

Meeting	Executive
Date	18 March 2021
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Orrell, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

104. 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.

Cllr Orrell declared a personal interest in Agenda Item 8 (Huntington Neighbourhood Plan), as a member of Huntington Parish Council.

Cllr Waller declared a prejudicial interest in Agenda Items 11 (Joint Waste Management Agreement) and 13 (Community Asset Transfer Update), as a Director of Yorwaste. He left the meeting during consideration of those items and took no part in the debate or decisions thereon.

Cllr Smalley declared a prejudicial interest in Agenda Item 13, as a member of Clifton Without Parish Council. He left the meeting during consideration of that item and took no part in the debate or decisions thereon.

105. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting should any discussion arise in respect of Annex 11 to Agenda Item 13 (Community Asset Transfer Update), on the grounds that it contains information relating to the financial or business affairs of particular persons. This information is classed as exempt under paragraph 3 of Schedule

12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

106. Minutes

Resolved: That the minutes of the Executive meeting held on 11 February 2021 be approved as a correct record, to be signed by the Chair at a later date.

107. Public Participation

It was reported that there had been 11 registrations to speak at the meeting under the Council's Public Participation Scheme, including 6 Council Members.

Cllr Perrett spoke on Agenda Item 7 (Plans for the Future of the Health and Care System in York), expressing concerns about the proposed governance arrangements for the new Alliance.

Cllr Vassie spoke on Item 9 (Pollinator Strategy), as Chair of the Climate Change Policy & Scrutiny Committee, recommending the Strategy to Executive.

Robert Gordon spoke on Item 9 as a member of York Green Party, supporting the Strategy but expressing disappointment that it did not commit resources to city-wide actions.

Cllr Fitzpatrick spoke on Item 10 (York Outer Ring Road Phase 1 Dualling), calling for further improvements to the pedestrian and cycling infrastructure as part of the scheme.

Lorna Marchi spoke on Item 10, on behalf of businesses at Clifton Gate Business Park, expressing concern that the scheme would seriously compromise the safety of the Park's occupiers and visitors.

Hughie Ferguson spoke on Item 10, echoing the concerns of the previous speaker and highlighting the need to protect cyclists and pedestrians within the scheme.

Cllr Kilbane spoke on Item 11 (Joint Waste Management Agreement), arguing that retaining the council's obligation to deliver certain tonnages of waste to Allerton Park was a disincentive to increased recycling.

Cllr Fenton spoke on Item 12 (Consultation on Additional Licensing Scheme for HMOs), supporting the proposals as Chair of the Housing and Community Safety Policy & Scrutiny Committee.

Cllr Pavlovic spoke on Item 12 , supporting the proposals while noting they had resulted from a motion he had moved at Council over 3 years ago and stressing they must be properly resourced.

Peter Rollings spoke on Item 13 (Community Asset Transfer Update), confirming the support of Rufforth & Knapton Parish Council in respect of the proposals relating to allotments at Rufforth.

Cath Mortimer spoke on Item 13 on behalf of the Friends of Rowntree Park, in support of the proposal to lease part of Rowntree Park Lodge to the Friends.

108. 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.

109. City of York Council Recovery and Renewal Strategy - March Update

The Chief Operating Officer presented a report which provided an update for March on activities directly in response to Covid-19 and work to support recovery and renewal.

As at 3 March, the case rate in York had fallen to 45.6 per 100k population, and the vaccine roll-out continued at pace. However, caution remained critical to ensure cases continued to fall. On 22 February, the Government had published its Roadmap for the easing of restrictions. The 4 steps in the Roadmap, and the tests to be met for it to progress, were summarised in paragraphs 11-13 of the report. The report also highlighted activities the council would undertake to support safe re-opening of city spaces, and ongoing work to support communities, and sought approval for a number of proposed actions as detailed in Annexes 1-3.

In welcoming the proposals, Members noted the work already taking place across the city and within their own portfolio areas and paid tribute to officers, businesses and education establishments, including parents who had been home-schooling.

- Resolved:
- (i) That the contents of the report be noted.
 - (ii) That the recommendations in relation to the re-opening of the city centre outlined in Annex 1 be approved, and authority be delegated to the Corporate Director of Economy & Place, in consultation with the Executive Member for Economy & Strategic Planning to:
 - a) provide temporary public toilets in the city centre during the initial stages of lockdown easing should they be required, at a cost of £2k per week;
 - b) approve expenditure of up to £200k ARG to fund the delivery of the principles for managing city and secondary centre spaces that are set out in the report;
 - c) submit any planning application required for temporary managed outdoor spaces;
 - d) extend the Covid Marshalls until the end of June at a cost of £28k, to facilitate the Covid-safe management of the city through Covid Containment Grant funding.
 - (iii) That the recommendations outlined in Annex 2 for the use of the Additional Restrictions Grant, including the closure of applications for the Additional Restrictions Grant on 31 March 2021, be approved.
 - (iv) That the participation in a Behavioural Insights trial to support Covid-safe behaviours, as outlined in Annex 3, be approved.
 - (v) That deferral of the implementation of the following fees until Step 4 of the Government's recovery roadmap be approved, and the related discount agreed:

- a) cremation fees to be charged at £745 until Covid restrictions are relaxed (estimated to be 21 June at the earliest);
 - b) free recording of services to be maintained until the same date.
- (vi) That approval be given to use the Government Covid Recovery Grant to mitigate the financial implications of the discounts in (v) above for 3 months, subject to further review should the date for Step 4 be moved.

Reason: In order to support the safe re-opening of the city centre, while supporting local businesses and mitigating the risks of increased community transmission arising from an increase in the number of visitors to the city centre.

110. Plans for the Future of the Health and Care System in York

[See also under Part B minutes]

The Director of Public Health presented a report which provided an update on plans to extend and improve the collaborative working between health and care services in York during the Covid-19 pandemic.

Following publication of Government's white paper 'Integration and Innovation: working together to improve health and social care for all', the report proposed the establishment of a York Health and Care Alliance (the Alliance). The reforms in the white paper, as summarised in paragraph 9 of the report, would take effect from April 2022. The Alliance, made up of a number of organisations involved in commissioning and delivering care in York, would initially be established in shadow form before being formalised in 2022. A proposed Concord and Terms of Reference for the Alliance in its shadow year was annexed to the report.

Dr Mike Holmes of Nimbuscare Ltd. and Simon Morritt, Chief Executive of York & Scarborough Hospital NHS Trust, were in attendance and expressed their support for the proposals. In response to comments made under Public Participation, officers highlighted that:

- during its shadow year, the Alliance Board would not be making any decisions and its members would be reporting to their own organisations;
- further work on governance arrangements would be carried out and reported back to Executive.

In welcoming the report, the Chair confirmed he would be happy for the briefing already provided to the Health & Wellbeing Board on this matter to be circulated to all Council Members.

- Resolved:
- (i) That the collaboration and joint working between health and social care, both prior to and during the Covid-19 pandemic, and the opportunities this work presents to improve health services for York citizens in the long term, be noted.
 - (ii) That it be noted that national policy direction and reforms, which encompass both health and social care, have implications for local authorities in terms of integration and collaboration with NHS partners.
 - (iii) That the plans being proposed in York to respond to the national legislative changes, including current plans to establish the York Health and Care Alliance, be endorsed.
 - (iv) That the participation of the council in this new Alliance, including the interim governance arrangements in 2021/22 in its 'shadow' year, be approved.
 - (v) That the proposed priorities and areas that the Alliance will focus on in its first year, and the aims of the alliance to:
 - be people-centred,
 - integrate services, and
 - deliver timely and appropriate care
 be supported.
 - (vi) That future reports on progress and future arrangements for the York Health and Care Alliance be considered by the Health Scrutiny Committee, the Health & Wellbeing Board, and the Executive.

Reason: In order to prepare the system in York to respond to the coming Government reforms to health and social care and to put York in the best place to benefit from these changes.

111. Huntington Neighbourhood Plan - Examiner's Report

The Assistant Director of Planning and Public Protection presented a report which set out the recommendations of the Examiner on the Huntington Neighbourhood Plan, together with proposed additional officer modifications on the Green Belt, and sought approval for the amended Plan to proceed to a referendum. If agreed, the referendum would take place on or before 10 June 2021.

The Examiner's Report was attached at Annex A, along with consultation and responses on proposed modifications to the Green Belt Policy in the Plan (Annexes B and C) the Decision Statement, including the Council's proposed response to the Examiner's recommended modifications to the Plan (Annex D) and the draft version of the Plan for submission (Annex E). The Local Plan Working Group had considered these documents at their meeting on 16 March.

It was recommended that the Examiner's modifications be accepted, as they made the Plan more robust and enabled it to meet the Basic Conditions. A decision to reject the modifications could only be made on the specific grounds set out in paragraph 39 of the report.

Resolved: (i) That the Examiner's modifications, the Examiner's consequential minor modifications and the proposed additional Green Belt modifications to the Huntington Neighbourhood Plan, as annexed to the report, be approved.

(ii) That it be agreed that, subject to those modifications, the Plan meets the Basic Conditions and other legislative requirements.

(iii) That the Plan, as amended, proceed to a local referendum based on the geographic boundary of the parish of Huntington, as recommended by the Examiner.

(iv) That the Decision Statement at Annex D be approved and published on the City of York Council website.

Reason: To allow the Plan to progress in line with neighbourhood planning legislation.

112. Pollinator Strategy

The Assistant Director of Transport, Highways and Environment presented a report which sought approval for a Pollinator Strategy.

A previous draft of the Strategy, developed in response to a motion to Council in July 2019, had been referred to the Climate Change Scrutiny Committee by Executive on 27 August 2020 (Minute 31 of that meeting refers). The current version, annexed to the report reflected the input of Scrutiny and informal feedback on the draft. It set out a vision, examples of good practice, and a series of aims and objectives together with actions to achieve these.

In response to comments made under Public Participation, officers confirmed that the Strategy was not intended to promote a top-down approach and would enable the council to work with wards across the city on specific projects.

Resolved: That the Pollinator Strategy at Annex 1 to the report be approved.

Reason: To improve the suitable habitat for pollinators within York.

113. York Outer Ring Road Phase 1 Dualling - Resolution in principle to promote a Compulsory Purchase Order and associated Side Roads Order.

The Assistant Director of Transport, Highways & Environment presented a report which sought approval in principle to pursue a Compulsory Purchase Order (CPO) and a Side Roads Order (SRO) to acquire land required for Phase 1 of the York Outer Ring Road dualling and junction upgrade scheme (the Scheme).

Since the last report to Executive, on 25 June 2020, good progress had been made on the Scheme in respect of

procurement, consultation and development of landscape principles. The project team were now in a position to progress towards securing planning approval, acquiring as much of the required land as possible by private agreement, and developing a detailed design and business case. Responses to consultation were still being evaluated and would be the subject of a further report. Meanwhile, in-principle approval was sought for a CPO and SRO to enable preparations to be made should negotiations to acquire land by agreement fail.

In relation to comments made under Public Participation, officers and the Executive Member for Transport confirmed that the issues raised would be taken into account along with the responses to consultation.

Resolved: (i) That the general progress made on the YORR Phase 1 Dualling Scheme (the Scheme) be noted.

(ii) That the principle of pursuing a CPO using powers contained in Part XII of the Highways Act 1980 to acquire the land required to deliver the Scheme (A19 Rawcliffe to A1036 Little Hopgrove) be approved.

Reason: To enable officers to continue to prepare the documentation necessary to make the Order and, should continuing negotiations to acquire the land not be successful, to bring a report to a future Executive meeting requesting authority to make the Order.

(iii) That the principle of pursuing a Side Roads Order under Sections 14 and 125 of the Highways Act 1980 to carry out works to the highway in association with the proposals for the CPO be approved.

(iv) That authority be delegated to the Assistant Director of Transport, Highways & Environment to take all necessary steps to prepare to make the CPO referred to above, this delegation to include:

- negotiation of easements and temporary rights where freehold ownership is not required e.g. for drainage purposes, or temporary occupation for the construction works; and

- obtaining the release/extinguishment of, or variation of, any third party rights over affected land (for example a third party might have a right of way over land which needs to be acquired).

Reason: To ensure that the council is in a position to make the Order as soon as practicable in the event that the making of a final Order is approved.

114. Joint Waste Management Agreement

The Assistant Director of Transport, Highways and Environment presented a report which sought approval to update the Joint Waste Management Agreement entered into by City of York Council (CYC) and North Yorkshire County Council (NYCC) in December 2010, to deliver a shared service across the two council areas.

The report outlined the background to the current agreement, originally entered into in 2010, which involved a contract between NYCC and Amey Cespa for which CYC paid a contribution, and a separate Services Agreement between each council and Yorwaste. It was proposed to establish a Shared Waste Management Service, governed by a new Agreement, in order to harness the benefits of greater collaboration in the light of anticipated changes arising from the government review of waste. This arrangement would require CYC to fund £145k of the staffing costs - £60k more than its current contribution - but for a significantly enhanced service. It would not change existing arrangements for disposal of waste via Allerton Park nor alter CYC's level of control over its own recycling centres.

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

Resolved: (i) That approval be given to enter into the Shared Waste Management Services Agreement contained in Appendix A to the report.

(ii) That authority be delegated to the Director of Transport, Highways & Environment, in consultation with the Director of Governance or her delegated officers, to take such steps as are necessary to complete the agreement.

Reason: To develop a shared waste management service across CYC and NYCC for the management and disposal of waste (excluding collection services).

(iii) That the additional cost of the Shared Waste Management Agreement, and that this will be met from existing budgets, be noted.

Reason: To be clear that CYC will pay its fair share of the cost of the shared service.

115. Consultation on Additional Licensing Scheme for Houses in Multiple Occupation (HMO)

The Interim Director of Place presented a report which sought approval to consult on a proposed expansion of the current scheme for licensing Houses in Multiple Occupation to those with 3 or 4 occupants within wards where there was most evidence of poor housing conditions and poor management. The Housing & Safer Communities Scrutiny Committee had considered the report on 16 February 2021, and supported the proposal to consult.

Under the Housing Act 2004, councils had powers to tackle poor quality HMOs with 5 or more occupants through mandatory licensing and, subject to consultation, to extend the licensing scheme to HMOs with 3 or 4 occupants. In accordance with the Council Plan 2019-23, work had been undertaken to investigate the case for extending the scheme, and the results were summarised in the report and set out in Annex 1. Two options were available:

Option 1 – decide there is insufficient evidence, and continue with the current approach. Not recommended, in view of the strong evidence set out in the report and annex.

Option 2 – ask officers to undertake the required statutory consultation, as recommended.

In response to comments made under Public Participation on this item, the Executive Member for Housing & Safer Communities noted the time taken to reach this stage was due to the need for a strong evidence base. She thanked officers for their work on this.

Resolved: (i) That approval be given to undertake a city-wide, statutory 10-week consultation on the potential designation of targeted Additional Licensing Scheme for HMOs with 3 or 4 occupants within the wards of Hull Road, Guildhall, Clifton, Fishergate, Heworth, Micklegate, Osbaldwick & Derwent, and Fulford & Heslington.

(ii) That a further report be brought to Executive following the conclusion of the consultation, to determine whether to designate an additional licensing scheme.

Reason: To seek to improve HMOs, thereby:

- benefiting tenants by ensuring that homes are safe and well-managed;
- creating a level playing field for landlords / agents;
- supporting stakeholders such as the Fire and Rescue Service, Police and NHS by improving fire safety and security and reducing the number of unhealthy homes;
- supporting universities and other educational institutions in attracting students;
- supporting the wider city businesses and residents by providing well-managed and sustainable housing.

116. Community Asset Transfer Update

The Interim Director of Place presented a report which sought approval to grant leases of public open space and buildings to various local community groups and organisations to facilitate community management and responsibility of those assets and provide savings to the council.

The assets in question were listed in paragraph 2 of the report and illustrated in the plans attached at Appendices 1-10. Further details relating to the assets and proposed leases were set out in paragraphs 14-94. It was confirmed that all the assets would remain in council ownership, be managed by the local community and remain accessible to the public, with access increased in some cases.

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

Resolved: That approval be given to:

- a) Grant a lease of Mayfields North to The Mayfields Community Trust for 10 years subject to a break clause, as set out in paragraph 30 of the report.
- b) Grant a lease of Mayfields South to Friends of York Railway Pond and Reserve for 25 years subject to a break clause as set out in paragraph 30 of the report.
- c) Grant a lease of Land at Clifton Without to Clifton Without Parish Council for 99 years.
- d) Grant a lease of Rowntree Pavilion to Rowntree Park Sports Association for 25 years.
- e) Grant a lease of Rowntree Tennis Courts to Rowntree Park Tennis Club for 25 years.
- f) Grant a lease of land near Rufforth to Rufforth & Knapton Parish Council for 99 years.
- g) Allocate £80K from the Climate Change capital budget to reprovide the allotments at Rufforth.
- h) Offer a 5 year lease (with the option to extend for a further 5 years) of the catering, communal dining and community hall facilities at Marjorie Waite Court to a community operator following a procurement exercise to secure an operator for a community café and the community hall under a concession contract, with authority to be delegated to the Corporate Director of Economy & Place (in consultation with the Director of Governance or her delegated officers) the authority to take such measures as are necessary to procure, award and enter into the resulting contract.
- i) Grant a lease of Chapmans Pond, Moor Lane to Chapmans Pond Community Interest Company for 10 years.
- j) Offer to the Trustees of Poppleton Community Trust the principle of

surrendering their existing lease and being granted a new 99 year lease of the Poppleton Centre.

- k) Agree in principle a 99 year lease of the upper floors of Rowntree Park Lodge to the Friends of Rowntree Park, with authority to make the final decision to grant that lease to be delegated to the Executive Member for Finance and Performance, subject to the agreement of a funded business case at an Executive Member Decision Session in the next 12 months, or at a date agreed by the Executive Member for Finance and Performance.

Reasons: (i) 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.

(ii) 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.

PART B - MATTERS REFERRED TO COUNCIL

117. Plans for the Future of the Health and Care System in York

[See also under Part A minutes]

The Director of Public Health presented a report which provided an update on plans to extend and improve the collaborative working between health and care services in York during the Covid-19 pandemic.

Following publication of Government's white paper 'Integration and Innovation: working together to improve health and social care for all', the report proposed the establishment of a York Health and Care Alliance (the Alliance). The reforms in the white paper, as summarised in paragraph 9 of the report, would take effect from April 2022. The Alliance, made up of a number of organisations involved in commissioning and delivering care

in York, would initially be established in shadow form before being formalised in 2022. A proposed Concord and Terms of Reference for the Alliance in its shadow year was annexed to the report.

Dr Mike Holmes of Nimbuscare Ltd. and Simon Morritt, Chief Executive of York & Scarborough Hospital NHS Trust, were in attendance and expressed their support for the proposals. In response to comments made under Public Participation, officers highlighted that:

- during its shadow year, the Alliance Board would not be making any decisions and its members would be reporting to their own organisations;
- further work on governance arrangements would be carried out and reported back to Executive.

In welcoming the report, the Chair confirmed he would be happy for the briefing already provided to the Health & Wellbeing Board on this matter to be circulated to all Council Members.

Recommended: That the York Health and Care Alliance be adopted as a sub-group of the Health and Wellbeing Board.

Reason: In order to prepare the system in York to respond to the coming Government reforms to health and social care and to put York in the best place to benefit from these changes.

Cllr K Aspden, Chair

[The meeting started at 5.35 pm and finished at 7.35 pm].

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