allocate £570k of UKSPF monies to Acomb and instruct

officers to finalise project designs and costings on this basis.

Reason: In October 2023, it was agreed that an update on Phase 2 would come back to Executive for their consideration following public engagement. Phase 2 timescales are tight because delivery against UKSPF spend deadlines is extremely challenging (March 25). This progress report brings forward as much as detail possible for Executive to agree the high-level principles, thus allowing the scheme design and costings to be finalised in time for a planned start on site by the end of September 2024.

- ii. Delegated authority to approve the recommendations on the final costed scheme design be to the Executive Member for Economy & Culture, to be made at a public decision session in September 2024.

Reason: Delivery against UKSPF spend deadlines is extremely challenging (March 25). This progress report brings forward as much as detail possible for Executive to agree the high-level principles, however additional work is still required to finalise designs and costings. It is crucial the learnings and analysis generated from the quantum of engagement responses are reflected in the final designs, and thereby addresses community concerns/ future aspirations.

- iii. Given the tight spending timescales of the UKSPF funding, agree a number of practical next steps to enable officers to commence further necessary preparatory work ahead of final scheme design/costing decisions being made in September 2024, namely:
  - (a) that work be progressed on the scope, design and procurement of seating/planting, wayfinding/signage and the local 'place-making/identity' elements of Phase 2 e.g. public art/mural(s), and that alternative funding options for this work also be investigated, and to delegate authority to the Director of Housing, Economy & Regeneration (in

consultation with the Head of Procurement and the Director of Governance) to take such steps as are necessary to procure, award and enter into the resulting contracts.

Reason: Reason, to allow necessary preparatory work to progress and to reduce risks around the tight UKSPF delivery timescales for these elements of the project.

(b) approved commencement of work to enable the statutory consultation for two new Traffic Regulation Orders (TRO's) required for the proposed new disabled parking area at York Road layby and 20mph speed restriction in main shopping area of Front Street, and to delegate authority to approve the implementation of the TRO's to the Executive Member for Economy & Culture ( in consultation with the Executive Member for Transport) when considering the final scheme in September 2024.

Reason: Statutory Consultation for a Traffic Regulation Order is required to engage with local traders and businesses to identify any risks or mitigations required to the proposals. There is a 6–7- week lead time with this consultation, commencement of this work prior to consideration of final design in September avoids delay to construction programme and implementation.

(c) asked officers to commence discussions with Make it York to explore the potential for amending the licence for Acomb Front Street Market granted under the Markets Charter for York, to allow a possible future increase in the frequency of market activity in Acomb, and to delegate authority to the Executive Member for Economy & Culture to determine any recommended future amendments to the licence in this regard.

Reason: initial 3-month market trial has been successful with positive feedback received from residents, local

businesses, and traders. The artisan market enhances existing retail offering, increasing market frequency would deliver against the community's desire for more activity and potentially offer scope to involve the community in events.

The Markets Charter for York has existed since 1316. The purpose of the Charter is to ensure that the Shambles Market is the principal market for York. As such, no markets are permitted within a six and two-thirds mile of the Shambles Market unless they are on a trial basis or unless the Council agrees to a licence under the Charter. Acomb was granted its licence under the Markets Charter in 2016. Any future changes to frequency of markets in Acomb will need to be properly considered in this context and require further advice from officers within Legal Services and Licensing Services.

**19. Results of Air Quality Action Plan 4 (AQAP4) Consultation (18:39)**

Officers introduced the report detailing the results of the Air Quality Action Plan 4 Consultation and proposed actions to improve air quality.

The Executive Member for Environment and Climate Emergency thanked officers for their work. She noted that concern had been raised that not enough action was proposed on air quality and explained that the action plan would complement other strategies, such as, the Local Transport Strategy which had outcomes which would improve air quality.

Resolved:

- i. Review and noted the comments received in relation to the AQAP4 consultation (see Annex C);
- ii. Approved the amendments to the draft AQAP4 and responses made by officers in response to consultation feedback (outlined in this report and in Annex C)
- iii. Agreed to formally adopt the amended AQAP4 circulated with this report as CYC's Fourth Air

Quality Action Plan (Annex A) and submit a final version of the document to DEFRA.

Reason: Adoption of AQAP4 will allow CYC to fulfil its statutory duties required by the Local Air Quality Management (LAQM) framework under the Environment Act 1995 (as amended). It will ensure that York continues to have a robust, current and relevant Air Quality Action Plan to deliver emission reduction and health improvement benefits over the next 5-year period.

**20. City of York Trading – Creation of a New Company for the Provision of Agency Workers (18:46)**

The Council's Resourcing Manager introduced the report and confirmed that an agenda supplement had been published for the item to provide greater clarity to the recommendation. She confirmed that the proposals were similar to decisions made by the Council in relation to the Yorkshire Procurement Organisation and Veritau. She confirmed that City of York Trading provided the Council's supply of agency employees, but with a reduction in the number of agency roles at the Council, City of York Trading was expected to lose its Teckal status in January 2025.

Karen Bull Managing Director of City of York Trading highlighted that the proposals would allow the Council to continue to use City of York Trading without going out to tender and would not lose its level of control over City of York Trading with roles such as shareholder positions.

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion stated that the Council was a victim of its own success in reducing agency staff numbers. She stated her support for the creation of a new company to allow the Council to continue to benefit from the success of City of York Trading.

Resolved:

- i. Further to Article 12 of the Council of the City of York's Constitution, approve the formation of a new Teckal compliant company for the Introduction of

- Candidates for Direct Engagement and the Provision of Agency Workers to Council of the City of York;
- ii. Approved the novation of the Council of the City of York's current Contract dated 7th September 2023 for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers with the current Teckal company, City of York Trading Limited, to the New Company;
  - iii. Approved City of York Trading Limited making an Inter- Company Loan to the New Company of up to £500,000 to cover the initial licensing, the first month payroll and HMRC costs for the New Company, pending payment of the initial invoice under the Contract for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers by Council;
  - iv. Delegated authority to the Director of Governance to negotiate, draft and conclude with City of York Trading Limited all necessary documentation linked to the formation of the New Company including (but not limited to) the New Company's Articles of Association, Shareholder's Agreement, the Novation of the Contract dated 7th September 2023 for the Introduction of Candidates for Direct Engagement and the Provision of Agency Workers between the Council of the City of York and the City of York Trading Limited to the New Company, and the Inter-Company Loan between City of York Trading Limited and the New Company.

Reason: To ensure that the Teckal compliant New Company can deliver candidates for direct engagement and agency workers to CYC in compliance with Reg. 12(1) of the Procurement Regs (and Schedule 2, Part 1, Para 2 of the Procurement Act 2023 once this comes into force later in 2024).

To ensure that CYT can continue to support CYC, whilst enabling the expansion of Work with Schools, Work with Yorkshire, and Williams & Anthony to maximise commercial opportunities and the potential dividend to CYC.

**21. Council house acquisitions and disposals policy (17:20)**

The Head of Housing Delivery and Asset Management introduced the report. He outlined the policy proposal to sell some Council properties that were deemed too expensive or difficult to maintain or retrofit. He confirmed that these sales would allow the Council to continue improving its current housing stock and increase the number of new Council properties. The Director of Housing and Communities highlighted that the Council's previous policy was from 2022 and the new policy would provide greater transparency around when the Council disposes of a property.

The Executive Member for Housing, Planning and Safer Communities confirmed that this policy would codify Council policy. He confirmed that the policy would assist in identifying properties that were too expensive or difficult to maintain or retrofit and seek to sell those properties when the receipt could provide one or more than one for one replacements. He also confirmed that the policy would only consider the sale of empty properties and not properties currently rented out to Council tenants.

Resolved:

- i. Approved the adoption of the Housing Revenue Account Acquisitions and Disposals Policy attached at Appendix A;
- ii. Approved the delegated authorities set out in the Housing Revenue Account Acquisitions and Disposals Policy to enable the acquisition and disposal of council homes which meet the criteria set out in the policy;
- iii. Noted that updates on acquisitions and disposals will be included in future Housing Delivery Programme Executive updates.

Reason: To enable the acquisition and disposal of council homes which meet the criteria set out in the policy.

**22. Update on the Housing Delivery Programme including making strategic use of land assets (17:32)**

Officers introduced the report providing an update to the Housing Delivery Programme. They also highlighted several Council assets which were considered not suitable for affordable housing delivery. Therefore these assets were proposed to be disposed of to maximise capital receipts and therefore support other Council priorities.

The Executive Member for Housing, Planning and Safer Communities welcomed the report and welcomed the Council's work to deliver 100% affordable housing across its housing development sites.

Resolved:

Lowfield Green Plot B

- i. Agreed to dispose of the Lowfield Plot B site, by freehold transfer or grant of a long lease, to a Registered Provider for the delivery of age-appropriate affordable housing for residents aged over 55;
- ii. Delegated authority to the Director of Housing and Communities in consultation with the Executive Member for Housing, Planning and Safer Communities and Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion to agree the final weighting of the criteria for the disposal of the Lowfield Plot B site.
- iii. Approved the carrying out of a procurement process to procure a Registered Provider to deliver the Lowfield Plot B scheme and to delegate to the Director of Housing and Communities (in consultation with the Head of Procurement and the Director of Governance) the authority to take such steps as are necessary to procure, award and enter into the resulting contract(s).

Castle Mills

- iv. Noted the interest from the Registered Provider in developing the Castle Mills site for 100% affordable



housing and agree to enter a Memorandum of Understanding to grant them an exclusivity over the site for a 4-month period to allow them to undertake further feasibility work with the aim of disposing of the site for affordable housing.

#### Former Morrell House site

- v. Agreed to dispose of the site, by freehold transfer or grant of a long lease, to a Registered Provider for the delivery of 100% affordable housing schemes;
- vi. Delegated authority to the Director of Housing and Communities (in consultation the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement(s).

#### Procuring an operator to provide benefits for residents of Marjorie Waite Court and the surrounding community

- vii. Approved the procurement of an operator to provide facilities (including, but not limited to, catering, communal dining, a beauty salon and a community hall) at Marjorie Waite Court under a concession contract, along with a lease, for a term of up to 10 years with break and/or extension points at reasonable intervals within that term and delegate to the Director of Housing and Communities (in consultation with the Director of Governance and the Head of Procurement or their delegated officers) the authority to take such measures as are necessary to determine the terms of the arrangements and to procure, award and enter into the resulting contract and lease.

#### Disposal of Assets Considered Surplus and not Suitable for Affordable Housing Delivery

- viii. Agreed to dispose of the freehold interest in 22 The Avenue and delegate authority to the Director of Finance (in consultation with the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement;
- ix. Agreed to dispose of a 999-year leasehold interest in the 5 No 1 bed flats and communal areas serving such, at Shambles and delegated authority to the

- Director of Finance (in consultation with the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement;
- x. Agreed to release the development obligations and overage provisions currently contained within the existing Development Agreement at Hungate, in respect of the site previously sold to Hungate (York) Regeneration Limited, in consideration of a capital premium as detailed in the Confidential Appendix and delegated authority to the Director of Finance (in consultation with the Director of Governance) to agree the terms of the disposal and enter into the resulting agreement.

Reason: To review the Housing Delivery Programme and approve the use of strategic land assets.

Cllr Douglas, Chair

[The meeting started at 4.31 pm and finished at 7.04 pm].