

Meeting	Executive
Date	26 August 2021
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Douglas (on behalf of the Opposition Group Leader)

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

### **23. 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.

### **24. Minutes**

Resolved: That the minutes of the Executive meeting held on 20 July 2021 be approved, and signed by the Chair as a correct record.

### **25. Public Participation**

It was reported that there had been 10 registrations to speak at the meeting under the Council's Public Participation Scheme; however, one speaker was now unable to attend.

Jane Burton spoke on Agenda Item 5 (CYC Recovery and Renewal Strategy), on behalf of York Accessibility Action Group. She objected to the proposals to extend the current footstreets arrangements, stating that they excluded disabled people from the city centre and thus were a poor reflection on York, and noting that the proposed mitigations were unworkable.

Anne Norton also spoke on Item 5, objecting to the footstreets proposals, on behalf of York Disability Forum. She highlighted issues previously raised in consultation about the distance of

blue badge parking from the city centre and hazards caused by pavement cafes, and urged Members not to delay restoring blue badge access to the centre.

Pamela Mills also spoke on Item 5 in objection to the footstreets proposals. She highlighted the detrimental effect on blue badge holders of being unable to park in the city centre, especially those people who had limited time with their carers, as it did not allow enough time to carry out essential activities.

James Euesden also spoke on Item 5, on behalf of York Cycle Campaign. He expressed concern that data in the report showed a drop in levels of cycling in York when they had increased elsewhere, and noted that the lack of a safe cycle route across the city was exacerbated by excluding cyclists from the footstreets.

Jamie Wood also spoke on Item 5 in objection to the footstreets proposals, stating that they amounted to discrimination against blue badge holders, that the Equalities Impact Assessment was inadequate and that responses to consultation had been misrepresented.

Delma Tomlin spoke on Item 5 on behalf of York Early Music Centre and other music venues, outlining the ongoing difficulties that they faced as a result of the pandemic and supporting the proposal to allocate funding to York music venues.

Christopher Sherrington spoke on Item 5, on behalf of York Music Venue Network, the Music Venue Trust and the Fulford Arms. He urged Members to approve the proposal to fund the city's music venues, as an example of how councils could support their local economy.

Richard Powley spoke on Agenda Item 6 (York Community Woodland). As the owner of a neighbouring farm, he expressed concerns about the potential impact on his property and sought clarification on issues including nuisance, light and fencing.

Cllr Looker, Ward Member for Guildhall spoke on Agenda Items 8 (Finance & Performance Monitor) and 9 (Capital Programme Monitor). Commenting in particular on Adult Social Care, she expressed concern about the council's ability to meet the budget challenges and stressed the need to look for more innovative solutions.

## 26. 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.

## 27. City of York Council Recovery and Renewal Strategy - August Update

The Chief Operating Officer presented a report which provided a final update on the council's activities both directly in response to Covid-19 and to support recovery and renewal. Future updates would be contained in relevant reports considered as part of the normal business of the council.

The report summarised work undertaken over the past 19 months in relation to business support, financial inclusion and supporting the city centre, and looked ahead to the continuing challenges posed by Covid-19. It also made recommendations in respect of the future operation of the footstreets and the allocation of available funding for supporting businesses. The latest rate of new Covid cases in York was reported as 327.9 per 100k population, while 69.8% of adult residents had received both doses of the vaccine. A amendment was reported to paragraph 39 of the report, the 5<sup>th</sup> sentence of which should read as follows: *“Applications would be sought from individual venues that received Cultural Recovery Fund investments from the Arts Council, using the criteria from the Grassroots Music Venues Fund (see Arts Council website), but without the restrictions on infrastructure and buildings.”*

The Chief Operating Officer and the Chair recorded their thanks to staff, partners and volunteers for all the work they had undertaken during this period. Members echoed these comments and highlighted achievements within their individual portfolio areas. In response to matters raised under Public Participation, officers confirmed that the complexities were recognised and the recommendation was for a temporary extension of the footstreets; there would be opportunities for further public engagement, and a more comprehensive equalities assessment would accompany the report to Executive in November. Work to understand the figures around cycling, which remained a council priority, would also continue.

Resolved: (i) That the contents of the report be noted.

(ii) That the use of ARG funds and the positive impact of this approach on the York economy be noted, and that approval be given to allocate:

- a) £500k to the business voucher support scheme and
- b) £100k to support York's music venues.

(iii) That a final allocation report be brought to Executive at the end of 2021.

Reason: To support the York economy and its recovery from the Covid pandemic.

(iv) That officers be requested to obtain the necessary permissions to extend the current temporary footstreet arrangements, which are due to expire in September 2021, so that the 127 businesses currently operating street cafes can continue to operate in the interim and so that all available options can be presented to Executive in November to consider the future operation of the footstreets, which will include extending the additional blue badge parking provision that has already been provided.

(v) That the number of mitigations enacted since approval of the Temporary TRO to help support Blue Badge Holder access to the city centre (as set out in paragraph 40 and Annex 1) be noted.

Reason: To enable Executive to consider future arrangements of the footstreets extensions together with further improvements to accessibility in the city centre. The extension of the temporary orders will allow the current arrangements initiated in response to the government's Covid-19 guidance and Pavement Café License legislation to continue until Executive has been able to formally consider the statutory consultation and feedback on the further mitigation options.

(vi) That approval be given to extend the Temporary TRO for the continued one-way operation of Coppergate with contraflow cycle lane

until December 2021 pending consultation on the potential changes to the arrangements, including removal of the restrictions, and to remove the current pedestrian barriers from the southern footway immediately.

Reason: To allow the Executive / Executive Member to consider the results of engagement with stakeholders prior to making a decision in line with recent directions from the Department for Transport, and because pedestrian barriers are no longer considered necessary at this location with the removal of social distancing restrictions.

(vii) That officers be requested to continue the engagement with disabled people's advocacy groups, and to engage with the Human Rights and Equalities Board on the emerging ideas from this summer's strategic review of city centre access and parking and any additional suggestions from the statutory consultation for improving access in the city centre.

Reason: To ensure that the council works to improve access to the city centre for all.

(viii) That it be noted that reports will be brought to Executive in November 2021 on the future operation of the footstreets, My City Centre, Review of Access and Parking and the Future Funding of Dial a Ride.

Reason: This will also allow Executive to consider the decision on the future operation of the footstreets in the light of My City Centre and the Strategic Review of Access in full.

(ix) That consultation and engagement be undertaken with Scrutiny before the November Executive meeting on the future operation of the footstreets, accessibility to the city centre and the surrounding constraints.

Reason: To ensure that consideration is given to all ongoing constraints and opportunities regarding the extension of the city centre footstreets.

(x) That approval be given to implement additional dropped kerbs within the city centre footstreets around pavement cafes as mitigation, by prioritising these locations as part of the LTP programme.

Reason: To mitigate the impact of the continued presence of café licences on mobility aid access where some premises may not now be accessible without considerable detours.

(xi) That £20k be allocated from the Covid Recovery contingency to support York Wheels / Dial and Ride and Shopmobility and promote their services to potential users.

Reason: In recognition of the critical role they have played and will continue to play in the recovery of the city centre.

**28. York Community Woodland Community Co-design Vision and Process for Selecting Capital Funding and Delivery Partner**

The Corporate Director of Place presented a report which summarised the outcomes of engagement work to inform the final design of the York Community Woodland and set out a recommended process for agreeing the final design plan, the external capital funding source to support the creation and management of the woodland, and the appointment of a delivery partner.

Since consideration of the vision and objectives of the project by Executive on 27 August 2020 (Minute 31 of that meeting refers), land near Knapton village had been purchased with funding from the Northern Forest budget and revenue grants secured from White Rose Forest (WRF) and the Forestry Commission, as set out in paragraphs 5-9 of the report. The report had been developed in consultation with partners in WRF and the Community Forest Trust. Public consultation had also taken place aimed at reaching a wide and diverse audience across the city, as detailed in paragraphs 10-15. Feedback from this co-design process was included in the 'Community & Stakeholder Engagement Response Report' at Annex 1, along with official responses from The Woodland Trust, Natural England and other

bodies. Pegasus Planning Ltd. had been appointed to draw up a proposed woodland design masterplan and offers of capital funding had been secured from both the WRF and Forestry England.

In commending the proposals to Members, the Executive Member for Environment & Climate Change thanked the stakeholders and partners involved in progressing the project so rapidly. In response to comments made under Public Participation, she confirmed that these concerns would be taken into account in finalising the design details.

Resolved: (i) That the views of residents and stakeholders gained through community consultation be noted, and that the community woodland vision and woodland name be approved.

Reason: To ensure that the York Community Woodland project fully reflects the views and priorities of local residents and stakeholders.

(ii) That authority be delegated to the Executive Member for Environment and Climate Change to approve the final woodland design, select the source of external capital funding to support the woodland creation and approve the carrying out of a procurement process to appoint a woodland creation delivery partner.

Reason: To ensure a timely decision regarding woodland design in order to meet the 2021/22 tree planting season (October to March).

(iii) That authority be delegated to the Director of Governance to take such steps as are necessary to enter into the funding agreement and to procure, award and enter into the resulting contracts for the appointment of a woodland creation delivery partner should the Executive Member for Environment & Climate Change select the White Rose Forest Trees for Climate fund as the external capital funding source to support York Community Woodland delivery.

Reason: To ensure timely entry into the lease to meet project deadlines.

(iv) That authority be delegated to the Executive Member for Environment & Climate Change to approve the publication of any necessary 'open space' disposal Notice under s.123 of the Local Government Act 1992 and to consider any comments received from the public in response to such Notice should the Executive Member for Environment & Climate Change select Forestry England as the external capital funding source to support York Community Woodland delivery, in return for the council granting Forestry England a long term lease of the land.

Reason: To ensure timely entry into the lease to meet project deadlines.

(v) That authority be delegated to the Director of Governance to take such steps as are necessary to enter into the resulting lease with the Secretary of State for Environment, Food & Rural Affairs for the York Community Woodland site at Knapton should the Executive Member for Environment & Climate Change select Forestry England as the external capital funding source to support York Community Woodland delivery.

Reason: To ensure timely selection and appointment of a woodland creation delivery partner to meet project deadlines.

## **29. Updating the Council's Adopted Highway Data and Recording Processes**

The Corporate Director of Place presented a report which sought approval to implement the process required by the Local Government Ombudsman (LGO), in a decision dated 19 May 2021, to update the council's records in respect of its adopted highway data.

The LGO's decision, attached as Annex A to the report, concerned a complaint that the council's failure to update its records to show that a road was adopted had led to the

complainant missing an opportunity for access to faster broadband. The LGO had asked the council to complete a review of the road adoption system by 19 August 2021 and to report the findings to Members within a month of completing the review, seeking approval for changes and recommendations. The review had been completed and the results and recommendations were set out in the report.

Two options were presented, as detailed in paragraph 15:

**Option A** (recommended) – undertake a full update addressing all areas to be reviewed, setting up a small highway recording function in the Place Directorate to progress this.

**Option B** – prioritise the update within current staffing levels. This was not recommended as it would reduce the level of service for other duties and would not meet the LGO's requirements.

Resolved: (i) That the actions taken to comply with the LGO's requirements, including to undertake a full update of the highway extent map, List of Streets and Definitive Map in 2021/22 and 2022/23 addressing all areas to be reviewed and updated, be noted.

(ii) That therefore approval be given to set up a small highway recording function within the Place Directorate, initially for a period of one year, funded through existing resources.

Reason: To comply with the LGO's requirements and meet the council's statutory duties within an acceptable timescale.

### **30. 2021/22 Finance and Performance Monitor 1**

The Chief Finance Officer presented a report which provided details of the council's overall finance and performance position for the period 1 April 2021 to 30 June 2021, together with an overview of any emerging issues.

The report highlighted a number of known pressures that would need to be carefully managed throughout the year, the continuing impact of the Covid-19 pandemic, and the significant ongoing pressures on children's and adults' social care budgets.

The gross financial pressures facing the council were projected at £7.8m. After mitigation and further action, as outlined in the report and in the directorate summaries at Annex 1, it was considered that this could be brought down to a net position of £5m. The council had £6.9m general reserves to call upon should the outturn not be within the approved budget. Member approval was sought to write off three debts above £100k, as detailed in paragraphs 23-26, and to award contracts in respect of ICT procurement, as explained in paragraphs 28-33. In respect of service delivery, performance remained high despite the challenges faced over the past year and continued to compare favourably against areas similar to York. Performance indicators had also remained positive, as summarised in paragraph 36 of the report and detailed in Annex 2.

In supporting the recommendations, and in response to comments under Public Participation, the Executive Member for Finance & Performance highlighted the work being done to support social care services and the extra funding allocated to this area (paragraphs 8 and 13) and noted that levels of cycling had dropped from a higher baseline in York than in other places. The Chair drew attention to discussions at the City of York Outbreak Management Board, and the Board's agreement to lobby the Department of Health for more funding.

- Resolved:
- (i) That the finance and performance information, and the actions needed to manage the financial position, be noted.
  - (ii) That approval be given to write off bad debts as outlined in paragraphs 26 to 30 of the report.
  - (iii) That the two elements of the MSA procurement be awarded as follows, as outlined in paragraphs 28-33:
    - a) The Dark Fire contract to be awarded to City Fibre for 15 (with option of plus 3 plus 2) years;
    - b) The Managed Services contract North to be awarded for 7 (with option of plus 3x1) years.

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

### **31. Capital Programme - Monitor 1 2021/22**

The Chief Finance Officer presented a report which set out the projected out-turn position of the council's capital programme for the 2021/22 financial year, along with requests to re-profile budgets to or from current and future years.

A decrease of £62.138m was reported on the programme approved in February 2021, resulting in a revised programme for 2022/22 of £158.404m. Variances against each portfolio area were set out in Table 1 at paragraph 6 of the report and detailed in paragraphs 7-48. The revised 5-year programme was summarised in Table 2 at paragraph 49. Officers reported that the slippage was due mainly to the re-profiling of major schemes, as was to be expected with such complex projects.

In commending the recommendations to Members, the Executive Member for Finance & Performance welcomed the progress on a number of schemes, including the Guildhall, the Community Stadium and the completion of Marjorie Waite Court.

Resolved: (i) That the 2021/22 revised budget of £158.404m, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2021/22 to 2025/26, as set out in Table 2 at paragraph 49, be noted.

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

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

### **32. Capital Programme - Monitor 1 2021/22**

The Chief Finance Officer presented a report which set out the projected out-turn position of the council's capital programme for the 2021/22 financial year, along with requests to re-profile budgets to or from current and future years.

A decrease of £62.138m was reported on the programme approved in February 2021, resulting in a revised programme

for 2022/22 of £158.404m. Variances against each portfolio area were set out in Table 1 at paragraph 6 of the report and detailed in paragraphs 7-48. The revised 5-year programme was summarised in Table 2 at paragraph 49. Officers reported that the slippage was due mainly to the re-profiling of major schemes, as was to be expected with such complex projects.

In commending the recommendations to Members, the Executive Member for Finance & Performance welcomed the progress on a number of schemes, including the Guildhall, the Community Stadium and the completion of Marjorie Waite Court.

**Recommended:** That Council approve the adjustments resulting in a decrease in the 2021/22 budget of £62.138m, 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 5.35 pm and finished at 7.27 pm].