

Meeting	Executive
Date	6 October 2022
Present	Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Kilbane
Officers in Attendance	Ian Floyd - Chief Operating Officer Bryn Roberts - Director of Governance and Monitoring Officer Debbie Mitchell - Chief Finance Officer Neil Ferris - Corporate Director of Place Sharon Stoltz - Director of Public Health Jamaila Hussain – Director of Prevention and Commissioning James Gilchrist - Director of Environment, Transport, and Planning Tracey Carter - Director of Housing, Economy, and Regeneration Will Boardman - Head of Corporate Policy and City Partnerships Nick Collins - Head of Property Sam Fryers - Public Transport Planner Michael Howard - Senior Transport Project Manager Richard Holland - Senior Projects Manager

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### 33. **Declarations of Interest (10:03)**

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.

**34. Minutes (10:03)**

Resolved: That the minutes of the Executive meetings held on 28 July 2022 and 18 August 2022 be approved and then signed by the Chair as a correct record.

**35. Public Participation (10:04)**

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 relating to the governance of the new combined authority if devolution goes ahead, including concerns about accountability, the lack of opposition party presence from York being able to participate, and access to meetings for the public.

Carole Green spoke on Agenda Item 6 (Enhanced Partnership and Bus Service Improvement Plan), handing in a petition signed by 1235 people requesting permanent funding of the No. 11 bus route.

Flick Williams spoke on Item 6 noting the importance of bus travel especially for wheelchair users and the damage of lost routes. Concern was also raised regarding the access on current buses with park and ride buses using more single decker buses and the lack of space for wheelchair users over crowded buses have and can leave those with disabilities behind.

Doreen Magill spoke on Item 6 as Chair of York Bus Forum, noting that the enhanced bus partnership needed to be a partnership that addressed the concerns of passengers and feared it was largely a replication of the current system which did not do this. They noted that people in the city want to use buses the key is for the Council and operators to deliver a timetable and buses people wanted to use.

Ian Craven spoke on item 9, citing that he felt there had been insufficient consultation on the site of the Haxby station as Towthorpe residents were not consulted. They noted that they felt the site should be closer to the bypass and asked that a

consultation be undertaken before a planning application was submitted.

**36. Forward Plan (10:20)**

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.

**37. Update to the Community Asset Transfers Affecting Community and Parks Assets (10:50)**

The Director of Place / Director of Housing, Economy & Regeneration presented a report which set out the representations received following publication of the Section 123 Notices proposing to dispose of various areas of open space land, and made recommendations in response to these.

Executive welcomed the report and noted that most of the assets had not received any comments. Regarding, the two Herdsman Cottages Members were pleased that they could not become holiday lets due to the 250 year leases restricting the properties to private residents.

Resolved: (i) That the progress to date on the Community Asset Transfers be noted.

(ii) That the five comments received in response to the Section 123 Notices published in respect of those properties qualifying as public open space be noted.

(iii) That the approval for the disposal of the two former herdsman's cottages at 103 Heslington Road and 159 Mount Vale be amended to be on the basis of granting a 250 year lease for each property, with each to contain a user clause restricting the use of the properties to private main/principal residences, rather than disposing of the freeholds.

Reason: To obtain a capital receipt from the disposal (by way of grant of long lease) of both properties on the open market which have been deemed surplus to

requirements, whilst seeking to ensure that the cottages are only used as private main/principal residences, as opposed to holiday lets.

(iv) That the assurances and further information provided in the report be noted regarding the three public comments received in respect of the intention to dispose through the granting of a lease of:

- Land at Mayfield South;
- Rowntree Park Tennis Pavilion; and
- Land at Chapman's Pond.

Reasons: a) To support York communities to access external funding and grants, to develop the facilities in line with local community aspirations and secure their long term sustainable care providing savings to the Council if it were to otherwise operate and manage these facilities itself.

b) To support the health and wellbeing of people in the local community by providing the use of council assets which can be actively managed and improved by the involvement of the local community.

### **38. Enhanced Partnership and Bus Service Improvement Plan (10:58)**

The Director of Environment, Transport and Planning presented a report which sought approval to enact a statutory Enhanced Partnership between the council and local bus operators in order to secure the confirmed £17.36m Bus Service Improvement Plan (BSIP) funding from the DfT.

The Executive noted the importance of the new partnership to improve York's bus network with upgrades such as improved ticketing on park and ride buses. It was noted that the partnership should improve passenger participation in stakeholder engagement which should promote improvements in accessibility for disabled passengers. The Executive Leader commented on the challenges of securing long term funding for buses across the country, with a current cliff edge of funding come in March 2023 and confirmed that a letter had been sent to the Secretary of State for Transport regarding this funding challenge. National challenges were also noted in areas such as

driver shortages and it was confirmed that the Council was reviewing how to support driver training.

Resolved:

- i. That the Executive notes that a statutory Enhanced Partnership between the council and local bus operators has been made by officers on Tuesday 27th September under delegated powers. The EP is a prerequisite to secure the confirmed £17.36 million in Bus Service improvement Plan (BSIP) funding from DfT;
- ii. That the Executive Recognise the £17.36m BSIP funding for 2022-25 and confirms that the relevant sums should be added to the council's capital programme and revenue budgets for the current, 2023/24 and 2024/25 financial years;
- iii. That authority be delegated to the Director of Transport, Environment and Planning, in consultation with the Executive Member for Transport, to draft a bespoke amendment to the Plan and Scheme in the likely event that further detail is required by DfT in order to release the full BSIP funding allocation. Any substantive changes will be brought to a future Executive Decision Session for approval.

Reason: To help ensure that £17.36m in DfT BSIP funding is secured, and accounted for in the council's budget programming, and that the council and bus operators can proceed with the process of delivering the stated York BSIP objectives in line with the National Bus Strategy.

### **39. Director of Public Health Annual Report 2020-2022 (11:24)**

The Director of Public Health presented her annual report, in accordance with the Health and Social Care Act 2012. The annual report, attached at Annex 1, covered a 2-year period due to the absence of a report in 2021 because of the Covid pandemic.

The Executive thanked officers in public health for their work in meeting a vast number of demands and acknowledged the impact of and Coronavirus was still challenging health services across the country. They noted that access to booster jabs were

available and recommended that residents who were eligible who haven't already had one to come forward for a vaccine.

Questions regarding the impact of Coronavirus and the cost of living crisis were raised. Officers confirmed that in line with the national picture poorer and more vulnerable residents have and would continue to be disproportionately negatively affected in areas such as family planning, cancer screenings, and overall life expectancy.

In York it was confirmed that additional health funding was

Resolved: That the publication of the report be approved, subject to the correction of typographical errors and any formatting issues.

Reason: To meet the statutory duty as set out in the Health and Social Care Act 2012.

#### **40. Haxby Station – Update and Next Steps (11:45)**

The Corporate Director of Place presented a report which provided an update on the progress of the Haxby Station project and sought delegated authority for a number of actions to take the project forward.

The Executive welcomed the report, noting that local residents had long supported the project. It was confirmed that the public consultation on the principle of a new railway station in Haxby had received 81% of respondents in support.

Costs associated with the project were discussed with some funding being provided by the Department for Transport it was confirmed. As things stood officers confirmed that the Department for Transport funding would remain in place as long as construction on the project started before the end of 2024.

Resolved: (i) That the additional £1.1m funding allocated to the project from government be noted.

(ii) That the results of the public consultation undertaken earlier in 2022 be noted.

(iii) That the recent application to Round 2 of the government's *Levelling Up Fund* be noted.

(iv) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Transport, to submit a planning application for the anticipated future construction of the new station.

(v) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Transport and the Director of Governance (or his delegated Officers), to:

- a) Undertake such steps as are necessary to commission Network Rail, as the council's delivery partners, to progress the next stage of development (*GRIP 4 & 5* stages), up to the point of delivery, noting that a further report will be brought to Executive to report on the actual build costs and to seek approval to proceed with construction.
- b) Carry out a procurement to engage a consultant to undertake the required design services to deliver all Highways aspects of the project which are outside the station site and to take such steps as are necessary to award and enter into the resulting contract.
- c) Carry out a procurement to engage a construction contractor to undertake the required construction works to deliver all Highways aspects of the project which are outside the station site, noting that a further report will be brought to Executive to report on the actual build costs and to seek approval to proceed with construction.

Reason: To afford City of York Council the best possible opportunity to progress this project in a timely fashion and enable the full delivery of a new rail station at Haxby by early 2024, as mandated by government.

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

### **41. Agree the Devolution Deal and commence consultation (10:20)**

The Chief Operating Officer presented a report which detailed the steps required following the announcement of the 'minded to' Devolution Deal for York and North Yorkshire, and asked Executive to approve the proposal and recommend that Council commence the consultation process to approve the Deal and carry out the relevant next steps.

On 1 August 2022 the Secretary of State for Levelling Up, Housing and Communities had announced that the Government was minded to enter into a Devolution Deal with York and North Yorkshire under which the region would benefit from £540 million of new Government investment to spend on local priorities to produce growth, together with a range of devolved powers. This was dependent upon the City of York Council (CYC) and North Yorkshire County Council (NYCC) establishing a Combined Authority for the area with an elected Mayor. A Governance Review undertaken by officers (Appendix 1 to the report) had concluded that a Mayoral Combined Authority was likely to improve the exercise of statutory functions in the area and a draft Scheme (Appendix 2) had therefore been prepared.

Subject to Member approval of the Review and the Scheme, the next step was to carry out an 8-week public consultation on the Scheme, as detailed in the report, before considering whether to create a Mayoral Combined Authority. To ensure proper governance and transparency, it was recommended that a Joint Committee be created at this stage between NYCC and CYC.

Members discussed the governance of the new Combined Authority and balanced views on their concerns with the creation of a Mayoralty against the access to funding which came from the devolution deal. Officers confirmed that measures had been negotiated which would require collaboration between the Metro Mayor and local authorities, such as the requirement for the Combined Authority Budget, which would need to be unanimously supported by local authorities.

Resolved: That the recommendations in the report be approved.

Recommended: That Council:

- (i) Approve the minded to Devolution deal.
- (ii) Approve The Governance Review as identified in Appendix 1 to the report.
- (iii) Approve publication of the Scheme at Appendix 2 for consultation and delegate to the Monitoring Officer any changes and actions needed to ensure that a full consultation exercise is conducted for the area.
- (iv) Delegate authority to the S151 Officer, in consultation with the Executive Members for Finance and Major Projects, to approve with North Yorkshire County Council (NYCC), work up the details of, and implement the financial arrangements, including a risk share mechanism and funding source.
- (v) Grant approval to cashflow, with NYCC, initial implementation costs of £600k (ahead of the funding being available to be drawn down) and agree to receive a further report once the full implementation costs are known.
- (vi) Approve the creation of a Joint Devolution Committee with NYCC and delegate authority to the Monitoring Officer, in consultation with the Leader, to approve the final terms of reference as agreed with NYCC.
- (vii) Approve the addition of £2m to the Capital Programme for affordable low carbon homes with any expenditure subject to the agreement of the S151 Officer upon business case approval and confirmation of grant conditions.

Reason: On the basis of the content of the report, and the beneficial Devolution Deal.

Cllr Aspden, Chair

[The meeting started at 10.03 am and finished at 11.56 am].