

Meeting	Executive
Date	22 October 2020
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

43. 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.

44. Minutes

Resolved: That the minutes of the Executive meeting held on 1 October 2020 be approved as a correct record, to be signed by the Chair at a later date, subject to an amendment to Minute 34 (Public Participation) to record the receipt of written comments from Cllr Douglas on the item *City of York Council Recovery and Renewal Strategy – September Update*.

45. Public Participation

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme, including two requests to speak by Ward Members.

Cllr Pavlovic spoke on Agenda Item 6 (Phase 2 of the Housing Delivery Programme), as Shadow Spokesperson for Housing. He criticised the programme, on the grounds that it did not properly address the rising numbers of those in priority housing need in the city, and urged Members to do more to deliver increased numbers of affordable homes within council developments.

Andrea Dudding spoke on Agenda Item 10 (Urgent Business: Devolution for York and North Yorkshire and Unitarisation – Update), on behalf of UNISON. She stressed the need, during any reorganisation process, to minimise disruption, protect jobs, level up terms and conditions and put an end to the outsourcing of council services.

Cllr Crawshaw also spoke on Item 10, as Chair of the Customer & Corporate Services Scrutiny Management Committee. He expressed concern that a narrow approach was being taken, without proper exploration of alternative options, and asked Members to recommend that Council refer the matter to Scrutiny before a final submission was made.

46. 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.

47. City of York Council Recovery and Renewal Strategy - October Update

The Interim Head of Paid Service presented a report which provided an update on the council's activities in response to Covid-19, both directly and to support recovery and renewal.

The report outlined the three-tier system for local restrictions announced by government on 12 October, and York's current placing at the 'Medium' level. Updates in respect of economic, communities and corporate recovery were provided in paragraphs 10-13, 14-20 and 21-23 respectively, with details of the council's communications activity in paragraphs 24-25 and Annex 2. The communities update highlighted progress in improving Children's Services, via the results of the 'Front Door Health Check' attached at Annex 1.

The Director of Public Health provided a further update at the meeting on Covid-19 cases in York, which had reached 3,016 in total since March. The virus was spreading mostly through household contacts; although there had been cases in 4 care homes and 3 schools, these had not led to outbreaks or school closures. In care homes, staff were being tested weekly and residents monthly. There had been a small increase in hospital

cases. Local test and trace capacity was being stepped up, with discussions being held on a third testing site and the local contact tracing service having just gone live.

Members expressed their thanks to staff across the council, as well as local residents and businesses, for their work and support in a fast-changing situation. The Chair confirmed that the council would continue to lobby government for better support and communication.

Resolved: That the contents of the report, and the further information provided at the meeting, be noted.

48. Phase 2 of the Housing Delivery Programme

The Interim Director of Place presented a report which outlined the business cases for the development of new high quality homes and public open space at Burnholme and Duncombe Barracks, and a proposal to facilitate the delivery of further new homes through the disposal of 8 small sites to self-builders.

The report set out the milestones achieved since 29 September 2019, when Executive had approved the 'Building Better Places' design manual and the 'Shape Homes York' brand (minute 44 of that meeting refers). The plans for Duncombe Barracks, detailed in paragraphs 16-21, included 34 homes, 1 commercial unit and 2 new areas of public space. Those for Burnholme, in paragraphs 22-26, included 85 homes (5 of which to be self-built), 2 new areas of public space and improvements to a 3rd public space. The 8 sites proposed for a further 14 self-build plots were vacant or under-used HRA land assets in various wards, as explained in paragraphs 29-30.

Paragraphs 31-33 provided an overall financial summary of the proposals, which would require initial investment of an extra £1.29m to meet increased standards in terms of space, zero carbon and 'future-proofing'. As well as quality homes for residents, this would deliver savings in the long term. Opportunities for grant funding would also be sought. Disposal of the small sites to self-builders was expected to deliver £1m additional receipts.

In endorsing the proposals, the Executive Member for Housing & Safer Communities responded to matters raised under Public Participation, stating that the programme would deliver quality

homes in strong communities, with twice the nationally required percentage of affordable housing.

Resolved: (i) That approval be given to use existing project management resources to procure a construction contractor and related support services (in compliance with all relevant procurement legislation) for the residential development, associated infrastructure and public space works at the Duncombe Barracks and Burnholme sites, in accordance with any future planning permission granted for the development of those sites, and that authority be delegated to the Interim Director of Place, in consultation with the Director of Governance, to take such steps as are necessary to award and enter into the resulting contract.

(ii) That the allocation of £32.1m from the Housing Delivery Programme capital budget to deliver the projects referred to in (i) above be approved.

(iii) That approval be given to dispose of 8 small sites (as set out in Table 7 in the report) for the purpose of self-build housing, supporting the council's ambition to enable residents to provide their own housing solutions.

(iv) That approval be given to use existing resources in the Housing Delivery Programme capital budget to support any professional advice and minor works needed to enable the sale of these self-build sites, with plots to be marketed based on an independent valuation and authority delegated to the Interim Director of Place to accept the best offer.

Reason: To progress with the construction, rental and sale of much-needed homes in York, set within healthy and sustainable neighbourhoods.

49. Huntington Neighbourhood Plan - Examiner's Report and Proposed Modifications

The Assistant Director of Planning & Public Protection presented a report which informed Members of the Examiner's

recommended modifications to the Huntington Neighbourhood Plan and proposed additional modifications in relation to the Green Belt policies, after a challenge through the examination process.

The recommendations of the Local Plan Working Group, following consideration of the report at their meeting on 20 October, had been circulated to Members.

The Examiner's report was attached at Annex A, with details of the recommended modifications, and the council's response to these, at Annex B. Annex C set out officers' proposed additional recommended modifications to the Plan in relation to Green Belt policies. These clarified that, in advance of the adoption of the Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes would be taken in accordance with the approach supported in the Wedgewood case referred to above. Judgement in the case had been received after the Examiner's report was issued in February 2020.

Resolved: (i) That the proposed additional modifications set out in Annex C to the report be approved for consultation purposes.

Reason: To allow public consultation on the proposed additional modifications.

(ii) That approval be given for a Neighbourhood Plan (Regulation 17A(2)) consultation on the proposed additional modifications to the Huntington Neighbourhood Plan set out in Annex C.

Reason: So that interested parties can comment on the proposed modifications to the approach to the Green Belt policies.

(iii) That responsibility for the proposed additional modifications and consultation strategy be delegated to the Assistant Director for Planning & Public Protection, in consultation with the Executive Member for Economy & Strategic Planning.

Reason: To allow public consultation on the proposed additional modifications.

(iv) That consideration of the Examiner's report at Annex A and the proposed modifications strategy at Annex B be deferred until the consultation on the proposed additional modifications in Annex C has taken place.

Reason: To enable Members to make a decision on how to proceed with the Neighbourhood Plan in relation to all proposed modifications with consideration for the responses received to the Neighbourhood Plan (Regulation 17A(2) consultation on Annex C.

50. Temporary Amendments to the Council's Statement of Community Involvement

The Assistant Director of Planning & Public Protection presented a report which sought approval to make temporary amendments to the Council's Statement of Community Involvement (SCI), to revise planning-related public access and involvement procedures in response to current social distancing restrictions as a result of the Covid-19 pandemic.

The recommendations of the Local Plan Working Group, following consideration of the report at their meeting on 20 October, had been circulated to Members. These proposed some changes to the amendments to address concerns raised by the Group regarding non-digital access to documents, plus a review of the amendments after 6 months.

The draft temporary amendments, attached as Annex A to the report, set out the approach being taken to the commitments in the SCI during the pandemic. They included the temporary suspension of face to face consultation events and provision of printed documents, and their replacement by alternative methods such as virtual meetings and social media, with advocates to be nominated for those without access to online consultation. It was proposed that authority be delegated to the relevant Director and Executive Member to determine when the temporary arrangements would cease.

A revised version of Annex A, incorporating the changes recommended by the LPWG, had been circulated to Members.

Resolved: (i) That the recommended temporary revisions to the council's adopted SCI set out in Annex A, as revised to incorporate the changes requested by the Local Plan Working Group, and reflecting the specific requirements arising from national guidance and procedures on dealing with coronavirus implications, be approved.

(ii) That officers be authorised to publish the covering note to the adopted SCI on the council's website.

(iii) That authority be delegated to the Corporate Director of Economy & Place, in consultation with the Executive Member for Economy & Strategic Planning, to approve the implementation of the revisions for a period of up to 6 months and, should the revisions remain in place after 6 months, to ask the Local Plan Working Group to consider whether to recommend a further period of implementation.

Reason: To ensure that consultation and engagement in the planning process remain effective at a time when restrictions have been placed on face to face social interactions to help combat the spread of coronavirus, and to provide some certainty as to the duration of the temporary amendments.

51. Proposed Lease of Library Lawn to Explore York Libraries and Archives Mutual Limited

The Assistant Director of Communities & Culture presented a report which invited Executive to consider the results of public consultation on the above proposal following their in-principle decision on 23 July 2020 to grant the lease.

A Section 123 Open Space notice had been published in the York Press in August, with a deadline of 10 September for responses. One comment had been received, objecting to a mini golf course on the site. Feedback from further public consultation, including two Zoom events attended by 30 people, had been constructive. Details were set out in paragraphs 7-10 of the report.

Members were invited to approve the granting of the lease to Explore in accordance with their decision in July, or to refuse it in the light of the response to the Section 123 notice.

Resolved: (i) That approval be given to grant a lease of Library Lawn and the St Leonards Hospital Ruins (Store) to Explore York and Archives Mutual Limited (Explore) until 31 March 2034, under the terms set out in the report to Executive on 23 July 2020, to enable Explore to deliver cultural activities.

Reason: To allow Explore to use the space in connection with the operation of York Explore library and to sub-lease to third parties in order to generate income.

PART B - MATTERS REFERRED TO COUNCIL

52. Urgent Business: Devolution for York and North Yorkshire and Unitarisation - Update

The Interim Head of Paid Service presented a report which provided an update on government policy developments affecting both the possibilities for devolution and the future of local government in York and North Yorkshire.

The Chair had agreed to take this item under urgent business due to the very recent confirmation of the timescales for submission and the need to meet those timescales. A Regulation 11 notice had been published to the council's website, in compliance with special urgency procedures for key decisions.

On 23 July, Executive had approved a series of 'Asks' for a devolution deal. On 9 October, the Secretary of State had written to York and North Yorkshire council leaders, inviting them to submit proposals to replace 2-tier local authority structures with new unitary models by 9 November. As a unitary, York did not need to change to meet this requirement but was likely to be affected by the submissions of other authorities. Analysis of the likely submissions indicated that York would benefit significantly, in terms of the speed of devolution, the continuity of services, and the city's identity, by remaining a unitary on its existing footprint. It was proposed that a submission be made on this basis, together with a

Partnership Agreement outlining how existing joint working with North Yorkshire County Council could be built on to achieve maximum efficiencies with a new North Yorkshire unitary authority.

In response to matters raised under Public Participation, the Chair noted that the proposals would be debated at Full Council and that he would be happy to meet with union representatives and to work with scrutiny and the Labour group moving forward. Members thanked officers for producing the report at short notice, and endorsed the proposed submissions as representing the best option for York at this point.

Recommended: That Council:

- (i) Note the letter from the Secretary of State (Annex 2 to the report) and the issues as set out in the report.
- (ii) Approve the submission to Government of a case for City of York Council remaining a unitary on its existing footprint.
- (iii) Delegate authority to the Interim Head of Paid Service to make a submission, in line with the decision above, within the Government's timescales.
- (iv) Approve the submission of a Strategic Partnership Agreement with North Yorkshire (Annex 4), which proposes areas of potential joint working between City of York Council and a new North Yorkshire unitary council to support efficient local government in the region.
- (v) Approve the submission of Devolution 'Asks' (Annex 1, as approved by Executive on 23 July 2020) alongside the unitary submission, subject to the permissibility within this process, in order to progress devolution discussions with Government as quickly as possible.

Reason: To ensure that an appropriate response, which benefits York, is submitted to Government within the required timescales.

Cllr K Aspden, Chair

[The meeting started at 5.33 pm and finished at 7.24 pm].