

Meeting	Executive
Date	13 July 2017
Present	Councillors Carr (Chair), Aspden (Vice-Chair), Ayre, Gillies, Lisle, Rawlings, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

14. 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 they may have in respect of business on the agenda.

It was noted that Councillor Waller was a Trustee of Leeman Millenium Green at its inception, but had not been active for some time.

15. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Annexes 1 and 2 to Agenda Item 9 (Award of Contract for Security Services) and Annexes 1a, 1b, 2 and 3 to Agenda Item 10 (Establishing an Investment Budget for a Strategic Commercial Acquisition) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). 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).

16. Minutes

It was noted that the minutes of the last Executive meeting held on 29 June 2017 would be submitted to the meeting on 27 July 2017 for approval.

17. Public Participation

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme, one of which had subsequently withdrawn. The registrations were in respect of the following items:

York Central Update and Partnership Agreement

- Benjamin Hall, a resident and member of Friends of Holgate Community Garden, spoke of the community's concerns as to the proposed Chancery Rise link road (Option E within the report).

He referred to the York North West Master Planning and Infrastructure Study 2011, which highlighted Option C which ran across a 5 acre site, as a more positive choice. However, the Council had subsequently sold the site to Network Rail.

He stated that 4 options had been rendered unviable ahead of consultation and asked for reassurance that access options were being given full and balanced consideration and that the potential impact on communities would have an equal voice as to those of the individual York Central partners.

- James Pitt spoke on behalf of York Central Action, a coalition of approximately 20 community organisations, businesses and educational establishments, which had formed as it was felt that consultations being carried out regarding York Central were not giving an opportunity for people to express their views.

The Group had facilitated a number of pop up events which in turn formed an agenda for a community conference in April 2017, which resulted in 42 positive recommendations to be considered in the development of York Central.

Mr Pitt referred to the importance of decisions being taken in the public domain and asked for a more active and imaginative approach to community engagement.

- Paul Scott spoke on behalf of Friends of Holgate Community Garden regarding the consultation on access options to York Central.

He referred to the discussion at the Executive meeting on 24 November 2016 regarding genuine and meaningful consultation and called on Members to consider the design of access route consultation carefully to ensure that residents had the opportunity to shape the exercise and not just participate.

He referred to Royal Town Planning Institute guidelines on consultations which included a balance of quantitative and qualitative methods and the fair interpretation of data. He added that the publication of raw output data would give confidence that it had been interpreted fairly and asked that the weighting the consultation would have on the overall decision process be disclosed.

Local Plan

Richard France, MD of the Oakgate Group, referred to the need for balance between housing numbers and the delivery of employment land, both in and out of town, as without this there would not be a credible or deliverable plan.

Mr France referred to the Naburn site, to the south side of the City, and its potential for office accommodation, employment opportunities and transport links. He stated that the site could be deliverable immediately as there was already substantial infrastructure in place and this would complement the City centre offer of the York Central site. He added that other nearby authorities were keen to attract quality employment at our expense.

In conclusion, Mr France stated that the Executive had a duty to provide a sound deliverable Local Plan and that the site at Naburn should be part of it.

(i) York Central Update and Partnership Agreement; (ii) Proposed Outer Ring Road Improvements; and (iii) Local Plan

(i) Dave Merrett welcomed the commitment to further consultation on access options but sought assurance that the consultation would be city wide, given that the scale of the development would have major implications for traffic, congestion and air quality across the City. He asked that the background transport modelling data and air quality implications be published so that the public could make an informed response.

(ii) Mr Merrett welcomed the progression of the outer ring road upgrade and the commitment to consult on specific proposals, but again sought assurance that the consultation would be city wide, to include cycle and pedestrian groups, given the potential of such schemes to sever walking and cycling movements. He added that consultation should also be carried out at an early stage so that alterations could be made without delaying the overall process.

(iii) Mr Merrett asked the Executive to re-consider the Local Plan Working Group's decision not to include the housing expert's recommended 10% uplift on housing numbers, referring to York's exceptionally high housing prices and the distress signals in the housing market.

18. 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 had been published.

19. Report on Work of the Financial Inclusion Steering Group 2016/17 and 2017/18 Update

Members considered a report which outlined the work of the Financial Inclusion Steering Group (FISG) in 2016/17 and 2017/17 to date and provided information about the Council Tax Support (CTS) Scheme, the delivery of the York Financial Assistance Scheme (YFAS) and an update on Discretionary Housing Payments (DHP).

The Group were thanked for their work and Members were urged to note the information as Ward Councillors were well placed to help communicate the advice and support available.

It was acknowledged that the roll out of Universal Credit would be a significant change and concerns had been raised as to the minimum 6 week delay for the first payment and the payment direct to the recipient rather than the landlord. It was noted that digital and budgeting support was available and work had been undertaken with Housing and the DWP locally to promote awareness. The work of the Tenancy Support Scheme with the South Yorkshire Credit Union was also highlighted.

Resolved: That the Executive notes the work of the Financial Inclusion Steering Group in 2016/17 and 2017/18 to date.

Reason: To ensure Members are aware of Financial Inclusion activity and how related financial support is administered through Council Tax Support and York Financial Assistance schemes to inform planning for future financial pressures relating to these schemes and to ensure that support continues to be effectively provided.

20. York Central Update and Partnership Agreement

[See also Part B Minutes]

Members considered a report which outlined progress to date on the York Central scheme and set out the Council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

It was noted that the York Central project was a partnership project, led largely by the major landowners, namely Network Rail, the Homes and Communities Agency and National Railway Museum in conjunction with City of York Council.

It was outlined that prior to finalising the partnership agreement and bringing forward a Masterplan for consultation, the York Central Partnership needed to conclude discussions around access options. A further study had been commissioned, which

had examined deliverability, ease of construction, transport implications and costs etc, but a detailed understanding of the community impact of the options available was still required as part of this work. Evidence around deliverability and funding had been considered and the consultation would be based on the 3 deliverable access options outlined. It was clarified that no decision had been made and the consultation was an essential part of determining the preferred route.

It was confirmed that the consultation would come from the Partnership, as the developing body for the scheme, not the Council.

With regards to the rejected access options, it was clarified that the decision taken to dispose of the 5 acre site to Network Rail was taken to enable them to clear York Central for the scheme to go ahead. Options B, C and D crossed the site at various points onto an area of land designated by Department of Transport for operational rail land until 2023. Other engineering challenges were also highlighted.

Referring to requests to publish the weighting behind officer judgements on access options, it was stated that it would not be possible to do this in an empirical way, but officers would look to provide a qualitative rather than a quantitative assessment, with an assurance that decisions would not be based solely on economic factors.

Resolved: That the Executive:

- i. Notes the plan for the York Central Partnership to undertake public consultation on access options and the master plan which will lead to the submission of outline and detailed planning applications; and
- ii. Agrees to receive a further report in October setting out the York Central Partnership proposed master plan including a recommended access option and presenting the formal YCP partnership agreement for Executive to consider.

Reason: To ensure the delivery of York Central and to ensure that a range of access options have been considered.

21. **Proposed York Outer Ring Road Improvements – Approach to Delivery**

[See also Part B Minutes)

Members considered a report which set out the proposed approach to the York Outer Ring Road improvements project and sought approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

Consideration was given as to how key issues and risks would be managed as well as the most effective way to make decisions over the coming months to develop the proposals.

The report recommended that future decisions on the programme of improvements were taken by the Executive Member for Transport and Planning, for example over matters concerning the purchase of land, consultation and phasing of works.

In response to earlier public questions, it was clarified that there would be detailed consultation carried out on individual roundabouts and that subway access for pedestrians and cyclists would be provided at various locations.

Resolved:

That the Executive accepts the proposed approach and methodology for future development activity on the YORR Improvement programme, and approves the following scheme of delegation to enable effective management of the project:

- a. To approve the acquisition of land by agreement as required for the upgrade schemes, and to delegate approval of acquisition of land interests by agreement of up to £200,000 for any one interest to the Executive Member for Transport and Planning.
- b. To delegate to the Assistant Director of Transport, Highways and Environment the negotiation of the terms of purchase for individual land interests by private agreement. By definition, this delegation will also 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. This delegation will also include 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).

- c. To authorise the preparation of a draft Compulsory Purchase Order (CPO) in parallel to the purchase of land by private agreement in order to reduce the risk of the programme being prolonged if negotiations with some landowners become protracted. (Any decision to authorise the actual making of that CPO would be referred back to the Executive for determination in a subsequent further report).
- d. To delegate operational and detailed decision making to the Executive Member for Transport and Planning as the programme of design and delivery develops over the next 5 years. These decisions will include:
 - i. Approval of proposed consultation with residents, businesses and stakeholders.
 - ii. Approval of the final layout of each junction upgrade.
 - iii. Approval of phasing of the scheme.
 - iv. Approval of land acquisitions up to £200k (in any one interest as above)
 - v. Acceptance of tenders for construction.
- e. To receive further update reports on progress through the Council's monitoring regime. Further specific reports will be brought back to the Executive when decisions are needed on major changes to the scope of the project or if there are significant financial implications to be considered.

Reason: The proposals being made to Executive will ensure that the planning, preparation and construction of the York Outer Ring Road Improvements can be undertaken in the most efficient manner to meet the ambitions of the City Council and the West Yorkshire Combined Authority.

Action Required

1. Refer to Council

CT

22. Award of Contract for Security Services

Members considered a report which detailed the result of the evaluation of the tenders received for the provision of the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services).

Resolved: That the Executive agree to delegate authority to the Corporate Director of Customer & Corporate Services to enter into contracts with the proposed supplier for the Provision of Security Services and CCTV Operatives and Equipment (Corporate Security Services).

Reason: To enable the Council to achieve Best Value by maximising the available budget; transfer risks and responsibilities for CCTV security to the appointed supplier so it resides with an experienced, accredited and skilled supplier; and ensure consistency of service provision across the Council.

23. Establishing an Investment Budget for a Strategic Commercial Property Acquisition

[See also Part B Minutes]

Members considered a report which outlined an opportunity that had arisen for the council to acquire the freehold interest in a portfolio of properties in the city centre that would ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.

It was noted that if the proposed recommendations were agreed and the subsequent bid successful, a due diligence report would be brought back to the Executive for consideration.

The long term opportunity to influence activity and ensure a vibrant, thriving city centre with a mixed economy was welcomed.

Resolved: That a due diligence report be brought back to Executive prior to completion of the acquisition.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.

24. City of York Local Plan

Members considered a report which provided an update on the work undertaken on the MOD sites highlighted in previous reports to Local Plan Working Group (LPWG) and Executive.

The recommendations from the meeting of the LPWG on 10 July 2017 were circulated and the following points of clarification were noted:-

Recommendation No. 3 Housing

Table 4: Includes housing sites with minor changes, no changes, small scale deletions (Page 143)

All proposals recommended for approval by LPWG

Table 5: Includes significant changes to boundaries, new sites and significant deletions (Page 144)

All proposals recommended for rejection by LPWG except the inclusions and amendments relating to;

- Queen Elizabeth Barracks (934/ 935 / 936)
- Imphal Barracks (624 / 937 / 939)
- Nestle South (ST17)
- Grove House (H23)
- Former Clifton Without School

the deletions of:

- Heworth Green North (H25)
- Whiteland Field Haxby (H54)

and the change of Poppleton Garden Centre from a housing site at PSC (2016) to an employment site. (H57 becomes E16)

Recommendation No. 3 Employment

Table 6: Employment Sites with minor or no suggested changes and small deletions. (Page 147)

All proposals recommended for approval by LPWG

Site E5, should have been included as a deletion in this table. It is a small 0.2 hectare site included within Annex 4 table 2 as deletion. This due to a lack of a willing landowner for an employment use.

Table 7: Employment sites including significant change (including new sites).

All proposals recommended for rejection by LPWG except the inclusions and amendments relating to;

- Towthorpe Lines (925)
- York Central (ST 5)
- Whitehall Grange (246)
- The deletion of Land North of Grimston Bar (ST 6)

The position taken by LPWG was that Northminster (ST19), land at Elvington Airfield Business Park (ST 26) and the University of York Expansion Site (ST27) all to remain at their Preferred Sites Consultation 2016 position.

Recommendation (v) of the LPWG gave delegated authority to the Assistant Director in consultation with Members to approve non site related modifications. This should refer to non housing and employment site related policy modifications.

Annexes 5 & 7 include sites relevant to proposed policy changes:

- Allocation of Heworth Croft for Student Housing (SH1);
- Site 139 (bio-rad) as a potential mental health facility;
- The deletion of the CNG site at Askham Bryan; and
- Changes to open space designations.

With regards to the potential loss of employment land at the Barracks site, and the rationale for the site being recommended for residential use, it was noted that all potential sites had been rigorously tested against a range of criteria. The annexes attached to the report demonstrated a number of sites that had been rejected and accepted against that methodology.

In response to concerns as to the recommendations put forward by the LPWG, Councillor Ayre, Chair of the LPWG, clarified that the Group had not amended any recommendations, they had been asked to consider and put forward their own recommendations.

In conclusion, Councillor Ayre referred to York's population, housing and affordability challenges and stated that the housing figure of 867 would lock in a higher growth level and deliver on the City's needs.

Resolved: That the Executive agrees:

- (i) That on the basis of the housing analysis set out in paragraphs 82 - 92 of the report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.

That the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.

- (ii) That the employment land requirement included, arising from the draft ELR Addendum (Annex 2), be considered and agreed as the evidence base upon which the Local Plan should be progressed.
- (iii) That the increased figure to 867 dwellings per annum, be met by the changes to sites within Table 4 (page 21 of the report) and by the following changes to sites from Table 5 (page 22 of the report), the inclusion of Queen Elizabeth Barracks, Imphal Barracks, Nestle South, Grove House and the former Clifton Without Primary School, the deletion of Heworth Green North (H25) and Whiteland Field, Haxby (H54) and the change from a housing site to an employment site of Poppleton Garden Centre. The rest of the changes included in table 5 should not be included.

That the changes to employment sites highlighted in Table 6 (page 25 of the report) be accepted and to accept the following changes to sites listed in Table 7 (page 25 of the report) – the changes to York Central, the inclusion of Towthorpe Lines and Whitehall Grange, the inclusion of ST19 Land at Northminster Business Park, Elvington Airfield Business Park (ST26) and University of York Expansion (ST27) based on the Preferred Sites Consultation (2016) position and the deletion of site ST6 – Land at Grimston Bar. The rest of the changes included in table 7 should not be included (this includes potential extensions at ST19, ST26 and ST27 and two new sites listed).

- (iv) That the revised policy approach to Gypsy and Traveller provision highlighted within the report and Annex 9 be agreed.

- (v) That authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all housing and employment growth related policies (including site specific planning principles) and the non housing and employment site related policy modifications at schedule (Annex 7) in accordance with the approved evidence base.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (vi) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader, be delegated to approve changes to the non-site related policy modifications schedule (Annex 7) following the completion of viability work.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (vii) That following the approval of the evidence base and policy in relation to housing and employment, authority be given to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to produce a composite draft Local Plan for the purposes of consultation.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

- (viii) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated the signing-off of further technical reports and assessments to support the draft Local Plan including, but not limited to the SA/ SEA, Viability Study and Transport Assessment.

- (ix) That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings
- (x) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated authority to approve a consultation strategy and associated material for the purposes of a city wide consultation starting in September 2017 and to undertake consultation on a composite plan in accordance with that agreed strategy.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings

- (xi) That the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader be delegated authority to approve a revised Local Development Scheme as per the timetable highlighted in paragraphs 98 to 101 of the report.

That the Leader and Deputy Leader keep Group Leaders informed through Group Leaders meetings.

Reason: So that an NPPF compliant Local Plan can be progressed.

PART B - MATTERS REFERRED TO COUNCIL

25. York Central Update and Partnership Agreement

[See also Part A Minutes]

Members considered a report which outlined progress to date on the York Central scheme and set out the Council's commitment to developing a formal partnership agreement and the programme of work to take the scheme through to the submission of Planning Applications.

Resolved: That the Executive recommends to Council that a budget of £37.4m be approved for the York Central Transport improvements funded from the West Yorkshire Plus Transport Fund grant.

Reason: To ensure the delivery of York Central and to ensure that a range of access options have been considered.

Action Required

1. Refer to Council

CT

26. Proposed York Outer Ring Road Improvements - Approach to Delivery

[See also Part A Minutes)

Members considered a report which set out the proposed approach to the York Outer Ring Road improvements project and sought approval of the delivery methodology for the development and construction of the seven targeted improvements to junctions on the north York Outer Ring Road over the next 5 years.

Consideration was given as to how key issues and risks would be managed as well as the most effective way to make decisions over the coming months to develop the proposals.

The report recommended that future decisions on the programme of improvements were taken by the Executive Member for Transport and Planning, for example over matters concerning the purchase of land, consultation and phasing of works.

Resolved: That the Executive proposes to Full Council that a budget of £34.2m be approved for the York Outer Ring Road improvements funded from the West Yorkshire Plus Transport Fund grant.

Reason: To confirm the detailed allocation within the budget for the delivery of the Outer Ring Road Upgrade scheme in accordance with the previous Council Decision taken in December 2016.

Action Required

1. Refer to Council

CT

27. Establishing an Investment Budget for a Strategic Commercial Property Acquisition

[See also Part A Minutes]

Members considered a report which outlined an opportunity that had arisen for the council to acquire the freehold interest in a portfolio of properties in the city centre that would ensure the ongoing maintenance of the buildings, support the economic vibrancy of the city centre and generate significant additional income to contribute to the increased budget income target set for the council's commercial portfolio.

It was noted that if the proposed recommendations were agreed and the subsequent bid successful, a due diligence report would be brought back to the Executive for consideration.

The long term opportunity to influence activity and ensure a vibrant, thriving city centre with a mixed economy was welcomed.

Resolved: That the Executive recommends to full Council:-

- (i) the establishment of a capital budget of £15m, to be financed initially from borrowing, to fund the acquisition of freehold interest in a portfolio of city centre commercial property assets; and
- (ii) to agree that any future capital receipts not currently assumed in the Capital strategy, be allocated to fund the purchase, thereby reducing in time the associated borrowing related to the investment. This will be updated in capital monitor reports in the future.

Reason: To ensure the ongoing economic vibrancy of the city centre and increase the income from the council's commercial property portfolio in order to achieve budget targets.

Action Required

1. Refer to Council
2. Distribute required financial information to all Council Members

CT
TC

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].