

Meeting	Executive
Date	21 April 2022
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Kilbane

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### **110. Declarations of Interest**

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Waller declared an interest in Agenda Item 9 (Minute 118 refers), as a member of Acomb Alive. He left the room during consideration of that item and took no part in the debate or decisions thereon.

### **111. Minutes**

Resolved: That the minutes of the Executive meeting held on 17 March 2022 be approved and then signed by the Chair as a correct record.

### **112. Public Participation**

It was reported that there had been 9 registrations to speak at the meeting under the Council's Public Participation Scheme.

Janet Hopton spoke on Agenda Item 5 (Minute 114 refers), supporting the proposals as Chairman of the York World Heritage Steering Group.

John Oxley also spoke on Item 5, supporting the proposals as a member of the York World Heritage Steering Group.

Flick Williams also spoke on Item 5, raising concerns about the proposals in light of the inaccessibility of some York heritage

sites and expenditure on the bid during the current cost of living crisis.

Andrew Mortimer spoke on Agenda Item 6 (Minute 115 refers), on behalf of Badger Hill residents' community group, describing the problems caused by HMOs in the area and stating that planning consent should be needed to extend smaller as well as larger HMOs.

Alan Richards also spoke on Item 6 as a resident of Badger Hill, highlighting an example of issues caused by a particular HMO in the area and problems in obtaining help from the council on this.

Cllr Warters also spoke on Item 6, stating that the recommendations in the report did not address the requirements of the Council motion and that Members should approve Option 1.

Cllr Douglas spoke on Agenda Items 8 and 9 (Minutes 117 and 118 refer). On Item 8 she expressed disappointment at the slow progress on the Executive's original commitment to improve the street environment 5 years ago. On Item 9 she expressed the hope that inward investment would bring well paid jobs to the city.

Cllr Melly spoke on Agenda Items 8 and 11 (Minutes 117 and 120 refer). On Item 8 she objected to the proposal to delegate the sign-off of the stopping-up order to officers. On Item 11 she also raised concerns at the proposal to delegate to officers rather than to the Executive Member for Transport.

Cllr Vassie spoke on Agenda Item 10 (Minute 119 refers), expressing support for Option 3 and the hope that the wishes of the community would be followed.

### **113. 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.

### **114. York as a World Heritage Site**

The Assistant Director of Customer and Communities presented a report which introduced the report of the York World Heritage

Steering Group (YWHSG) and its recommendation that York should make a bid for World Heritage status.

Executive had formally set out the ambition for the city to apply for UNESCO World Heritage status as part of approving the Culture Strategy for York, 2019-2025. The YWHSG's report, attached at Annex A, recognised that the bid must deliver greater empowerment and involvement of residents in managing, understanding and enjoying the heritage of the city.

In response to questions from Members and matters raised under Public Participation, officers and John Oxley confirmed that:

- with the help of York Conservation Trust, consideration had been given to how to implement climate change measures without adversely affecting the heritage;
- though not technically a part of the bid, physical and intellectual accessibility for all was an important aspect.

The Chair thanked officers and members of the YWHSG for their work, and it was

Resolved: (i) That the recommendation of the YWHSG report that York should make a bid for World Heritage status be accepted.

(ii) That City of York Council, together with YWHSG, commit to asking the Department for Digital, Culture, Media and Sport to consider an application from York for admittance to the UK Tentative List of World Heritage Sites.

(iii) That the council work with YWSG to take the bid project forward to Stage 2, including forming a broad-based public and private partnership to raise the approx. £7.5m required in 2022/23 to fund the required work.

(iv) That it be noted that there is currently no identified council funding stream to cover the cost of any Stage 3 bid and that, if a bid is successful and can proceed to Stage 3, the council will seek support from partners to progress this.

Reason: To seek the international recognition and prestige that World Heritage status confers.

**115. Review of the “Controlling the Concentration of Houses in Multiple Occupation” Supplementary Planning Document 2012 (revised 2014) in response to the Council Motion of December 2021**

The Corporate Director of Place presented a report which responded to a motion, approved by Full Council on 16 December 2021 (Minute 48 of that meeting refers), requesting Executive to consider a review of the above Supplementary Planning Document (SPD) relating to Houses in Multiple Occupation (HMOs).

The report set out the implications and legal considerations associated with undertaking a review of the SPD and asked Members to consider these, and any changes to policy, in the context of the council’s Local Plan, currently at examination. It also drew attention to a recent decision of the Local Government & Social Care Ombudsman (LGSCO), relating to delays in updating the HMO database, and an Information Commissioner’s Office (ICO) decision notice, relating to provision of information on student HMOs. Two options were presented, as detailed in paragraphs 36-48 and summarised below:

**Option 1** – instigate a review of Policy 8 in the Local Plan (LP) and reconsider the role of HMO provision in delivering the city’s Housing need. Not recommended, as a review of the HMO SPD and policy approach while the LP was under examination could undermine the examination and the integrity of the LP.

**Option 2** – confirm the council’s view that its Local Plan policies are robust and fit for purpose, maintain the current approach to collecting information on known HMOs, consider planning implications of the Licensing regime in June and consider additional resources to help with Planning capacity. This was the recommended option.

In response to matters raised under Public Participation, officers confirmed that:

- in the LP, the council was seeking to restrict the expansion of off-campus student accommodation;
- issues in relation to Badger Hill were not the subject of this report, and planning officers would be asked to respond.

Resolved: (i) That it be confirmed that the current HMO policies are evidence-based, robust and fit for purpose (Option 2) and that the consideration of a review of the Local Plan Policy H8 and the HMO SPD be deferred until such time as the Local Plan is adopted, at which time the appropriate resources and scope can be considered as part of the ongoing process of maintaining an evidence based Local Plan and the National Planning Policy Framework (NPPF) requirement for regular Local Plan reviews.

Reason: To ensure the Local Plan examination is not put at risk and to ensure resources are in place to facilitate a robust evidence base approach to the future review of the Local Plan and policies.

(ii) That the contents of the report regarding the recent LGSCO decision and the proposed review of the Planning team's enforcement capacity in conjunction with the future HMO licencing report be noted.

Reason: To ensure that Members are kept up to date and the commitments made to the LGSCO and the customer are complete.

(iii) That the contents of the report regarding the recent ICO decision notice and confirming the nature of the future publication of HNO data be noted.

Reason: To ensure Members are kept up to date with the Council's statutory data management obligations regarding its approach to HMO regulation.

## **116. Physical Activity Strategy**

The Acting Director of Public Health presented a report which asked Executive to adopt the final draft of the York Physical Activity and Sport Strategy for 2022-2032 (the Strategy).

The Strategy, attached at Annex 1 to the report, which focused on reducing sedentary behaviour and encouraging good habits from childhood, had been designed to align with other council strategies. Its development had included engagement with residents via consultation and input from relevant partners. The

'York Active Partnership' steering group would take responsibility for delivering the Strategy and overseeing its governance.

Members thanked officers for their work in producing the Strategy, noting its relevance to both physical and mental health, and it was

Resolved: That the Strategy be adopted.

Reason: To give effect to the Strategy, which has been developed over a long period of time and properly consulted upon during the draft stages.

### **117. York Central Enterprise Zone Funding Agreement**

The Director of Housing, Economy & Regeneration presented a report which set out proposals to enter into a funding agreement with land-owning partners to draw down Enterprise Zone (EZ) funding to deliver the enabling infrastructure for York Central, along with other proposed funding allocations to progress the scheme.

The requirement to call upon EZ funding had been generated earlier than anticipated, because the overall cost of the infrastructure was now likely to exceed the initial estimate of £155m. Revised modelling of the EZ income, based on first commercial occupation in 2027, indicated that a borrowing level of £35m remained affordable (paragraphs 26-33, including the table at paragraph 30). Funding inward investment from early EZ receipts would increase the occupancy on which the success of the model depended.

Further proposals in the report related to associated matters including: technical assurance work for adoption of the highway; agreements to permit construction of bridges over the railway (paragraph 70); discharge of conditions of the Leeman Road Stopping Up Order (paragraphs 71-75); disposal of the Canteen building to free up the site (paragraphs 77-78); and delivery of the Jubilee Terrace to Scarborough Bridge Riverside Path improvement scheme (paragraphs 79-82).

In supporting the proposals, the Chair welcomed the progress made to date in unlocking the York Central site and highlighted the importance of the scheme to the development of the city. In

response to matters raised under Public Participation, it was agreed to amend recommendation (x) (Resolution (ix)) by inserting the words *'in consultation with the Executive Member for Transport'*.

- Resolved:
- (i) That authority be delegated to the Chief Finance Officer, in consultation with the Director of Governance or her delegated officers, to enter into an Enterprise Zone (EZ) funding agreement with Homes England to reimburse infrastructure costs to enable the delivery of York Central.
  - (ii) That the previously approved £35m capital budget funded from future EZ receipts be allocated as a contribution to the enabling infrastructure, to be used after all other grant funding has been exhausted.
  - (iii) That up to £2.7m of previously approved CYC borrowing be allocated to fund the Technical Assurance work to enable the highways infrastructure to be adopted.
  - (iv) That up to £500k of previously approved CYC borrowing be allocated to deliver the Jubilee Terrace to Scarborough Bridge Riverside Path improvement scheme.
  - (v) That up to £250k of EZ revenue receipts be allocated to fund inward investment activity in the council's economic development team, specifically to promote York Central and to attract occupiers.
  - (vi) That authority be delegated to the Director of Transport, Environment & Planning to agree technical assurance arrangements for the adoption of the highways infrastructure for York Central as set out in the report.
  - (vii) That authority be delegated to the Director of Transport, Environment & Planning (in consultation with the Director of Governance or her delegated officers) to enter into S278/38 Agreements with York Central landowners.

(viii) That authority be delegated to the Director of Transport, Environment & Planning (in consultation with the Director of Governance or her delegated officers) to enter into the Bridge Agreements with Network Rail and Homes England.

(ix) That authority be delegated to the Director of Transport, Environment & Planning, in consultation with the Executive Member for Transport, to certify the discharge of conditions to permit the Stopping Up of Leeman Road.

(x) That approval be given to dispose of the former Canteen Building on Chancery Rise to Network Rail in order to facilitate the removal of their operational uses from the York Central site, and delegate to the Director of Housing, Economy and Regeneration to agree the final value, following an independent valuation exercise.

Reason: To ensure the delivery of York Central and to provide funding for enabling infrastructure including a new access route to York Central, and to support the commercial development of the scheme to generate EZ income to fund that infrastructure.

#### **118. Future of Acomb Front Street - Enhancing Economic Growth for Secondary Shopping Areas**

The Director of Housing, Economy & Regeneration and the Regeneration Project Manager presented a report which summarised the outcomes of the project to implement short term improvements to Front Street, Acomb and identify longer term improvements that could be made to the area based on public and stakeholder engagement.

Consultants PWP Design Ltd. had been appointed to undertake a study and obtain the views of residents and the business community. Their report of March 2021, attached as Annex B, took account of the results of the consultation included at Annex A and proposed 10 longer-term ideas to improve the area. Details of short-term measures that had already been implemented were set out in paragraphs 42-47 of the cover report, and additional projects identified for immediate delivery



with the remaining capital funding were detailed in paragraphs 48-52.

Officers advised that the reference in paragraph 36 to the Executive Member for Economy & Place be altered to *'the Executive Leader, or by delegation to an appropriate Executive Member'*, given that the Executive Member for Economy & Place had declared an interest in this item.

Having noted the comments made under Public Participation, it was

Resolved: (i) That the key findings from the community engagement, and the consultants' ideas for potential physical improvements to the public realm to make long term impact in line with the study brief approved in 2018, be noted.

(ii) That the improvements and events that have been funded through the Acomb Front Street project to date be noted.

Reason: To conclude the project and confirm it has been delivered in line with the brief approved in 2018.

(iii) That the immediate improvements proposed to Front Street from the remaining project budget and existing budgets be approved.

Reason: To continue to support the economic growth and vibrancy of Acomb Front Street.

(iv) That the proposed long term ideas that will be considered should future external regeneration funding bids be successful be noted, noting also that any long term idea(s) taken forward will be subject to further feasibility and engagement and require an Equalities Impact Assessment to be undertaken.

Reason: To inform the scope of future funding bids.

## 119. The Future of Primary School Places in Naburn

The Assistant Director, Education & Skills presented a report which set out options for the future of primary school provision in Naburn, in the context of the complex challenges affecting this provision and the outcome of a recent Ofsted inspection of Naburn Primary School, a voluntary controlled Church of England school.

The school had been experiencing falling rolls for the last 5 years and had been placed in special measures following an Ofsted inspection in December 2021. The possibility of academy conversion or federation with another maintained primary school had been considered before the inspection but proved unviable. Three options were now available to the local authority, as detailed in paragraphs 10-14 of the report and summarised below:

**Option 1** – continue to support the school until an academy sponsor can be found. This was not recommended due to the financial risk and the risk of a further fall in pupil numbers.

**Option 2** – publish a statutory notice proposing closure of the school.

**Option 3** – follow a twin track approach of working to identify an academy sponsor whilst beginning a consultation on the future of primary school places in Naburn. This was the recommended option. Officers confirmed that, should a sponsor not be found, the results of the consultation would be brought back to Executive for consideration of the closure process.

Having noted the comments made on this item under Public Participation, it was

Resolved: That Option 3 be approved: to follow a twin track approach of working to identify an academy sponsor within the next 6 to 8 months, whilst at the same time consulting on the future of primary school places in the village of Naburn.

Reasons: a) To ensure that the local authority is fulfilling its statutory duty to manage the sufficiency and quality of school places in an efficient and cost effective way, given that the school has received a directive academy order as a result of being placed in special measures and is vulnerable due to falling rolls and the impact this is having on its future financial sustainability.

b) The publication of the statutory notice proposing the closure of Naburn Primary School, followed by a six-week representation period, will allow the LA to fully consider all further observations and comments received and decide whether to proceed with the proposals; at the same time work will continue to take place to support the school's improvement and to continue the search for an academy sponsor.

## **120. Actions in Response to DfT's Bus Funding Announcement**

The Corporate Director of Place and the Public Transport Planner presented a report which sought approval to facilitate the submission of the necessary documentation to the Department for Transport (DfT) to secure Bus Service Improvement Plan (BSIP) funding.

On 20 May 2021, Executive had endorsed a decision to pursue an Enhanced Partnership for buses (EP) (*Minute 138 of that meeting refers*) and the council had subsequently submitted a BSIP to the DfT by the deadline of 31 October 2021. On 4 April 2022, after several delays, the DfT had announced the indicative BSIP funding allocations, York's share being £17.36 m. To receive this sum, the council must submit a draft 'summary table' by 2 May showing how it intended to use the funding. The finalised table, with a draft EP Plan and Scheme, must be submitted by 30 June, followed by statutory consultations prior to delivery of the EP. Approval was sought to delegate the necessary actions to the Director in order to meet the DfT's deadlines.

In supporting the proposals, the Chair and the Executive Member for Transport thanked officers for their efforts in securing the indicative funding, and highlighted plans for future improvements to bus services in York. Having noted the comments made under Public Participation on this item, it was

Resolved: (i) That authority be delegated to the Director of Transport, Environment & Planning, in consultation with the Leader of the Council, Executive Member for Transport and the Director of Governance or her delegated officers, to:

- a) prepare and submit a draft Bus Service Improvement Plan summary table to Department for Transport by 2 May 2022;
- b) prepare and submit a finalised Bus Service Improvement Plan summary table to the Department for Transport by 30 June 2022;
- c) prepare and submit a draft Enhanced Partnership Plan and Scheme to Department for Transport by 30 June 2022;
- d) commence the statutory 28 day operator consultation objection period;
- e) commence the statutory 28 day stakeholder consultation.

(ii) That it be noted that a further report will be brought to Executive setting out the final arrangements that have been submitted to Department for Transport.

Reason: To ensure that £17.36m in Department for Transport Bus Service Improvement Plan funding is secured and that the council can proceed with the process of establishing a statutory bus Enhanced Partnership to deliver its stated Bus Service Improvement Plans objectives in line with the National Bus Strategy.

#### **121. Adoption of Enforcement Powers under part 6 of the Traffic Management Act (TMA) 2004**

The Corporate Director of Place and the Head of Highways & Transport presented a report which provided an update on the new enforcement powers for Local Authorities under Part 6 of the Traffic Management Act 2004 and asked Executive to support an application for extended powers under the TMA, with a pilot.

The extended powers would allow the council to share with the police the ability to enforce moving traffic restrictions, including banned turns, access restrictions, and yellow box junctions. Full signage requirements were set out in Annex A to the report. Before applying for the powers, the council must gain a letter of support from the Chief Constable of North Yorkshire Police and conduct a consultation exercise to obtain feedback from the public on the local authority's application of the new powers.

If the powers were granted, it was proposed to conduct a pilot scheme with selected powers in a specific area (i.e. the banned right turn out of Lendal) in order to test the practicalities before rolling out the implementation further.

- Resolved:
- (i) That authority be delegated to the Director of Environment, Transport & Planning to write to the Chief Constable seeking support for the Council to take on the responsibilities for enforcement of part 6 of the Traffic Management Act 2004.
  - (ii) That a public consultation on implementation by Traffic Management of the responsibilities for enforcement of part 6 of the Traffic Management Act 2004, as per Department for Transport guidance, be approved.
  - (iii) That authority be delegated to the Director of Environment, Transport & Planning to apply to the Department for Transport to take on the responsibilities for enforcement of part 6 of the Traffic Management Act 2004.
  - (iv) That approval be given to explore a pilot scheme, and that authority be delegated to the Executive Member for Transport to make the decision on implementation.
  - (v) That authority be delegated to the Executive Member for Transport to approve the further roll-out and enforcement of extended regulations.

Reason: To ensure that the safety of the Highway network is further strengthened.

Cllr K Aspden, Chair

[The meeting started at 5.34 pm and finished at 8.04 pm].