

Meeting	Executive
Date	18 August 2022
Present	Councillors Aspden (Chair), Craghill, D'Agorne, Runciman, Smalley and Waller
Apologies	Councillors Ayre, Mason and Widdowson
In Attendance	Councillor Douglas
Officers Present	Janie Berry – Director of Governance, and Monitoring Officer Debbie Mitchell – Chief Finance Officer Neil Ferris – Corporate Director of Place Martin Kelly – Corporate Director of Children & Education Gary Frost – Major Transport Projects Manager Catherine Higgins – Senior Transport Project Manager

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **25. Declarations of Interest (5:32 pm)**

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. No interests were declared.

### **26. Public Participation (5:33 pm)**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, all in relation to Agenda Item 4 (City Centre Access Security Measures – Update Including Tender Return).

Flick Williams objected to the proposals on the grounds of the cost of the HVM measures, the lack of public engagement, and the disproportionate effect they would have on disabled people.

Diane Roworth also objected to the proposals, stating that the HVM scheme was not fit for purpose and that a solution was needed that did not exclude disabled people from the city centre.

Cllr Melly, Ward Member for Holgate, highlighted costs and accessibility issues and urged that the scheme be reconsidered to keep the public safe while not excluding disabled people.

**27. Forward Plan (5:43 pm)**

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.

**28. City Centre Access – Security Measures – Update Including Tender Return (5:43 pm)**

The Corporate Director of Place presented a report which provided an update on the procurement of the Hostile Vehicle Measures Scheme, and sought approval to enter into a contract for the Scheme and bring forward the additional funding required.

Executive had granted authority to proceed with procurement on 13 January 2022 (Minute 81 of that meeting refers). Following completion of the detailed design, one tender had been received and evaluated. Due to the increased cost of materials, the identification of new products that better met the risk assessments, and work needed to protect infrastructure, the current budget was no longer sufficient and a further £1.750m was required. Temporary measures would still be needed over the Christmas 2022 period, before work began. Letters received in support of the Scheme from North Yorkshire Police and Counter Terrorism Policing were attached as Annexes A and B to the report. Location plans for the measures were attached at Annex C.

Supt Mark Khan of North Yorkshire Police and Shaun Tunstall, Counter Terrorism Security Advisor at West Yorkshire Police addressed the meeting and responded to Members' questions. Supt Khan explained that the current threat assessment had been set by JTAC as 'substantial' and that York city centre was particularly vulnerable due to the number of publicly accessible locations within a small area. Mr Tunstall supported this view,

adding that the threat was becoming more unpredictable, and an HVM scheme was needed more in York than in most other cities.

In response to matters raised under Public Participation, officers pointed out that the issues relating to footstreets had already been decided by Executive, and that the cost of the Scheme was small in relation to the total value of the council's highways assets. In supporting the recommendations, the Executive Member for Transport highlighted the council's statutory Protect Duty and the expert advice that formed the basis of the Scheme. The Chair expressed disappointment that the government had failed to provide support to Local authorities in meeting their statutory duty, and suggested an additional resolution to that effect.

Resolved: (i) That the general progress on the Hostile Vehicle Measures (HVM) Scheme be noted.

(ii) That authority be delegated to the Director of Transport, Environment & Planning (in consultation with the Director of Governance or her delegated officers) to accept the tender based on the evaluation criteria and to take such steps as are necessary to award and enter into the resulting contract.

(iii) That it be noted that the tender received is in excess of the available budget and that an additional £1,750k be approved, to be funded by bringing forward funds from the 2026/27 Highways Maintenance capital programme, to enable award of the contract and to meet the forecast for inflation and the utilities costs.

Reason: To enable the contract to be awarded in order to commence work to carry out advice received by Police and Security services to protect the city centre from a vehicle borne terrorist attack.

(iv) That City of York Council lobby the Home Secretary to seek financial support with the installation of HVMs and the production of a long term government plan to support councils in implementing their Protect Duty.

Reason: To ensure local authorities have the resources they need to comply with the additional requirements placed upon them by government.

29. **Emergency Planning Shared Service Collaboration Agreement Between City of York Council and North Yorkshire County Council (6:38 pm)**

The Director of Transport, Environment & Planning presented a report which sought approval to continue the shared service approach to emergency planning between City of York Council (CYC) and North Yorkshire County Council (NYCC) that had operated as a pilot scheme since August 2021.

Under the pilot, the council retained the strategic management role of Emergency Planning and was represented at the Local Resilience Forum, and NYCC co-ordinated the response in an emergency. A decision on the future of the service provision was required no later than 30 September 2022.

Four options were available, as detailed in paragraphs 13-33 of the report and summarised briefly below:

**Option a** – continue the current agreement, as recommended. This offered the best balance of resource and resilience whilst retaining the autonomy of the council to make its own decisions.

**Option b** – move the strategic role to the Shared Service. Not recommended, as the council would not then have the same level of ownership, responsibility and regional representation.

**Option c** – terminate the agreement and revert to the council's substantive emergency planning structure by 31 March 2023. Not recommended, as it would require staff recruitment at a time when the availability of suitably qualified resources was limited

**Option d** – terminate the agreement and develop a new, more resilient structure by 31 March 2023. Not recommended, as it would provide less resilience at a higher cost than Option a.

Resolved: That the continuation of the shared service collaboration between City of York Council and North Yorkshire County Council (Option a) be approved.

Reason: To provide the most cost-effective use of resources for a resilient Emergency Planning Service.

**30. 2022/23 Finance and Performance Monitor 1 (6:46 pm)**

The Chief Finance Officer presented a report which provided details of the council's overall finance and performance position for the period covering 1 April 2022 to 30 June 2022, together with an overview of any emerging issues.

The gross financial pressures facing the council were projected at £8.7m; however, with mitigation and further action it was considered this could be reduced to a net position of £6.7m. The main variations and proposed mitigating actions were summarised in Annex 1 to the report. Serious underlying budget pressures remained across social care, and additional funding of £7.6m had been allocated to the 2022/23 budget in the People directorate. The general reserve stood at £6.9m and a contingency budget of £1m was available to offset the forecast overspend. Service delivery performance was summarised in paragraphs 18-24 of the report, and details of performance against the core strategic indicators in the Council Plan were provided in Annex 2.

In commenting on matters within their individual portfolio areas, Members thanked staff involved in reducing the number of empty council homes and processing support fund and rebate payments, and highlighted the chronic underfunding of social services at a national level. The Chair echoed the need for government support, especially in ensuring sustainable funding for social care, and stressed that the council's priority was to support its residents through difficult financial times.

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.

**31. Capital Programme - Monitor 1 2022/23 (7:07 pm)**

*[See also under Part B]*

The Chief Finance Officer presented a report which set out the projected outturn position of the council's capital programme for 2022/23, including any under/over spends and adjustments,

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

An increase of £6.592m was reported on the programme approved in February 2022, resulting in a revised programme for 2022/23 of £792.750m. Variances against each portfolio area were set out in Table 1 at paragraph 8 of the report and detailed in paragraphs 9-27. The revised 5-year programme was summarised in Table 2 at paragraph 28. The report highlighted the need to be aware of potential delays and cost increases to projects due to the combined impact of Covid, Brexit, global demand and the war in Ukraine. Officers would continue to monitor the situation.

In supporting the recommendations, the Chair noted the progress made on a number of important schemes and highlighted the successful bid for £3m from the Department of Education, the energy efficiency works on 44 council homes, and the funding awarded to support the delivery of Haxby Station.

Resolved: (i) That the 2022/23 revised budget of £192.750m, as set out in Table 1 at paragraph 8 of the report, be noted.

(ii) That the restated capital programme for 2022/23 – 2026/27 as set out in Table 2 at paragraph 28, be noted.

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

### **Chair's Remarks (7:10 pm)**

The Chair noted that this was the last Executive meeting to be attended by Janie Berry, Director of Governance and Monitoring Officer, who was leaving the council to take up a post in Birmingham. On behalf of the Executive, he thanked Janie for her work and wished her well in her new role.

## **PART B - MATTERS REFERRED TO COUNCIL**

### **32. Capital Programme - Monitor 1 2022/23 (7:07 pm)**

*[See also under Part A]*

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

Recommended: That Council approve the adjustments resulting in an increase of £6.592m in the 2022/23 budget, as detailed in the report and contained in Annex A.

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

Cllr K Aspden, Chair

[The meeting started at 5.31 pm and finished at 7.11 pm].