

## **Executive**

**Tuesday, 20 February 2024**

### **Decisions**

Set out below is a summary of the decisions taken at the Executive meeting held on Tuesday, 20 February 2024. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Service no later than 4pm on 27 February 2024.

If you have any queries about any matters referred to in this decision sheet please contact Robert Flintoft.

#### **5. Local Bus Service Updates**

Resolved:

##### **Bus Network Review**

- i. Noted the York Bus Network Review findings and report produced by Momentum;
- ii. Approved the procurement of short-term bridging extensions to existing subsidised bus contracts for services 1, 4, 6, 10/10A, extending them from 28th April to 2nd June 2024;
- iii. Approved a short-term contract for the weekday bus service 13 for until 2nd June 2024;
- iv. Approved an extension to the short-term contract for the weekday bus service 19, until 2nd June 2024;
- v. Noted the consultation response to proposed supported bus service changes affecting services 1, 11, 12, 13, 14, 16, 19, 24, 25 and 26;
- vi. Agreed to implement the changes recommended in paragraphs 38 to 64 of this report to supported bus services, between June and December 2024
- vii. Delegated authority to the Director of Transport, Environment and Planning (and their delegated officers) in consultation with the Director of Governance and the Chief Finance Officer (and their respective delegated officers) to amend or

procure and enter into bus contracts in line with the approved recommendations ii to vi of the report.

## **BSIP**

- viii. Noted the BSIP programme update;
- ix. Noted and approved acceptance of the BSIP Phase 3 allocation of up to £1,153,000 of revenue funding to support delivery of York's BSIP in 2024/25 and to delegate authority to the Director of Transport, Environment and Planning (and their delegated officers) in consultation with the Director of Governance and the Chief Finance Officer (and their respective delegated officers) to enter into any related funding agreements.

## **ZEBRA2**

- x. Noted the ZEBRA2 bid submission and that an outcome is expected in March 2024, with a further paper to follow if successful.

Reason: In support of a stable, efficient, sustainable, and affordable bus network that delivers the CYC's stated Bus Service Improvement plan objectives in line with the National Bus Strategy and council policy.

## **6. Construction Skills and Retrofit**

Resolved:

- i. Thanked the founding members of the Construction Skills Partnership for the work they have begun and endorse their approach to developing a Construction Skills Initiative.

Reason: To recognise the work undertaken by industry partners in developing the initiative, and to support the growth of the York economy and the Council's priorities of affordability, environment, equalities and human rights, and health and wellbeing.

- ii. Noted the progress made on developing models for a Construction Skills Village, delivering on-site training

and promoting construction as a career to young people and career changers.

Reason: To support Council Plan commitments and City Strategies.

- iii. Delegated authority for implementing the Innovate UK-funded Retrofit One Stop Shop York project to the Corporate Director of Place.

Reason: To support corporate objectives to combat climate change.

- iv. Approved that the Council enters into any necessary collaborative arrangements and/or contracts with its partners to deliver the ROSSY project, and to delegate authority to the Corporate Director of Place, in consultation with the Chief Finance Officer and the Director of Governance (or their delegated officers), to determine the terms and conditions, and any subsequent modifications and/or extensions thereto.

Reason: To ensure compliance with the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution and, where applicable, the Public Contract Regulations 2015.

- v. Approved that the Council enters into any necessary grant funding agreements with the funder, Innovate UK, and any necessary onward grant funding agreements with its partners and/or any other third-parties to deliver the ROSSY project, and to delegate authority to the Corporate Director of Place, in consultation with the Chief Finance Officer and the Director of Governance (or their delegated officers), to determine the terms and conditions of any grant funding agreements entered into, and the provisions of any subsequent modifications and/or extensions thereto.

Reason: To ensure compliance with the Subsidy Control Act 2022, the Council's Financial Regulations under Appendix 10a of the Council's Constitution and the Council's Contract Procedure Rules.

## **7. Harewood Whin Green Energy Park (GEP) – Project Initiation**

Resolved:

- i. Agreed to initiate the Harewood Whin GEP project and the development of a Strategic Outline Case for a preferred way forward.

Reason: To assess the viability and feasibility of the proposed project, reaffirm the strategic context, and determine a preferred way forward for the project that is financially viable.

- ii. Agreed that a Strategic Outline Case will be prepared for the project and presented to the Executive at the conclusion of the first stage of project development (Gateway Review 1).

Reason: To enable the Executive to review the Strategic Outline Case (business case) and determine whether to authorise the project to proceed to the next stage of project development.

- iii. Agreed to initiate governance to assure the project and delegate financial authority for this stage to the Corporate Director of Place to allow the project to proceed to the next Executive decision.

Reason: To progress the project to this next stage, operating within the £243,500 budget allocated by the MCA.

## **8. York Tourism Strategy**

Recommended:

- i. Thanked the Tourist Advisory Board (TAB) for their work in preparing a new York Tourism Strategy and recommended the strategy to Full Council so that it can be adopted on behalf of the city.

Reason: To recognise the work undertaken by TAB and industry partners in preparing the strategy, and to support the growth of the York economy and the Council's priorities of affordability, environment,

equalities and human rights, and health and wellbeing.

Resolved:

- ii. Noted the YNYLVEP status and the requirement to work collaboratively with North Yorkshire Council to prepare a YNY LVEP Year 1 Growth Action Plan and a framework which aligns the York Tourism Strategy and the North Yorkshire Destination Management Plan by 31st March 2024; and
- iii. Delegated the sign off for York input to the collaborative work on the YNYLVEP Growth Action Plan/YNYLVEP Framework, and any subsequent modifications and/or extensions thereto, to the Corporate Director of Place (and their delegated officers) in consultation and input with other Directors (and their delegated officers) where required.

Reason: To enable collaborative work on the YNLVEP to continue with North Yorkshire Council and Make It York.

## **9. Children and Young People's Plan 2024-2027**

Resolved:

- i. Agreed the Children and Young People's Plan.

Reason: This is to enable the implementation of the Children and Young People's Plan alongside partners.

## **10. Corporate Parenting Strategy**

Resolved:

- i. Agreed the Corporate Parenting Strategy.

Reason: This is to enable the implementation of the Corporate Parenting Strategy and its supporting action plan.

**11. Update regarding the Recommission of the current York Reablement service**

Resolved:

- i. Noted the current progress and delays to the recommissioning of the Reablement Service since the previous report to the Executive attached as Appendix A;
- ii. Approved the approach to incorporate the Rapid Response Service into the current re-commission of our Reablement Service through a joint competitive tendering process, joint specification, and joint contract;
- iii. Approved the revised Open Procurement Procedure timetable set out at Appendix A;
- iv. Approved the extension of the current Reablement Service Contract with HSG;
- v. Delegated authority the DASS (and their delegated officers) in consultation with the Chief Finance Officer (151 Officer) (and their delegated officers) to seek Providers from the market for the delivery of the new combined Reablement and Rapid Response Service contract (with an initial term of 2-years, and an option for 2-further extensions of 1- year each) via an open, fair and transparent competitive procurement process and evaluation criteria in compliance with the new Procurement Timetable at Appendix A of this Report, the CYC CPRs and the Light Touch Regime under Regulations 74 to 76 and Schedule 3 (the “Light Touch Regime”) of Procurement Regs;
- vi. Delegated authority to the DASS (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), to determine the provisions of the new combined Reablement and Rapid Response Service contract, and to award and conclude the Community Wellbeing contract following an open, fair and transparent competitive procurement process and evaluation criteria in compliance with the new Procurement Timetable at Appendix A of this Report, the CYC CPRs and the Light Touch Regime under the Procurement Regs;
- vii. Delegated authority to the DASS (and their delegated officers), in consultation with the Chief Finance

Officer (151 Officer) (and their delegated officers) and the Director of Governance (and their delegated officers), to determine the provisions of and conclude any subsequent extensions and/or variations to the new combined Reablement and Rapid Response Service contract in compliance with the new contract's terms and conditions, the CYC CPRs and the Light Touch Regime under the Procurement Regs; and

- viii. Delegated authority to the DASS (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), to determine the provisions of and conclude with HSG the 6- month extension to the current Reablement Contract commencing on 1st April 2024 until 30th September 2024, to allow CYC time to commission and transition to the new combined Reablement and Rapid Response Service contract in compliance with the new Procurement Timetable at Appendix A of this Report, the CYC CPRs and the Light Touch Regime under the Procurement Regs.

Reason: Approval The Reablement Service was given by Executive on 12<sup>th</sup> October 2023 to proceed with a competitive tendering process resulting in a new service being implemented from the 1st April 2024.

The Reablement Service is funded by the Better Care Fund and has contributions from both the Council and the ICB. Additional stakeholder engagement has been completed via workshops and multi-agency meetings and this has enabled the specification to be finalised whilst all partners made the necessary contribution to the service specification. Completing this work has caused a delay from the previous timescales submitted.

Further, during this delay period it became clear that there was an opportunity to incorporate the Rapid Response Service into the Reablement Service which would provide efficiencies, improved outcomes, and simplified pathways for people to access both Services. Reducing the need for more costly care such as Residential care.

Tendering both the Reablement and Rapid Response Services together will maximise the use of CYC resources and comply with the CYC CPRs Rules in terms of completing an open, fair, and transparent process.

The market has not been approached since 2017 and 2019 for these services therefore CYC need to ensure we are receiving value for money. This approach also avoids having to complete two separate tendering exercises. The procurement procedure is subject to the Light Touch Regime under the Procurement Regs and will be completed as an Open Procurement Procedure (see Appendix A for the revised Open Procurement Procedure timetable).

Approving both the revised timetable at Appendix A and the proposed 6-month extension to the current HSG Reablement Service contract will provide the necessary additional time to incorporate the Rapid Response Service into the new contract and allow sufficient time to tender, award and mobilise the new joint service with a start date of 1st October 2024.

If the new timetable and proposed extension to the current Reablement Service contract are not approved, then the Reablement Service contract with HSG will expire on 31st March 2024, CYC will have no replacement service in place, and CYC is at risk of breaching its statutory duties under the Care Act 2014.

Further if, CYC do not proceed to the market, it is highly likely that a challenge from providers would be presented as they have, they have not been given the opportunity to bid for new business in a fair, open, and transparent manner. This would be in direct conflict with the Procurement regs and the CYC CPR's. If provider/s were successful in challenging CYC there could be potential legal fees and additional costs in terms of service provision to be paid. Finally, CYC is at risk of reputational damage if Procurement Regs and the CYC CPR's are not complied with by not tendering business



opportunities as this could be perceived as collusion with particular providers within the market.

**12. Health Protection Annual Assurance Report**

Resolved:

- i. Noted the report.

Reason: To ensure the Executive are assured of the health protection arrangements in place to protect the local population.