



Notice of meeting of

Executive

To:	Councillors Waller (Chair), Steve Galloway, Sue Galloway, Moore, Reid, Runciman and Vassie
Date:	Tuesday, 17 March 2009
Time:	2.00 pm
Venue:	The Guildhall, York

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 16 March 2009, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 19 March 2009, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

2. Minutes (Pages 3 - 8)

To approve and sign the minutes of the meeting of the Executive held on 3 March 2009.

3. Public Participation

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 16 March 2009**.

4. Executive Forward Plan (Pages 9 - 10)

To receive details of those items that are listed on the Executive Forward Plan for the next two Executive meetings.

5. 2007/08 Comprehensive Performance Assessment Result for City of York Council (Pages 11 - 30)

This report, which incorporates the Single Improvement Plan update, presents the result of York's Comprehensive Performance Assessment (CPA) and Direction of Travel (DoT) for 2007/08.

6. Progress on York and possible World Heritage status (Pages 31 - 52)

This report presents the results of consultation on whether York should become a World Heritage Site (WHS), together with advice to potential WHSs from the Department of Culture, Media and Sport. It examines the boundary options for a York WHS and asks the Executive to consider how they wish to proceed on this matter.

7. Terry's Development - Proposed new Link Road (Pages 53 - 84)

This report responds to a motion agreed by Full Council on 25 September 2008. The motion instructed Officers to undertake a feasibility study to consider the potential implications of the creation of a link road between Bishopthorpe Road and Sim Balk Lane, together with an investigation of sustainable transport measures, as an aid to the development of the Terry's site.

8. Shared Service - Staffing Implications (Pages 85 - 90)

This report provides details of the progress made to address the outstanding staffing matters relating to the shared service between City of York Council and North Yorkshire County Council for internal audit, counter fraud and information governance services.

9. Urgent Business - Proposed Big Wheel in St George's Field Car Park (Pages 91 - 98)

Any other business which the Chair considers urgent under the Local Government Act 1972.

The Chair has agreed to consider under this item a report which advises of the receipt of a proposal made by WTA Ltd to site a Yorkshire Wheel in the St George's Field car park for a temporary period of 3 months to assess its usage and impact. The matter is urgent due to the deadlines to apply for planning permission if the proposal is approved. The agenda was re-published on 9 March 2009 to include this report.

Democracy Officer:

Name: Fiona Young

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	3 MARCH 2009
PRESENT	COUNCILLORS RUNCIMAN (VICE CHAIR, IN THE CHAIR), STEVE GALLOWAY, SUE GALLOWAY, MOORE, REID, RUNCIMAN AND VASSIE
APOLOGIES	COUNCILLOR WALLER

189. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

190. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 16 February 2009 be approved and signed by the Chair as a correct record.

191. PUBLIC PARTICIPATION

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

Graham Bradbury, representing the York Annual Community Concert, spoke in relation to agenda item 5 (The Barbican Auditorium). He outlined the history of the concert, which was originally founded in 1958 and had been held at the Barbican from 1991 to 2007. He stressed the importance of the Barbican Auditorium, both as a venue for this event and for entertainments in the City as a whole, and urged the Executive to ensure that it was re-opened as soon as possible.

192. EXECUTIVE FORWARD PLAN

Members received and noted details of those items that were currently listed on the Forward Plan for the next two meetings of the Executive.

193. THE BARBICAN AUDITORIUM

Members considered a report which provided a further update on the position of the Barbican Auditorium, following termination of the conditional development agreement with Absolute Leisure, and sought advice on the next steps. A revised version of this report, correcting some errors in the

original version, had been circulated, and published with the agenda on the Council's website, on 25 February 2009.

The report outlined progress made since the first update report to the Executive, on 20 January 2009. After an initial analysis of the physical condition of the site, a specialist local partner, LHL, had been commissioned to undertake a full condition survey, focusing on the needs of the building for the next five years and also looking forward to a thirty year time-frame. On 2 February, Drivers Jonas had been appointed as entertainments specialists to provide advice on the future use of the auditorium. Reports from both LHL and Drivers Jonas were expected by the end of March 2009.

Interim use of the building would be dependent upon the findings of the specialists' reports, but based upon current analysis there were two potential ways forward, on which Members were invited to comment, namely:

Option A – the Council operating the Auditorium or

Option B – a partner operating the Auditorium.

At this stage, Officers considered that Option B had the greatest potential for success in bring in acts and / or events that would add to residents' leisure and entertainment choices and contribute to ongoing running costs.

Costs implications of the work to date and the proposed interim use were set out in paragraphs 23 to 25 of the report. Minimum annual costs for rates, security and insurance had been built into the 2009/10 budget proposals. Consultancy costs would be funded through virements from surpluses within corporate treasury management budgets in 2008/09. Additional funding of up to £70k might be required for interim use options.

Having noted the comments of the Shadow Executive on this item and the comments made under Public Participation, it was

RESOLVED: (i) That the contents of the report be noted, that the further work to be undertaken Officers be approved and that a further report be requested for April 2009, this report to provide feedback from both commissioned pieces of work and, as a result, clearer recommendations for the Executive on interim and long term options for the Auditorium site.¹

(ii) That Option B be endorsed as the preferred model for any interim use.

REASON: To enable future plans for the Barbican Auditorium to be developed and progressed.

(iii) That Officers be requested to ensure that the exterior of the Barbican is maintained in line with 'York Pride' standards and that a professional programme of passive and proactive communications with residents, about the building, its future and alternative leisure opportunities available in the City, is implemented immediately.²

REASON: In order to improve the external appearance of the building pending future developments and to ensure that residents are kept informed.

Action Required

1. Prepare report for April Executive and schedule on Forward Plan CB
2. Make arrangements to initiate a programme of exterior maintenance and a communication plan CB

194. CARBON MANAGEMENT PROGRAMME – STRATEGY AND IMPLEMENTATION PLAN UPDATE

Members considered a report which provided an update on the Carbon Management Programme (CMP) and the forthcoming Carbon Reduction Commitment (CRC).

A copy of the Carbon Management Programme Strategy and Implementation Plan (CMP SIP), approved by the Executive in April 2008, was attached as Annex A to the report. This required the Council to save approximately 5,800 tonnes of Carbon over the five year period to 2013. To date, four projects had been successfully completed, saving about 380 tonnes of carbon. A further six projects, saving about 1,374 tonnes, were likely to be completed during 2009/10. An additional 740 tonnes would be saved following approval of a bid to Salix (a publicly funded company set up to accelerate energy efficient technologies through invest to save schemes) for £250k to help fund SIP projects delivering CO₂ and revenue benefits, details of which were set out in Annex B. Further savings would be made through other schemes identified in the CMP and through projects, currently being investigated by the CMP Core team, to reduce emissions from street lighting, CYC housing stock, transport, waste procurement and IT.

The CRC was a new, mandatory, carbon emissions scheme to be introduced through the Energy Act 2008. All large businesses and public sector organisations would be issued with annual carbon budgets and must either meet these or buy additional allowances for excess emissions. Details were supplied in Annex C to the report. To deal with CRC effectively, the Council would need to incorporate annual carbon trading strategies into the CMP from 2011 and set up a dedicated team to ensure it remained within its carbon budget. Proposals for managing the CRC would be reported to Members by October 2009. The Council was already involved in a one year virtual trading scheme, set up by Carbon Action Yorkshire, that mimicked the CRC. A full report on this would be provided to the Executive by May 2010.

Members expressed appreciation for the work already achieved in this area and noted that they expected Directors to prioritise the programme now that the resourcing issues had been addressed.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the good progress made to date be noted.

(ii) That it be noted that a full progress report, with forecasted potential carbon savings over the remaining four years, project plan and timetables for implementation, will be supplied to the Executive once a full year of energy data is available, and that it be requested that this report should also include proposals for addressing energy conservation / reduced carbon emissions in the City Council's housing stock and in its transportation activities.¹

(iii) That the creation of a CRC internal officer group, which will investigate CRC and create a proposal for managing it by October 2009, be noted.

REASON: So that Members are fully aware of the co-ordinated approach that City of York Council is taking, and will continue to take, in order to manage carbon emissions from Council activities and to ensure that the Council is prepared for CRC when it is implemented in 2010, and that the 2013 target is met on time.

Action Required

1. Prepare report for Executive as agreed and schedule on SS
Forward Plan

195. THIRD PERFORMANCE AND FINANCIAL MONITOR FOR 2008/09

Members considered a report which provided details of the headline performance issues from the third performance monitor period, up to 31 January 2009, and presented the latest projection of the Council's revenue out-turn for 2008/09. The Chair welcomed Keith Best, the Council's new Assistant Director of Corporate Finance, to the meeting.

With regard to performance issues, there had been an overall improvement in 63% of indicators so far this year, with 64% on target. The figures for LAA indicators were of concern, with 51% improving and 54% on target. However, several LAA indicators were yet to be reported and a full picture would not be available until the end of the year. 65% of indicators supporting a corporate priority were improving, with 55% on target. 80% of the Council's key projects were on track to be delivered on time. The report highlighted specific improvements against targets in relation to: affordable homes, recycling and household waste, serious acquisitive crime, youth offending, independent living, Council Tax collections, and staff attendance / health & safety. Areas for improvement included: out of work benefits, average earnings of employees in the City of York area, educational attainment, and NEETs (16-18 year olds not currently in education, employment or training).

With regard to the revenue budget, service areas were projecting an overspend of £620k, as compared to £170k at monitor 2. Central budgets were forecast to underspend by £136k and Treasury Management activity was forecast to underspend by £1,226k. These variations were due mainly to additional costs resulting from the recent extreme weather conditions, continuing increased demand on Children's Social Care costs and the impact of the current economic climate on the activities of Yorwaste. On the Non General Fund, an overspend of £358k was projected on the Dedicated School Grant (DSG) functions. The current working balance of the Housing Revenue Account (HRA) was £7,238k, with a projected out-turn balance of £7,419k. Members were asked to consider requests for:

- The release of an additional £40k of contingency funding in relation to fostering costs (further to the sum granted at the Executive meeting on 20 January 2009 – Minute 159 refers) and
- Approval to vire £106k between the Treasury Management and Leisure and Cultural Services budgets to meet the costs in 2008/09 for the Barbican Centre.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the performance issues identified in the report be noted.

REASON: So that corrective action on these performance issues can be taken by Corporate Management Team and directorates.

(ii) That the application for a supplementary estimate request of £40k for fostering costs to be funded from the contingency fund, as set out in paragraph 27 and Annex 3, be approved.¹

REASON: In accordance with the Executive's Constitutional powers to make decisions on the level and granting of supplementary estimates, and to ensure the provision of services to vulnerable children.

(iii) That the request from the Director of Resources for a virement of £106k between Treasury Management and Leisure and Culture, as set out in paragraph 28, be approved.²

REASON: This is a cross-departmental virement where one side falls within the remit of the Executive.

Action Required

- | | |
|---|----|
| 1. Make the budget adjustment as agreed | SA |
| 2. Make the budget adjustment as agreed | SA |

196. CAPITAL PROGRAMME MONITOR THREE

Members considered a report which informed them of the likely out-turn position of the Council's 2008/09 Capital Programme, based on information up to January 2009, and sought approval for revisions to the programme, including slippage of funding on certain schemes.

The current approved programme amounted to £60.537m, financed by £45.696m of external funding, leaving a cost to the Council of £14.841m to be financed from capital receipts. The projected out-turn against this programme was £60.249m, representing a net decrease of £288k, comprising:

- adjustments to schemes increasing costs by £171k and
- the re-profiling of budgets from 2008/09 to future years of £459k.

Details of the variances in each portfolio area were set out in Table 2, at paragraph 6 of the report. There had been £46.739m capital spend up to the end of January 2009, representing 77% of the approved budget.

Paragraphs 10 to 34 of the report summarised key exceptions and implications on the programme in each portfolio area, as reported to Executive Member and Advisory Panel (EMAP) meetings. The revised three-year programme resulting from these changes was summarised in Table 12, at paragraph 36. Approval was sought for the re-stated programme and for slippage on the 2008/09 programme.

Having noted the comments of the Shadow Executive on this item, it was

RESOLVED: (i) That the revised 2008/09 budget of £60.249m, as set out in the report at paragraph 6 and Table 2, be approved.

(ii) That the slippage of £459k from 2008/09 to future years, resulting in a revised programme of £60.289m in 2009/10, be approved.¹

(iii) That the re-stated three year capital programme for 2008/09 to 2010/11, as set out in paragraph 36, Table 12, and detailed in Annex A, be approved.

(iv) That the capital receipt projections for 2008/09 to 2012/13, as summarised in Table 13, be noted.

REASON: To enable the effective management and monitoring of the Council's capital programme.

Action Required

1. Update the programme spreadsheets

SA

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.25 pm].

EXECUTIVE FORWARD PLAN

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 31 March 2009		
Title & Description	Author	Portfolio Holder
<p>Corporate Strategy Refresh</p> <p><i>Purpose of report: To submit to Members the revised Corporate Strategy.</i></p> <p><i>Members are asked to: Consider and approve the content of the refreshed corporate strategy that is due for implementation in April 2009.</i></p>	Janna Eastment	Executive Member for Corporate Services
<p>City of York Children and Young People's Plan</p> <p><i>Purpose of report: To ask Members to endorse the Children and Young People's Plan 2009-12.</i></p> <p><i>Members are asked to: Endorse the new CYPP for York, production of which has been led by the YorOK Board on a partnership basis and which will be launched on 1st April. EMAP were fully consulted during the progress of production.</i></p>	Pete Dwyer	Executive Member for Learning, Culture and Children's Services
<p>2009/10 City Strategy Capital Programme Budget Report</p> <p><i>Purpose of report: Report sets out the proposed 2009/10 programme of works to be delivered using the City Strategy Capital Programme budget.</i></p> <p><i>Members are asked to: Approve the inclusion of additional funding into the 2009/10 Capital Programme. Approve the list of schemes to be delivered in 2009/10.</i></p>	Tony Clarke	Executive Member for City Strategy
<p>Local Area Agreement 2008/09-2010/11 – Refresh</p> <p><i>Purpose of report: To provide members with York's refreshed Local Area Agreement.</i></p> <p><i>Members are asked to: Formally approve the LAA prior to submission to Government Office.</i></p>	Nigel Burchell	Executive Member for City Strategy

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 14 April 2009		
Title & Description	Author	Portfolio Holder
<p>Vehicle Maintenance Procurement</p> <p><i>Purpose of Report: To inform Members of the proposed procurement arrangements for the maintenance and management of the Council's fleet.</i></p> <p><i>Members are asked to: Consider the recommendations in the report.</i></p>	Sarah Kirby	Executive Member for Neighbourhood Services

Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders					
Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Local Area Agreement 2008/09-2010/11 – Refresh</p> <p><i>Purpose of report: To provide members with York's refreshed Local Area Agreement.</i></p> <p><i>Members are asked to: Formally approve the LAA prior to submission to Government Office.</i></p>	Nigel Burchell		17/03/09	31/03/09	Problems with securing information on the LAA in respect of the Places Survey



Executive**17 March 2009**

Report of the Assistant Director of Resources (Customer Service & Governance)

2007/08 CPA result for City of York Council**Purpose of the Report**

- 1 To present Executive Members with the result of York's Comprehensive Performance Assessment (CPA) and Direction of Travel (DoT) for 2007/08.

Background

- 2 The Audit Commission will make/made public all CPA results for top tier councils on Thursday 5th March 2009. This is the final assessment authorities will receive before the transition is made to the Comprehensive Area Assessment (CAA). The first inspection results for CAA will be published in November 2009, based on 2008/09 improvement and assessments.

York's 2007/08 CPA result

- 3 The City of York Council (CYC) has been awarded a '2 star' (fair) CPA result with a judgement of 'improving adequately' for Direction of Travel. Annex 1 provides the full Direction of Travel Statement.

Key changes from 2006/07 CPA

- 4 Annex 2 provides a full breakdown of all the CPA category scores used to calculate the overall score. It also includes York's CPA assessment results over the previous 5 years. Four CPA category scores changed in 2007/08:
 - The corporate assessment reduced from **3** to **2**.
 - Adult social care reduced from a **3** to **2**.
 - Housing increased from **3** to **4**.
 - Culture increased from **2** to **3**.
- 5 Importantly, the Children & Young People block retained a score of **4**, and in fact improved again by scoring 4 across all six sub-categories - moving up from a 3 to a 4 on 'being healthy' in 2007/08.
- 6 CYC's overall *CPA score* and *Direction of Travel* have changed since the last CPA in 2006/07, when a 3 star (good) with an 'improving well' Direction of Travel was awarded. The scoring methodology used does not reflect improvements made across the full range of CPA categories. Of the 10 CPA sub-categories assessed, the council now scores two 4 star ratings (excellent), six 3 star ratings (good) and just two 2 star ratings (fair). This is much better range of scores than when the council was assessed as being a 3 star (good) council.

7 In 2007, the Audit Commission changed the rules and methodology for CPA, making it much tougher under new guidance called '*CPA – the harder test*'. As a result, the Commission have confirmed that the council league tables in the final 2007/08 round of CPA show a drop in the overall scores awarded, with many councils experiencing a fall in their star ratings, some to just one star. This has mainly been as a result of the Level 1 assessments (see paragraph 10 below) such as Adult Social Care and recent reduced corporate assessment results for 2007/08 being used for the first time within the methodology.

How does the CPA scoring methodology work?

- 8 The overall score is drawn together using corporate assessment ratings (Use of Resources and corporate assessment), and a number of service block ratings. The individual ratings are added together to produce an overall council CPA score. The scores are awarded on a 1 to 4 scale, with 4 the best and 1 the worst.
- 9 The corporate assessment was carried out by the Audit Commission last year and examined how well the council was run overall. The criteria for the corporate assessment inspection were changed in 2005 and were significantly tougher compared to those used in 2002. Over the past five years, York's corporate assessment score of 3 had been carried over from the last formal corporate inspection, which took place in 2002. However, the recent corporate inspection scored 2 and is being used for the first time to calculate the council's 2007/08 CPA score.
- 10 Under the CPA methodology, the areas assessed are given different weightings in the overall star rating calculation. The importance of the different areas can be more easily understood by separating them into level 1 and level 2 assessment scores.

Level 1 assessments	Level 2 assessments
<ul style="list-style-type: none"> • Corporate assessment • Use of Resources • Adult Social Care • Children & Young People 	<ul style="list-style-type: none"> • Benefits • Culture • Environment • Housing

11 The CPA methodology does not allow a council to score higher than an overall 2 star rating if more than one of its level 1 assessments score 2 or less – and if one of these is the corporate assessment. This is why CYC has dropped to a 2 star council, despite high scoring and improved results across the rest of the CPA scorecard.

How is the Council is addressing the Level 1 assessment reduced scores?

- 12 The corporate assessment inspection took place in early 2008 and since then the council has developed a Single Improvement Plan (SIP) to improve organisational effectiveness and address all major areas for improvement. Significant progress has been made against the milestones detailed in a paper to the Executive dated 30 June 2008, and Annex 3 provides members with further details and a progress report. The SIP is currently being reviewed and refreshed in preparation for the second year of delivery based on identified areas of organisational effectiveness improvement. This will help to address the Level 1 scores both for the corporate assessment and for Use of Resources next year.
- 13 The issues identified by the Commission for Social Care Inspection (CSCI) in the Adult Social Care inspection were not considered to be systemic. There is excellent performance in other areas such as social care clients receiving self-directed support (sometime referred to as direct payments). The CSCI recommendations are being addressed and HASS, working with the government office, have already identified the actions needed to bring performance back up to normal standards in 2009. Its clear that CYC's Adult Social Services are not viewed as a priority for special attention.

Direction of Travel (DoT)

- 14 From 2006 the Government introduced a second headline assessment for CPA called a Direction of Travel. This represents the direction and strength of improvement in an authority and is reported alongside the overall CPA star rating. York's 2007/08 DoT statement has now been issued by the Audit Commission and is set out in Annex 1. York has been assessed as 'improving adequately', on a 4 point scale:

1. Not improving	2. Improving adequately	3. Improving well	4. Improving strongly
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- 15 Aside from the performance results already covered in this report, the largely positive statement highlights:
- strong managerial leadership and effective political leadership, which is enabling the council to work well with its partners; and
 - sustained focus on improving corporate capacity through the delivery of the Single Improvement Plan.

Conclusion

- 16 The final headline CPA score and DoT score do not fully reflect the improvements outlined in the detail in Annex 1 and Annex 3. The council has made significant progress over the past twelve months, not just in terms of the improvements to services scores, but also in terms of organisational effectiveness. The Government has acknowledged the limitations of CPA by introducing a more outcome based Comprehensive Area Assessment and York is well positioned to do well under this in future.

Consultation

- 17 Extensive consultation took place across all directorates and with Executive members for the 2008 corporate assessment process. Other sessions also took place with directors and assistant directors between October and December 2008 to develop a Direction of Travel self-assessment in collaboration with the Audit Commission.

Options

- 18 There are no options to present to Executive members.

Analysis

- 19 This report is for information only and no decision is required from Executive members.

Corporate priorities

- 20 CPA and the DoT only place a limited weight on how well the council has delivered improvement in line with its corporate priorities. However, under the new CAA arrangements significant emphasis will be placed on how well the council is delivering Local Area Agreement targets in partnership.

Implications

- 21 The implications are:
- Financial – None.
 - Human Resources - None.
 - Equalities – Some parts of the Direction of Travel performance indicator assessment looked at how well the council was performing in terms of staff and customer based equalities. Improvements for equalities, including Equalities Impact Assessments and an engagement strategy for York were also supplied as evidence of progress.
 - Legal – None.
 - Crime and Disorder - Some parts of the Direction of Travel performance indicator assessment looked at a number of community safety indicators.
 - Information Technology – None.
 - Property – Progress on the project to move the council into a single headquarters was mentioned in the Audit Commission's Direction of Travel statement, but this was positive in terms of the council's future arrangements.

Risk Management

- 24 The Council has identified a strategic risk (KCR0008) relating to the implementation of changes required for the new CAA & Use of Resources assessments and officers are working on action plans to respond to guidance recently issued by the Audit Commission.

Recommendations

22 Executive Members are asked to:

- a) note the Council's 2007/08 CPA and DoT result;
- b) note the progress made in addressing areas identified for improvement.

Reason: to allow Members to assess external inspection results against service improvements achieved and planned.

Contact Details

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Pauline Stuchfield
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Report Approved



Date 27 February 2009

Specialist Implications Officers

Not applicable

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

- 1 Direction of Travel Report 2007/08
- 2 City of York Council's CPA Scores
- 3 Single Improvement Plan Progress

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City of York Council – Direction of Travel Statement

Judgement:

City of York Council is improving adequately

Summary:

Elements of services for vulnerable adults, for example those aimed at improving health, emotional well-being and personal dignity, have declined. The Council has achieved improvement in a number of other priority services and sustained high performance in services for children and young people. It has also contributed to improved outcomes in relation to health, crime and disorder, environment and sustainable transport and, with partners, is making progress on housing and regeneration ambitions. The Council has responded to the findings of the Corporate Assessment by developing a single improvement plan which is giving a sustained focus on improving corporate capacity. Managerial leadership remains strong. Progress has also been made in improving access to services and responding to the needs of diverse communities. Effective political leadership has enabled the Council to work well with partners to define priorities for the future and a range of robust service strategies are being implemented to achieve them. The delay in plans for new office accommodation represents a risk to the future delivery of the Council's ambitions but plans are in place to ensure progress is achieved.

Detailed statement:

The Council has achieved improvement in a range of priority services, the overall level of improvement – with around 61 per cent of national performance indicators improving in 2007/08 - is around the average rate of improvement for single tier authorities. Elements of services for vulnerable older people, relating to health and emotional well-being and maintaining personal dignity and respect, have deteriorated.

The Council sustained its high performance in educational attainment, with particular focus on the most vulnerable children and young people. The number of children below the threshold at each key stage in core subjects has reduced, particularly in the most deprived areas. There has also been an increase in the number of looked after children achieving at least one GCSE pass or equivalent.

The Council has taken successful action to support the priority for improving the health of local communities. It has continued to expand its schools sports partnerships, which has contributed to achieving an increase in the number of children participating in regular exercise. The percentage of children engaging in 2 hours per week of high quality PE has increased from 90 per cent to 94 per cent. The health of looked after children is also improving and there has been a reduction in teenage pregnancies.

There have been notable reductions in the levels of crime and disorder, resulting in an increase in the percentage of people who feel York is a safe place. A targeted alley-gating campaign resulted in a fall in reported crime levels of 68 per cent in the Clifton area in August and September 2008, compared with figures for the same period in 2006. Re-offending rates of YOT-supervised offenders fell by twice the target agreed as part of the LPSA2 although they remain at a level significantly above those for similar areas. An external assessment of the Youth Offending Team

found the service to be high performing, having shown significant improvement over the last two years to become the strongest performing team in the region. However, the dependency on short term funding presents a risk to sustaining the current level of performance.

Overall traffic volumes have remained stable and there is a strong focus on encouraging alternative methods of transport. Investment in park and ride schemes has resulted in usage steadily increasing between 2003/04 and 2006/07, although there was a reduction in passenger numbers in 2007/08 as the result of the introduction of the concessionary fares. Following successful initiatives to increase walking and cycling usage, York has been awarded Cycling City status, which has attracted £3.86 million in external funding to increase cycling further over the next three years.

The volume of waste recycled increased to a level which is amongst the highest quartile of councils nationally. The volume of waste collected has reduced and the cost of waste collection and disposal remains within the lowest quartile for councils nationally. Satisfaction with the service continues to increase. Good progress is being made in improving the condition and appearance of the city's housing estates and street scene. Street cleanliness is improving and parks, play areas and public spaces are of a high standard. The improvement in environmental performance and public satisfaction whilst keeping costs low illustrates the Council's robust approach to value for money, which remains one of its key strengths.

There has been continued improvement in some aspects of housing performance. Re-let times reduced significantly to 24 days which is amongst the top performing quartile of councils nationally. The proportion of non-decent homes continued to fall - from 11 per cent to 10 per cent. However, the rate of improvement is below that achieved elsewhere resulting in the Council falling from top quartile to second quartile. There was a deterioration in performance regarding homelessness, where the length of stay in hostel accommodation increased to more than 10 weeks which is worse than the national average.

The Council has contributed towards ensuring local communities have the skills and knowledge to access employment. The percentage of young people not in education, employment or training (NEETs) fell from 5.9 per cent in 2006/07, to 3.9 per cent in 2007/08. There was also an increase in the number of adults achieving basic literacy, numeracy and IT qualifications, and young people gaining vocational qualifications. These actions have contributed to a narrowing of income differentials across the city.

However, progress against wider economic priorities has been impacted on by the current economic downturn, which is also placing increased pressure on the social housing stock and housing waiting lists. Progress continues to be made towards the decent homes standard but plans to provide additional housing – including affordable housing units – have been delayed. It is anticipated that the supply of affordable homes will not meet targets over the next two years.

However, the Council and its partners have responded positively to the economic downturn by taking a range of actions to mitigate its impact. These include actions to support business confidence, engaging with developers to support the local housing market, promoting the Credit Union and benefits take up, and the Kingsway pilot project to provide specific support to people in the most deprived area of the city. The Council is also working with two neighbouring authorities and three housing associations on the Golden Triangle partnership which is providing support to households who are having difficulty getting onto the property ladder or are having difficulties paying their existing mortgages.

Progress is being made with actions to strengthen the Council's approach to dealing with equalities and diversity and improve access to services. Good progress has been made in carrying out Equality Impact Assessments in priority services, with a view to incorporating actions into 2009/10 service plans. The format of the Social Inclusion Working Group is being reviewed to ensure it is accessible to representatives of all community groups, and staff reference and engagement groups are being developed. The Council has also delivered language training aimed at the increasing Polish community and increased engagement with BME communities to address health issues. However, planned training for front line staff and managers has been delayed to 2009/10 due to lack of resources. The Easy@York project has continued to improve access to services, along with the Council's ability to respond to service requests.

The Council and its partners have robust plans for improving. The Sustainable Communities Strategy (SCS) setting out their ambitions for the city for the period from 2008 to 2025 was agreed in September 2008, along with the Local Area Agreement (LAA) which sets targets and provides the focus for action over the next three years. The SCS was based on a good understanding of local needs, following an extensive consultation process.

The Council has reviewed its Corporate Plan to ensure alignment with the SCS and has developed a range of robust service strategies to underpin the delivery of all community priorities. They are supported by action plans and funding from a range of sources. Progress is being made relating to the newly prioritised issue of climate change through an environmental sustainability strategy and a carbon management programme as the Council moves towards developing an integrated climate change strategy. The Local Transport Plan 2006-2011 has been rated as 'excellent' by the Department of Transport, and includes major projects to extend the existing park and ride network. As part of their approach to community safety, partners have agreed an Anti-Social Behaviour Strategy to ensure actions to deal with this issue are better co-ordinated and have maximum impact. The Council's housing strategy has a clear focus on achieving decency standards and increasing the supply of affordable housing and an updated homelessness strategy has recently been agreed. Plans are in place for joint commissioning of care services for older people with the PCT, although strategies to support the wider independence of older people are not yet fully developed.

The Council has taken action in a number of areas to implement its service strategies. New facilities such as the Danesgate Skills Centre and Learning Centres in Acomb and New Earswick opened in 2008 to provide increased access to lifelong learning opportunities, resulting in increased participation in adult learning programmes. The Council has also entered into a Multi Area Agreement (MAA) with a number of other councils to focus on the issues of skills and transport links on a regional basis. Access to external funding has enabled the Council to enhance its support to children and families through Parenting Programmes which have supported 248 families. Additional action groups have been set up through the Active York partnership to engage with schools to increase participation in physical activity and improve health. The Council is also working with the Schools Food Trust to promote healthy school meals. The recent annual primary school conference included a School Food Partnership workshop to discuss how issues such as sustainability can be taken into account in order to comply with enhanced criteria for Healthy Schools status, currently enjoyed by a large proportion of the city's schools. The Council is also increasing the supply of new, energy efficient housing and recently opened a new homeless hostel.

The Council has also continued to build on the strong plans in place to deal with the economic challenges facing the city through the recent creation of the Business Forum. The forum has a wide membership drawn from across the city and has enabled partners to develop a co-ordinated response to the particular challenges presented by the current economic downturn.

The Council has responded positively to the findings of the Corporate Assessment report published in June 2008. It has developed a Single Improvement Plan which provides a single focus for developing organisational capacity. Early progress has been made in developing a corporate approach to workforce development, strengthening service and financial planning processes, reviewing scrutiny arrangements and reviewing the effectiveness of community engagement. Action is also being taken to ensure that recent reductions in sickness absence levels can be sustained.

The Council is strengthening its corporate management to make best use of its capacity. The management team, supported by the Corporate Leadership Group, is providing good leadership to ensure a joined up approach to deal with cross-cutting issues through the 'York Business Model'. Political leadership remains effective and has supported the reshaping of community priorities.

The Council is leading a review of the themed partnerships within the LSP to ensure they have the capacity to deliver the outcomes required. Action planning is underway for each of the themed partnerships and the Council has made funding available through its LPSA performance reward grant to fund partnership initiatives. The Council is also investing in new IT systems to improve efficiency and capacity. These include new financial management and performance management systems as well as new systems in adult care services and improved broadband access.

The Council is taking steps to improve its asset management, although some significant issues remain to be addressed. The Council is making progress in increasing the community use of assets and has begun to develop asset management plans for local areas which will deal with localised issues to improve access to services. The Single Improvement Plan also includes actions to strengthen management of the capital programme. However, the office accommodation project remains a major risk to the Council. The delay in plans for the Hungate development after a significant period of investment and negotiation is creating additional financial pressures, hindering plans for improving access to services and preventing improvement in the Council's environmental performance. The Council has worked well to develop new plans to take its ambitions forward for Hungate and its own accommodation strategy.

York's CPA scores

Annex 2

CPA area	What gets assessed?	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	Change?
Use of Resources	Financial standing, management and reporting, and overall value for money.	3	3	3	2	3	3	No change
Adult Social Care	Services for older people and other adults with social care needs.	2	3	3	3	3	2	↓
Education	Educational attainment.	4	4	4	Replaced with Children & Young People			
Children's Social Care	Children on child protection register, adoptions and educational attainment of children in care.	3	3	3	Replaced with Children & Young People			
Children & Young People	All services previously covered by 'education' and 'social care for children'	New category for 2005/06			4	4	4	No change
Benefits	Housing and council tax benefit.	4	1	3	3	3	3	No change
Culture	Libraries, museums, arts, sports and recreation.	2	2	2	2	2	3	↑
Environment	Improving and managing the local environment.	1	2	2	3	3	3	No change
Housing	Managing council housing and housing the community.	3	3	3	2	3	4	↑
Overall CPA score		3 star (good)	3 star (good)	3 star (good)	3 star (good)	3 star (good)	2 star (fair)	
Direction of Travel		New category for 2005/06			Improving adequately	Improving well	Improving adequately	

CPA area	What gets assessed?	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	Change?
Corporate Assessment	Ambition to deliver improvement; capacity to improve; prioritisation; performance management; achievements.	3*	No assessment	No assessment	No assessment	No assessment	2*	↓

* Under CPA, the corporate assessment only takes place every 5 years, with the result carried over each year thereafter until the next assessment.

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Single Improvement Plan 2008-09 Progress Report

Summary

1. To provide an overall update on progress achieved on the 2008/09 action plans contained within the council's Single Improvement Plan, as part of an ongoing programme of improvements, prior to the refresh process for the 2009/10 year and onwards.

Background

2. In May 2008 a number of corporate areas of improvement were identified as a response to comments made in the Corporate Assessment and other council assessments. These improvement strands were combined to form the Single Improvement Plan (SIP), the focus of the council's corporate improvement activity.
3. As part of the refresh process, decisions will be taken as to which elements of the current SIP can now be regarded as completed, with plans then to ensure they are embedded within the Council's Business Model and that relevant assurance processes are in place to demonstrate this.

Progress to Date

4. Progress in achieving the 12 workstreams within the SIP is as follows:

1) Equalities and Diversity

The current year's milestones have been achieved, but the overall programme of work required to bring the Council's level of achievement to a good standard will require further work over the next one to two years, in light of the new national equality framework that comes into effect in April 2009.

The updated Gender, Disability and Race schemes were presented to members at a meeting of the Social Inclusion Working Group in July 2008.

Of the 19 strategic Equalities Impact Assessments (EIAs), 13 have been completed, three deferred to 2009/10 because the strategies they relate to will be completed in 2009/10, and three are currently in progress with a scheduled completion date of March 2009. The three EIAs deferred to 2009/10 are Choice Based Lettings (HASS), HR Strategy (Chief Executive) and the Corporate Strategy (Resources). The three EIAs in progress to be completed by 30 March 2009 relate to the Customer Strategy (Resources), the Community Safety Plan (Neighbourhoods), and Democratic Services (Chief Executive).

A public consultation conference was held on 5 November 2008, and CMT are to endorse an Equalities (or Fairness) System by late March 2009, being developed due to changes in the Local Government Equality Standard.

2) Improving Human Resource (HR) management

The original milestones have been met, with the exception of e-recruitment, which has been deliberately rolled over into the next financial year in order to allow the team working on the project to assist with the timely completion of the Financial Management System implementation. Finalisation of the restructure of the HR Corporate Development team is under way.

3) Health & Safety procedures

Some key improvements to the Health & Safety management system have already been agreed by CMT for implementation and procedures are under review. Figures for major and minor H&S incidents have declined by 66% and 42% respectively during the current year.

4) Attendance management

An increased emphasis on the quality of data, as well as managerial focus on sickness and absence, has led to an improvement of 16% in the year to date, and average numbers of days lost per employee is down to 6.48 for the period April to December 2008, from 7.72 for the same period in the previous year. The end of year figures are projected to reflect second quartile performance nationally (from bottom quartile).

5) Member training

A report was presented to Executive on 20 January 2009. Members agreed to sign up to the IdeA Member Development Charter and to set up a cross-party Member Development Working Group, which will make decisions about each year's Member Development Programme. Members are to receive regular development appraisals, and a variety of learning opportunities will be made available. The development programme for 2009/10 will be published in May 2009.

6) Alignment between community strategy, LAA and corporate strategy

The refreshed corporate strategy will be presented to Executive on 31st March 2009. The refreshed strategy takes the existing seven themes of the Sustainable Community Strategy and adds an additional internally-focused theme (Effective Organisation). A series of workshops were held in October 2008 to develop priority actions that will help the council to meet its LAA targets and the vision contained within the Community Strategy, and work has been continuing to develop the final wording of the Corporate Strategy.

7) Improved budget setting

Longer term planning for both revenue and capital has been established. In addition stronger links between capital and revenue budgets have been

developed and there is greater alignment with the Councils corporate planning process. Of the milestones initially set, the one which relates to "Spend within 2% of set budget" cannot be finalised until after the end of the financial year but it is anticipated to be achieved. The financial strategy now incorporates efficiency targets which are planned to be achieved through working with our efficiency partner (Northgate Kendric Ash) who are currently reviewing arrangements to help the council deliver on efficiency targets.

8) Budget monitoring

Extensive work has taken place to reform and improve budget monitoring, as outlined in a paper to the Corporate Management Team on 10 December 2008 on improving service and financial performance reporting. Monthly reporting will be introduced from next financial year to combine the financial and performance status within one document. Reporting to members has been simplified, and summarised at a more strategic level. More timely information will be presented to the Executive from next year and work is ongoing in terms of reporting under the new Scrutiny arrangements. The new financial management system is due to go live at the start of the new financial year in April and whilst this will take some time to embed, in the medium term this will improve reporting.

9) Capital programme

Current practice has been reviewed, and capital planning has moved to a five-year basis as part of the overall review of financial planning (see sections 7 and 8 above). There has been a review of the capital monitoring group, CAPMOG, and work is now focused on the introduction of project and programme monitoring standards across the council. The Director of LCCS hosted a project management event on 6th February 2009 to look at best practice documentation and invited representatives from across the council, together with the council's external efficiency partners to provide external challenge. The output from the event is being written up to form the project management module of the council's Business Model, i.e. to set the standards for project management council-wide.

10) Data quality

A programme of work has been undertaken by the Performance & Business Assurance Team, and promotion of the draft Data Quality Policy undertaken with management teams, key performance officers and the Audit & Governance Committee. The data quality review undertaken by the Audit Commission on BVPI data each year acknowledged the impact of the Data Quality Strategy in a report entitled "Review of Data Quality arrangements" (still at draft stage, sent 22 January 2009). At paragraph 17 the report states:

"The Council now has a clear framework for improving its arrangements for managing data quality which incorporates the key issues raised in our previous reviews."

Work is continuing to ensure that the principles of the Data Quality Policy are adhered to and consistently applied.

11) Scrutiny arrangements

A paper setting out options for revised scrutiny arrangements went before the Scrutiny Management Committee on 17 November 2008, and members agreed to select an option that proposed an increased number of scrutiny committees, whilst taking EMAPs (Executive Member Advisory Panels) out of the decision-making process. The new structure will be implemented in the next financial year and work is currently under way to ensure that reporting arrangements are in place to support the new scrutiny committees.

12) Consultation and engagement

After initial consultation and research into good practice, the Engagement Strategy was presented to Executive on 23 December 2008, and work is currently progressing to develop a toolkit to be attached to the strategy. The toolkit is expected to be ready by the end of March 2009.

Conclusion

Overall, significant progress has been made against the milestones set out in the report to Executive of 30 June 2008, and a summary of this progress is set out in the table below.

This progress will then be evaluated during the refresh process for 2009/10, which will be presented to Executive once results for the staff survey are available.

Theme	Milestone	Achieved	Delayed	On schedule
Equalities	Update Gender Disability and Race schemes	X		
	CMT to endorse and Equalities or Fairness System	X		
	Complete Strategic EIAs	13	3	3
	Hold public consultation conference	X		
	Community engagement strategy for SIWG agreed		X	
HR Management	Recruit Head of HR and OD	X		
	Agree work programme for HR team			
	Move Payroll to HR	X		
	Implement e-recruitment		X	
Attendance management	Develop communications strategy on attendance		X	
	Decrease number of working days lost	X		
	Monitor sickness absence through PDR process	X		
	Develop partnership working with PCT	X		
	Monitor absence via dashboard provision	X		
Health & Safety	Set up Health & Safety groups within directorates	X		
	Continue to develop the H&S team	X		
Member Training	Secure a permanent H&S manager	X		
	Review existing training arrangements	X		
	Meet with Group Leaders to identify member training needs	X		
	Contact excellent rated authorities for best practice	X		
	Hold discussions with IDeA	X		

Theme	Milestone	Achieved	Delayed	On schedule
	Develop Member PDRs to include training needs	X		
	Develop Member training programme		X	
Improve alignment between SCS, LAA and corporate strategy	Approve Sustainable Community Strategy	X		
	Hold communications event for SCS	X		
	Enhance role of WoW Executive Delivery Board in performance management	X		
	Approve LPSA2 bids	X		
	Launch refreshed corporate strategy			X
Improve budget setting process	Spend within 2% of set budget			
	Deliver efficiency plan on schedule			X
Improve budget monitoring arrangements	Appoint strategic consultants to develop high level efficiency review	X		
	Spend within 2% of set budget			
Improve council's capital programme	Deliver efficiency plan on schedule			X
	Review current practice	X		
	Review CAPMOG	X		
	Implement new processes for capital monitoring	X		

Theme	Milestone	Achieved	Delayed	On schedule
	Agree programme management model for council-wide use	X		
Improve data quality	Consult with Performance Officers Group	X		
	Present draft report to CMT	X		
	Consult with Audit Commission	X		
	Present report to Audit & Governance Committee	X		
	Appoint member champion		X	
Improve data quality	Deliver Year 1 Actions from data quality report			X
Review scrutiny arrangements	Consult with political groups	X		
	Report to Council	X		
	Implement new arrangements			X
Improve consultation and engagement arrangements	Discuss and identify best practice	X		
	Consult on draft strategy	X		
	Publish strategy			X

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Executive

17 March 2009

Report of the Director of City Strategy

Progress on York and Possible World Heritage Status

Purpose of Report

1. In April 2007, a report was presented to the Executive on the work carried out by the York World Heritage Steering Group (YWHSG) to answer the question “should York be a World Heritage site?”. The Executive asked officers to: 1) undertake a programme of public consultation; 2) examine in more detail the boundary options for a York World Heritage Site; 3) await advice to potential World Heritage Sites from the Department of Culture, Media and Sport (DCMS); 4) report back to the Executive on these items. This Report responds to these requests and asks the Executive to consider the options for action.

Executive Summary

2. The public consultation process has demonstrated overwhelming support for York gaining World Heritage status (paras 17-28)
3. The Statement of Significance developed by the YHWSG which describes the outstanding universal value of the City is used to assess the options for a boundary to a York World Heritage site (paras 29-44)
4. The boundary for a York World Heritage site should be based on the existing Central Historic Core Conservation Area boundary; this will introduce no additional statutory controls or constraints (paras 39-44, 72-75)
5. The DCMS intends to introduce a simpler, cheaper, 2-stage route for sites seeking nomination to a new, shorter UK Tentative List (paras 51-54)
6. The costs for York of seeking nomination to a revised UK Tentative List through the proposed 2 stage process in 2009 to 2010 will be limited to provision of officer time (paras 58-60)
7. Once nominated to a revised UK Tentative List, the costs of preparing and submitting documentation to UNESCO for approval as a World Heritage site will be £50k pa from 2012/13 for four years plus £50k in 2014 to 2016 (paras 64-65)

8. The costs of operating a York World Heritage site will be around £50k pa from 2016/17 onwards (para 66)
9. It will be a difficult, though not impossible, task for York to be nominated to the new UK Tentative List. However, once on this List, progression to formal approval by UNESCO by 2016 is almost guaranteed.

Background

10. The World Heritage (WH) Convention (adopted by UNESCO in 1972) was ratified by the United Kingdom (UK) in 1984. The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of "outstanding universal value", and requires a WH List to be established under the management of an inter-governmental WH Committee.
11. The Department for Culture, Media and Sport (DCMS) is responsible for the UK's general compliance with the Convention, and for nominating sites in England. In 1999, the DCMS announced that 25 sites (including three in the UK's Overseas Territories) would form the UK Tentative List of sites from which nominations to UNESCO WH status would be made. Inclusion of a site on a Tentative List is a pre-requisite for formal nomination to UNESCO. In 2007, the DCMS announced that a review of the 1999 Tentative List would take place in 2007-08.
12. To inform this Review the DCMS stated that it would commission an assessment of the costs and benefits of World Heritage Site status, the balance currently achieved between them, and the implications for the future management, promotion and funding of such sites. It has now published the results this research (<http://tinyurl.com/7zpbhq>)
13. In April 2007 the Executive received a report from the YWHSG convened by the then Lord Mayor, Janet Hopton. The Report assessed the advantages and disadvantages and recommended that the City of York Council should commit itself to pursuing World Heritage status. The Executive considered the Report and asked officers to carry out a process of public consultation, to undertake a more detailed assessment of potential boundaries for a York World Heritage Site, and to report back on the DCMS research and recommendations.
14. In 2007 and 2008, officers have carried out a programme of public consultation. The YWHSG has continued to meet. It has considered the issues of the boundary of a York World Heritage site, the issues relating to the definition of a Buffer Zone around a York World Heritage Site and has also carried out a programme of raising awareness about World Heritage issues.
15. The ***York Sustainable Community Strategy 2008-25*** (September 2008) states

The Without Walls Partnership will take on a small number of crosscutting challenges. Initial priorities for action are ...

- *Evaluate the case for York to become a World Heritage site*

(<http://tinyurl.com/acgzfl>).

16. This Report summarises the results of the public consultation, presents an analysis of the boundary options, responds to the York Sustainable Community Strategy and reports on the consultation documentation and advice issued by the DCMS in December 2008.

Summary of Consultation

17. Extensive public consultation was carried out by officers and by the YWHSO. This included using the York Talkabout Panel and an on-line survey on www.york.gov.uk. In addition, the YWHSO continued to raise awareness of World Heritage and its implications for York. Presentations were made to Ward Committees and to business groups; Parish Councils were contacted by letter; talks were given to local groups and local societies; an information panel was displayed at libraries; and a leaflet circulated which people could use to send their views to the Council. Letters of support have been received from MPs, leading organizations and individuals.
18. The Talkabout panel comprises around 2,000 local people who receive postal questionnaires at regular intervals throughout the year. The panel is broadly representative of York in terms of age, gender and area and includes residents from different geographic, social, economic and cultural groups.
19. A total of 1489 completed questionnaires were returned for the September 2007, giving a response rate of 65%. A sample of this size is accurate to + / - 3% at a 95% confidence level. The data has been weighted to reflect the demographic profile of the overall panel and therefore of York. All figures are reported as percentages. When responses do not total 100% this may be due to multi responses or decimal rounding.
20. The online survey contained the same questions as the World Heritage Status section of the talkabout survey. The survey was on the council's website and ran from July 24, 2007 till December 23, 2007. The online survey gave all residents the opportunity to participate and have their say on whether York should apply for World Heritage Status. A total of 77 people completed the online survey.
21. Both the talkabout panellists and the online survey sample believed there would be advantages for the City if it applied for World Heritage Status. 83% of the talkabout panellists said this compared with only 8% feeling that there would be no advantages for the city. Of the online sample 87% said it would be advantageous compared to 1% saying it would not. The main advantage cited in both the talkabout and online survey is that York's natural and cultural

heritage will be preserved, 82% in talkabout and 92% in the online survey.

22. However, although over a third of respondents (34%) who completed talkabout believe that there will be no disadvantages, over half (52%) feel that there will be disadvantages for the city if it acquires World Heritage Status. Respondents who completed the online survey were unsure if there would be any disadvantages with over four-fifths (88%) answering 'don't know.' In the online survey only 6% believed there would be disadvantages of acquiring World Heritage Status, and a further 6% believed there would be no disadvantages. The main disadvantage reported for both surveys was that World Heritage status will increase traffic congestion in York: 72% of the talkabout sample and 80% of the online survey sample said this.
23. The majority (70%) of the talkabout sample felt that York should apply for World Heritage Status, however the much smaller online survey sample were again unsure. Over four-fifths (84%) of the online survey sample responded 'don't know' whilst only 13% believed that York should apply for World Heritage Status. The most common reason given from the talkabout survey for supporting York's application is to preserve York's heritage and discourage out of place development (42%). For the online survey the most common reason for supporting the application was that York is worthy of the status or it deserves the recognition (22%).
24. The YWHSG produced a leaflet with a form which could be filled out and returned to the Council and an accompanying banner. The leaflet and banner was produced and sponsored by the Continuum Group and the Yorkshire Architectural and York Archaeological Society met printing costs. A total of 373 comments have been returned. Only four were against York pursuing world heritage status.
25. In addition three YWHSG leaflets in support have been received from City of York Councillors; letters in support have been received from MPs for Ryedale (Mr John Greenaway), Vale of York (Ms Anne McIntosh) and Selby (Mr John Grogan); one leaflet in support has been received from prospective parliamentary candidate (Mr Julian Sturdy); eleven letters and emails from Parish Councils (nine in favour, one against World Heritage status for York, and one not wishing to comment at this stage); 27 letters of support have been received from a wide range of institutions, societies, groups and individuals including the Archbishop of York, the Dean of York, VisitYork, York University and the University of York St John, and the York Civic Trust; and three letters from the general public (one in favour, two against).
26. Copies of the Talkabout and on-line survey results, a summary of the comments received on the YWHSG leaflet, copies of the letters received, and a list of groups addressed by the YWHSG and officers are available as background papers.

27. The Without Walls Partnership received a presentation on World Heritage status for York on 29th April 2008. It resolved that

Partners were happy to support continuation of the World Heritage bid process, pending confirmation of detailed planning guidance from DCMS

28. In summary, there is overwhelming local support for the proposal that York should be a World heritage Site.

Options for boundaries for a York World Heritage Site

29. Three options have been examined by the YWHS: Option One - Minster Precinct; Option Two – the Minster Precinct St Mary's Abbey City Walls and Defences including York Castle; Option Three – an area co-terminus with Central Historic Core Conservation Area.

30. The original report of the YWHS contained a Statement of Significance. The Statement of Significance sets out those aspects of the heritage of the City of York which constitute its universal value.

31. The Statement of Significance concludes:

York therefore is of outstanding universal value.

It contains masterpieces of human creative genius (York Minster; York Minster and other medieval glass, York City walls and gates, Merchant Adventurers' Hall, Minster masons' tracing floor); outstanding examples, both above ground and in buried though well-preserved archaeological deposits, of structures illustrative of various traditions of urban settlement over 2000 years.

It exhibits important interchanges of human values over a long span of time on developments in architecture, monumental arts and town planning.

It bears unusual testimony to cultural traditions and civilizations both living and disappeared, and has direct association with events, traditions, persons and movements of universal significance.

It is especially worthy of inscription on the World Heritage List because no other place on earth combines the same series of functions over so a long period, such continuity of occupation and activity, all in such a relatively small area, such excellent above and below ground preservation, and such complete documentation.

32. The boundary options are discussed in relation to the Statement of Significance. It is essential to match the Statement of Significance with an appropriate World Heritage site boundary, though it has to be recognized it will be difficult to convince the DCMS on any of the options.

Option 1: Minster Precinct (Plan A)

33. The York Minster Precinct proposal comprises the area shown on Plan A. It includes the York Minster Precinct and that section of York City Walls which runs between Bootham Bar and Monk Bar. It includes Deangate and College Green. This proposal has the same boundary as the York Minster Precinct Scheduled Ancient Monument (SAM). It lies wholly within the Central Historic Core Conservation Area.
34. This proposal is the one which fits most closely with people's perceptions of York as a World Heritage site. However, it offers a poor fit to the Statement of Significance – it excludes many of the buildings mentioned in the Statement. More importantly it excludes those areas which preserve the deep, waterlogged, rich organic deposits which are critical to the Statement of Significance.
35. This proposal - a European medieval cathedral precinct - also replicates a number of existing western European World Heritage sites. UNESCO has stated that this is precisely the type of site which is well represented on the World Heritage List. As such, it is very unlikely to be a successful nomination.

Option 2: York Minster Precinct, St Mary's Abbey Precinct and York City Walls and Defences including York Castle (Plan B)

36. The York Minster Precinct, St Mary's Abbey Precinct and York City Walls and defences including York Castle proposal comprises the area shown on Plan B. It includes the York Minster Precinct (as in Option 1) St Mary's Abbey Precinct including Kings Manor, the Art Gallery and Exhibition Square, York City Walls including all gateways, towers and posterns, and York Castle including part of the Castle car-park. This proposal includes the areas included within the York Minster Precinct SAM, St Mary's Abbey Precinct SAM, St Mary's Abbey Walls SAM, York City Walls SAM and York Castle SAM. It lies wholly within the Central Historic Core Conservation Area.
37. Option 2 offers a closer fit with the Statement of Significance. However, as with Option 1, it excludes many of the buildings and structures mentioned in the Statement. It also excludes those areas which preserve the deep, waterlogged, rich organic deposits which are critical to the Statement of Significance
38. Option 2 also replicates many existing western European World Heritage sites. As with Option 1, UNESCO has stated that this is precisely the type of site which is well represented on the World Heritage List. As such, it is unlikely to be a successful nomination

Option 3: Area co-terminus with the York Central Historic Core Conservation Area (CHCCA) (Plan C)

39. The area covered by Option 3 is shown on Plan C. It includes the areas in Option 1 and Option 2. However, it covers a much greater area than either Option 1 or 2. It includes all of the area within the City Walls and elements of the approaches to the main gateways of

the City Walls. The boundary is the same as the boundary of the CHCCA.

40. Option 3 offers the closest fit to the Statement of Significance. It includes all the structures, buildings, deposits and locations relevant to the Statement of Significance.
41. Option 3 fits into the general “historic towns” class of UNESCO World Heritage sites. There are about 30 European world heritage sites that fall into this general category. Therefore, it will be a very difficult task to convince DCMS that York should be placed on the UK Tentative List based on this option.
42. The intention of the boundary of a world heritage site is to define an area that best represents the universal value of the site. YWHSG consider that Option 3 represents the most appropriate boundary for a York World Heritage site as it represents the closest fit with the Statement of Significance. This option also includes almost all of the “*buried though well-preserved archaeological deposits*” identified in the Statement of Significance
43. It is also clear from a recent consultation by the Department for Communities and Local Government (DCLG – see paras 58-60 below) that World Heritage status will have the same statutory controls as currently apply to Conservation Areas. .
44. A York World Heritage site boundary based on the CHCCA will not introduce any additional statutory planning controls. Therefore the YWHSG recommends that the CHCCA should form the basis of a City of York World Heritage Site.

Buffer Zone

45. UNESCO suggests that each World Heritage Site should have an accompanying Buffer Zone. The role of a Buffer Zone is to
46. *give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection ... Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination.*
47. The YWHSG has not at this stage made any recommendations about the size and location of a Buffer Zone. It recommends that detailed consideration of the extent and boundary of a buffer zone be carried out if the City seeks and achieves nomination to a revised UK Tentative List.

World Heritage Policy consultation, review and advice published by DCMS

48. DCMS has carried out a review of the UK's approach to selecting and nominating World Heritage sites. As part of this review it commissioned Pricewaterhouse Coopers LLP (PwC) to undertake a comprehensive study into the costs and benefits associated with World Heritage Site status in the UK. The review had the following terms of reference:

To explore the extent to which the UK's current approach to World Heritage supports the interests of the UK Government and those of the Governments of the Crown Dependencies and Overseas Territories in protecting and promoting their cultural and natural heritage; their wider strategic priorities; and their international goals, particularly in relation to UNESCO.

To examine the costs and benefits, rights and responsibilities of World Heritage Site status, the balance currently achieved between them, and the implications for the future management, promotion and funding of such sites.

To consider what measures might be taken to clarify and/or strengthen protection for World Heritage Sites.

To recommend a policy on making future nominations for World Heritage Site status.

49. The results of this review and the PwC study were published as a consultation document in December 2008 (<http://tinyurl.com/7zpbhq>). The Consultation period ended on 25th February 2009. A holding response has been sent ending consideration of this report by the Executive.
50. The conclusions reached by the review are detailed. Therefore only those elements which describe the preferred option for future policy on World Heritage sites are summarized here.
51. The DCMS states that its preferred option for WHS in UK and Dependent Territories is to create a new UK Tentative List. Sites on the current list must reapply. The DCMS will provide guidance and training to potential applicant sites on the criteria DCMS will use to assess potential WHS. The DCMS will adopt a 2 Stage process to create a new, short Tentative List. The DCMS will nominate one site from the new Tentative List to UNESCO every other year starting in 2012 (then 2014 2016 2018 2020). This is a sound proposal and it is recommended that the City of York should support it.
52. The 2 Stage application process would be as follows:
53. At Stage 1 (deadline July 2009) applicants would be required to complete an application form outlining: prima facie evidence of Outstanding Universal Value including authenticity and integrity; whether the site falls into an under-represented category on the World Heritage List as defined in the ICOMOS Gap Studies and how it relates to the UNESCO World Heritage Committee Global

Strategy; the extent to which the site is subject to development pressures which might affect outstanding universal value and how this will be managed; the extent to which there is international cooperation or linkages to be followed up actively; and whether the application could be viewed as an extension to an existing site either in the UK or in any other country

54. Applicants successful at Stage 1 will be asked to complete a Stage 2 application (deadline April 2010). This will provide more detail on the areas above including: evidence that the site is the best or most representative example nationally and internationally of the kind of cultural or natural heritage which it represents; how the application meets the requirements of the global strategy and the gap studies; evidence of strong local support for the application; proposed arrangements for managing the site in future in ways which will protect its outstanding universal value, including funding where appropriate; and the support they would be able to offer to a country or countries whose heritage is under-represented on the World Heritage List.
55. The PwC Report which supports the DCMS review details a range of potential costs and benefits that a prospective World Heritage Site should take into account. The Report breaks the potential costs down into three stages: Bidding costs of WHS nomination; costs of producing a management plan; management costs of a World Heritage Site. The YWHSG believe that the costs sets out in the PwC Report are not directly relevant to the situation here in York.
56. PwC suggests that the costs of Bidding for WHS could be as high as £380k; that the costs of producing a management plan could be between £56k and £90k; and that the costs of managing a world heritage site could range between £13k and £615k depending on the management model.
57. These costs quoted in the PwC report relate to the procedures in place prior to the 2008 DCMS Policy Review. The costs are generalized and do not take into account local arrangements and partnerships.
58. How do these costs relate to the situation in York and to the suggested simplification of the nomination process set out in the DCMS consultation document? The timing, procedures and costs for York are summarized in the following table and detailed in subsequent paragraphs:

	When	What is involved?	Cost	Partner Involvement
Stage 1 (para 59)	July 2009	Training on and completion of nomination forms	Existing Officer time only	YWHSG support (no cost)

Stage 2 (paras 60-61)	April 2010	Provision of more detail to support case for nomination	Existing Officer time only	YWHSG support (no cost)
Nomination to UNESCO (paras 62-65)	From April 2012 to April 2016	Creation and Appointment to new post of WHS coordinator	£200k (£50k p.a.)	YWHSG support (no cost) Potential Sponsorship from external partners
	From April 2014 to April 2016	Appointment of Consultants Preparation and submission of documentation to UNESCO	£40k £10k	Potential Sponsorship from external partners
Management of a York World Heritage site (para 66)	From April 2016	Continued employment of a WHS Coordinator	£50k p.a.	YWHSG support; Potential Sponsorship from external partners

59. If the Executive is minded to agree to submit a Stage 1 application this would involve completing the proposed DCMS pro-forma application form by July 2009. All the information for this process has been provided by the YWHSG. Costs will be limited to officer time to complete and submit the form.
60. If York is successful at Stage 1, it will be required to submit more detailed information for Stage 2. At this stage, York will be expected to provide evidence that the site is the best or most representative example nationally and internationally of the kind of cultural heritage which it represents; how the application meets the requirements of UNESCO's global strategy and the gap studies; evidence of strong local support for the application; proposed arrangements for managing the site in future in ways which will protect its outstanding universal value, including funding; where appropriate, the support they would be able to offer to a country or countries.
61. Again, most of the information which will be required at Stage 2 is already available. Some of this information, the evidence of strong local support, is presented in this Report. The emerging LDF City Centre Area Action Plan and the Central Historic Core Conservation

Area Appraisal will provide the policy context for managing the site in the future. Costs relating to completion and submission of a Stage 2 bid will therefore be limited to providing officer time.

62. Additional costs will occur only if York is successful at Stage 2 and is nominated to the new UK Tentative List. The scale of these additional costs will relate to which management model is chosen to manage the world heritage site and to producing documentation for submission to UNESCO. There are four management models described in the PwC Report: Special Ownership Model; No WHS Coordinator; WHS Coordinator; and the Separate Entity model.
63. The WHS Coordinator model will be the most relevant to the situation in York. The WHS coordinator model is the most common approach taken to WHS management, with ten of the 24 UK sites included in this category. In these locations (Durham, Bath, Liverpool, Saltaire, Greenwich, Orkney, Ironbridge, Blaenavon, Derwent Valley, and Stonehenge and Avebury) there is a steering group or management group in place that is supported by a dedicated WHS Coordinator, sometimes with partnership support, and a number of other working groups or technical panels which meet periodically. PwC suggests that costs generally associated with this model are circa £130-£215k p.a.. In addition, there are costs associated with producing the documentation required for the formal nomination stage to UNESCO. PwC suggest that these formal nomination costs are in the region of £380k.
64. For York, analysis suggests that the costs associated with this model would be much less than these quoted by PwC. The costs would primarily arise through the appointment of a World Heritage Site Coordinator and to servicing an enlarged and reconstituted YHWSG. It is anticipated that in York these costs would be no more than £50k p.a. (based on a WHS Coordinator at Grade 10, plus postage, printing, room hire etc at 2009 prices). If York sought nomination to UNESCO in 2016 these costs would be incurred at the earliest in 2012/13. However, there is merit in making an appointment earlier, especially where partnership support and funding could be secured. This would enable a role / remit that could begin to deliver on some of the benefits we seek to secure through attaining WHS status. This may be possible if partnership working and funding can be put in place immediately after a positive result at Stage 2.
65. In order to produce the documentation required for the formal nomination to UNESCO, York would need to spend a further sum of around £40k on suitable external consultants and £10k on production costs for the documentation. These costs would be incurred at the earliest in 2014/15 if York targeted formal nomination to UNESCO in 2016.
66. If York is designated a World Heritage site by UNESCO, the costs of managing a York World Heritage site will lie in the continued employment of a WHS Coordinator, running an enlarged and

reconstituted YHWSG (c £50k p.a.), and carrying out such other promotional and educational activities that Members would wish to carry out (not estimated in this Report).

67. It is clear from the experience so far of the YWHSG that the City of York Council will not have to meet all these costs. York has benefited greatly from the time and expertise freely donated by the Members of and advisors to the YWHSG. In addition, the private sector and a charity have sponsored the production of the YWHSG leaflet and exhibition banner. Other private sector companies have indicated they will make financial contributions towards the nomination costs. In other regions, the Regional Development Agencies have contributed substantially towards the costs of making bids for World Heritage status and managing World Heritage sites (eg *One North East* for Durham and Hadrian's Wall). It is clear from this experience that there is significant potential to create either a formal or an informal public/ private partnership which will meet these costs of achieving and managing World Heritage status in York.
68. PwC do not provide a financial analysis of the financial benefits which accrue from World Heritage status. Instead they highlight the potential benefits under a series of headings: Partnership; Additional Funding; Conservation; Tourism; Regeneration; Civic Pride; Social Capital; Education and Learning. These are similar to the benefits identified by the YWHSG in their 2007 Report (see paras 79 and 80 below).
69. PwC state:
 70. *Where the [World Heritage] status has been used to full effect it has provided benefits by bringing partners together and leveraging additional funding and not infrequently it has led to new developments and enhanced educational benefits as well as improved conservation and even regeneration in some locations. Where these opportunities have not been seized there have been more limited benefits.*
71. In short, WHS delivers what each site makes of it.
72. In addition to the consultation by the DCMS, a consultation has been carried out by DCLG on a draft Planning Circular on World Heritage sites in England. This consultation document sought views on measures proposed by the DCLG to enhance the protection of World Heritage Sites in England. The document also contains guidance on World Heritage sites from the DCMS and English Heritage (<http://tinyurl.com/4upwc5>)
73. At present, there is no additional statutory protection conferred by gaining World Heritage status. There is currently no specific guidance on how planning authorities should frame policies for the protection and enhancement of a World Heritage site.

74. In brief, DCLG have recommended that World Heritage sites should in future have the same level of protection as that currently given to Conservation Areas.
75. This means that if this recommendation is adopted, and if York were to be successful in gaining World Heritage status, there will be no additional planning or statutory constraints in York as the whole of the City Centre is already a Conservation Area.

Analysis

76. Option A, *That the City of York Council does not pursue World Heritage status and inclusion on a revised UK Tentative List.*
77. The 2007 Report of the YWHSO and the PwC Report makes it clear that there are disadvantages to gaining World Heritage status. There is the possibility of external scrutiny of decisions taken by the City Council (by UNESCO and its advisors). There is the possibility of greater congestion arising through an increase in visitor numbers. Any benefits that may arise depend greatly on the effort invested in WHS by the site and its managers. There are unlikely to be any significant costs associated with making a Stage 1 and Stage 2 bid to DCMS to get on to a revised Tentative List. However, if York is nominated to a revised Tentative List, the costs associated with submitting a bid for WHS to UNESCO are likely to be in the order of £250k over four years (2011 to 2016) and around £50k p.a. thereafter.
78. Option B, *That the City of York Council will support a bid for World Heritage Status and inclusion on a revised UK Tentative List*
79. There is significant public support for the proposal that York should be a World Heritage site. The YWHSO strongly recommends that the City of York Council should pursue nomination to a revised UK Tentative List of World Heritage Sites. It believes that the benefits that would accrue to York through enhancing the level and quality of tourism, attracting and retaining businesses and students, protecting York's heritage, and raising of civic pride outweigh the costs that might be incurred.
80. The 2007 YWHSO Report was strongly influenced by a Scrutiny Report prepared by the City of Edinburgh Council in 2006. Edinburgh has been a World Heritage site since 1995. The Scrutiny Report makes it clear that designation has had positive benefits for the City. It has not been a constraint on major developments, it has promoted better design, and it has been a major factor in tourism initiatives. The PwC Report in part supports this view of the benefits of WHS. The PwC Report points out that WHS delivers what each site makes of it. York is already a successful tourist attraction. WHS would support and augment that position. York has a desire to see design-led development. WHS can clearly promote design-led development. Again to quote the PwC Report

81. *it was felt, particularly amongst developers that WHS status does have an impact on the cost of development, primarily because the status ensures that a much higher degree of scrutiny is given to development applications. Developers would expect to have to support a design team throughout the process and to have those designs amended periodically and in some instances they would expect to have to pay for some additional expertise*
82. The costs of pursuing nomination to a revised Tentative List will be significantly lower than those estimated in the 2007 Report to this Executive. If the DCMS implement their preferred procedure, the costs of the two stage nomination process will be almost completely restricted to officer time only. The more substantial costs for a bid to UNESCO would be spread over a four year period and would not be incurred until 2012/13 at the earliest. Experience demonstrates that there is considerable scope for effective partnership working and financial support. This will mean these costs should not be born only by the City of York Council
83. However, successful nomination to the new UK Tentative List will be difficult to achieve. Once on this List, formal approval by UNESCO by 2016 is achievable and realistic.
84. If York wishes to pursue World Heritage Status, now is the time to do it. Once a new Tentative List is created, it will be in place until at least 2022.

Corporate Priorities

85. This proposal contributes to the Corporate Direction statement
86. *The Council will provide strong leadership for the city using partnerships to shape and deliver the Community Strategy for the City*
87. It also addresses the Corporate Priority to
88. *Improve the actual & perceived condition and appearance of city's streets, housing estates & publicly accessible spaces*
89. It also responds to the **York Sustainable Community Strategy 2008-25** (September 2008) which states

The Without Walls Partnership will take on a small number of crosscutting challenges. Initial priorities for action are [to] ...

Evaluate the case for York to become a World Heritage site

Financial Implications

90. Option A carries no financial implications for the City. Option B means that the City would potentially have to identify a sum of up to £50k p.a. from 2012/13 onwards to go towards the cost of appointing a WHS Co-Coordinator and of producing the

documentation to submit to UNESCO. This full cost would arise only if no other financial support is received from the private sector, charitable sources or Yorkshire Forward.

Legal Implications

91. There are no legal implications.

Human Resources (HR) Crime and Disorder, Sustainability, Equalities and other implications

92. At this stage there are no HR, Crime and Disorder, Sustainability, Equalities or other implications.

Risk Management

93. There are minimal risks associated with this proposal. Perhaps the most significant risk is that there are raised expectations that York will make a bid for World Heritage Status. A decision not to pursue would certainly disappoint a lot of people. This can be managed through an appropriate communication strategy if it is decided not to accept the recommendations in this report.

Recommendations

94. It is recommended that the Executive support the DCMS's proposal to adopt a new, short UK Tentative List and for a two-stage nomination and decision process to create the new UK Tentative List

95. Reason: the DCMS preferred proposal is a cost-effective means of gaining nomination to a revised Tentative List

96. It is recommended that the Executive agree (a) to submit a Stage 1 application for nomination to the new UK Tentative List based on Option 3 and (b) if successful at Stage 1, submit a Stage 2 application for nomination to the new UK Tentative List.

97. Reason: This is the only route available to be nominated to a revised UK Tentative List. Option 3 offers the best fit to the Statement of Significance. It acknowledges the case that York is of outstanding universal value and merits World Heritage status.

98. It is recommended that if members are supportive of the World Heritage site bid going forward that they also support approaches and investigations to secure partnership funding to facilitate the early appointment of a World Heritage Site project officer.

99. Reason: This would facilitate further promotion of and possible early delivery on some of the key benefits outlined in this report, also allowing work to commence in good time to develop the more detailed bid information, by reducing the burden on existing CYC officers.

100. It is recommended that the Executive is updated on progress at each Stage and that a further Report is made to the Executive on partnership, finance, timetable HR and other arrangements if York is successful at Stage 2.

101. Reason: To ensure the Executive is fully aware of progress and to decide on key issues if York is successful in gaining nomination to a revised UK Tentative List.

Author:		Chief Officer Responsible for the report:			
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		Report Approved	√	Date	05/03/09
Specialist Implications Officer(s) none					
Wards Affected: <i>List wards or tick box to indicate all</i>					All <input checked="" type="checkbox"/>
For further information please contact the author of the report					

Annexes

3 plans (Plan A, Plan B and Plan C) illustrating options for the proposed WHS area

Background Papers

- 1 **Report to Executive Leader and Advisory Panel 24th April 2007**
- 2 **File EC 224 containing**
 - TalkAbout Survey Results and Analysis
 - Analysis of returned World Heritage Leaflets
 - Letters from MPs organisations and individuals
 - List of Groups addressed by YWHSG



PLAN A
World Heritage Site Boundary Option 1
York Minster Precinct

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PLAN B
World Heritage Site Boundary Option 2
York Minster Precinct, St Mary's Abbey Precinct
and City Defences including York Castle

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PLAN C
World Heritage Site Boundary Option 3
Central Historic Core Conservation Area

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Executive**17th March 2009**

Report of the Director of City Strategy

Terry's Development – Proposed New Link Road**Summary**

1. This report has been prepared in response to a council motion which was agreed following the refusal by the Planning Committee on 28th August 2008, of an application for the redevelopment of the former Terry's Chocolate Works.
2. The report describes the provision of two section of link road from Tadcaster Road to Bishopthorpe Road at a cost of £6.1m. The results of the traffic modelling suggest there will some reduction of traffic flows on Tadcaster Road but the major benefit comes from redistribution of traffic travelling through Bishopthorpe. The main planning issues is the consideration of York's Green Belt which would make it difficult to support the proposal.
3. The reports notes that further work would be necessary to improve the punctuality of the No 11 bus working with the bus company and that cycle connections to the cycling network could be introduced to reduce the traffic implications and increase the accessibility to the new Terry's development.
4. The report considers that there are limited opportunities for funding the link road and it would be difficult to achieve anything other than a low cost benefit ratio.
5. The report recommends that Members note the contents of this report and instruct officers to cease any further work on this proposal.

Background

6. The council motion instructed officers to undertake a feasibility study to consider the potential implications of the creation of a link road between Bishopthorpe Road and Sim Balk Lane, together with an investigation of sustainable transport measures, all as an aid to the development of the Terry's site (Annex A - Location Plan). The full council motion is attached at Annex B, which raises several other issues that also need to be considered.
7. This report responds to each of the items raised and discusses the wider implications associated with the proposed link road.

Route Identification of proposed Link Road

8. The route chosen provides a link road between Bishopthorpe Road and Sim Balk Lane and lies to the south of the A64 through what is currently agricultural land (see Link A, Annex C). This joins Bishopthorpe Road in the vicinity of the Crematorium and with Sim Balk Lane just prior to the point where the road starts to rise over the A64 bypass, a length of approximately 620 metres. The design assumes that a 3 arm and a 4 arm roundabout would be required at the junctions with Sim Balk Lane and Bishopthorpe Road respectively.
9. To address the motion's specific request to see improved access with the A64 slip roads, an additional section of new road has also been included as part of the proposals (see Link B, Annex C). This joins Sim Balk Lane in the vicinity of the York College changing rooms, and terminates at a new signalled controlled junction with the A1036 Tadcaster Road (where the proposed Askham Bar Park and Ride access is to be formed). This link is approximately 550 metres in length and also passes over the Selby Cycle route, which would need to be maintained by an underpass. This route is considered to be the most favourable one that would maximise its potential for access to and from the A64 slip roads. A less direct route would be less attractive for traffic.
10. Both new sections of carriageway would be a standard 7.5 metres in width and with a 4 metre wide segregated footway / cycleway created over the full length. A budget estimate for the link road has been estimated to cost in the order of £6.1 million. This consists of £3.3 million for Link A and £2.8 million for Link B. Consideration in this has been given for construction, design and land costs with limited allowances for utility service diversion. Further more detailed investigation would be needed to fully assess the implications of the land and service diversion costs. The route of the proposed link crosses land in private ownership and will require a search to be undertaken through the land registry to identify the relevant parties concerned.

Motion Point a): Consideration of the implications for the road network and road junctions in the southwest quadrant of the city, of proceeding with the proposed link road.

11. The implications of these link road proposals has been considered in relation to the existing highway network as well as a discussion of the planning policy issues that need to be highlighted from a strategic land use perspective.

New Link Road

12. Feasibility testing of the link road has been undertaken using the Council's strategic traffic model "SATURN". A model of the highway network had previously been developed and used to assess the likely impact of the redevelopment of the former Terry's site, this model was adapted in order to test the impact of a new link road connecting Tadcaster Road with Bishopthorpe Road.

13. The traffic generated by the development of the Terry's site in this model is at a level reflecting the proposed mix and density of development in the 2008 planning application. Although this application was subsequently refused this level of development can be considered to represent the upper bound on the level of development at the site. The Terry's development scenario presented here has a combined arrival and departure trip rate of 1056 trips generated in the AM peak hour, 1015 in the PM peak. Any new or revised planning application will be likely to have different trip generations and may well propose a different suite of impact mitigation measures. As a consequence any relative benefits of providing the new link road will need to be factored accordingly. The model encompasses known committed developments and infrastructure changes that are due to take place on the network up to 2011.
14. Four scenarios were modelled for the AM and PM peak hours year 2011:
- Scenario 1. The base case: no link road, no development at Terry's.
- Scenario 2. With the proposed link road only, no development at Terry's.
- Scenario 3. Development at Terry's only, no link road.
- Scenario 4. With link road & development at the Terry's site.
15. The table below illustrates the model predictions of traffic flow on the highway network that will take place with the implementation of each of the scenarios 2, 3 and 4.

Scenario	1	2	3	4
Road Lengths - 2 way flows	PCUs	PCUs	PCUs	PCUs
am peak hour				
Tadcaster Road	1169	1071	1243	1094
Bishopthorpe Road (South of Terry's)	659	802	847	1060
Bishopthorpe Road (North of Terry's)	727	771	1052	1066
Church Lane	154	7	280	7
Main Street	482	374	546	409
Link Road		410		639
Appleton Road	336	238	367	245
pm peak hour				

Tadcaster Road	1444	1320	1537	1361
Bishopthorpe Road (South of Terry's)	775	996	873	1175
Bishopthorpe Road (North of Terry's)	837	956	1219	1291
Church Lane	420	13	512	13
Main Street	363	290	388	293
Link Road		707		882
Appleton Road	355	289	386	295

16. Further analysis of the traffic modelling is included in Annex D.

Traffic implications of the new link roads

17. From the table above it can be seen that the new links have a limited scope for attracting traffic into the city centre. Clearly the Terry's development is the major influence upon traffic numbers. Redistribution of the traffic is mainly taking traffic out of Bishopthorpe and on to the new link road.
18. Tadcaster Road will see a net reduction in traffic in the am peak of 12% and in the pm peak of 11% but on Bishopthorpe Road, south of Terry's, a net increase of 25% in the am peak and 34% in the pm peak. The link brings only a small level of net benefit to Tadcaster Road. This needs to be weighed against the disbenefit due to the development traffic and reassigned flow experienced on Bishopthorpe Road.
19. Traffic north of Terry's on the Bishopthorpe Road sees only small increases in both the am and pm peaks suggesting that the link road is not as attractive as a means of access to the city centre than Tadcaster Road.
20. There is little doubt that the main benefits of the new link road would be to provide a level of relief for both Main Street and Church Lane in Bishopthorpe due to the time and distance saving that the new route provides. In relative terms however the flows on these routes are not high.
21. With regard to junctions there is a slight increase in capacity of those on Tadcaster Road and will improve the reserve capacity and reduce overall delays at the Tadcaster Road/ Sim Balk Lane traffic signals.
22. Bishopthorpe Road junctions are already at or near to capacity, the link road will increase the queues and delays at these junctions with the increase traffic volumes.

23. Comprehensive environmental and traffic impact assessments would be needed to fully identify the viability of this link road proposal, which are outside the scope of this study.

Planning Policy Issues

24. The site of the proposed link road lies within the extent of the York Green Belt. Planning Policy Guidance, PPG2, provides government guidance on the designation of the green belt and the type of uses, which are acceptable in the green belt (which is also reflected in the City of York's Local Plan and emerging Local Development Framework). PPG2 sets out the criteria for including land in the Green Belt, as follows:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

25. The land proposed for the link road fits into a number of these categories, in particular, preserving the special character of Bishopthorpe and the City, preventing Bishopthorpe and the City merging and preventing encroachment into the countryside. For these reasons, the construction of a link road within this area would be difficult to support.

26. The development of a new road would be considered in PPG2 terms as engineering works within the green belt, as it would involve making material changes in the use of the land. Paragraph 3.12 of PPG2 states that:

“the carrying out of such operations, and the making of material changes in the use of land are inappropriate development unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt”.

27. The proposal for a link road would have significant impact on the openness of the Green Belt, given the extent of road surfacing, boundary treatment, street lighting and the need to build up levels to align with existing junctions (especially at the London Bridge junction). Additionally, it is considered that the provision of such a road would bring an element of “urban ness” to a rural environment. For such reasons, City Development Group officers are of the opinion that this scheme would be difficult to deliver.

28. A further point to be aware of is that the land bounded by the A64 to the north, Bishopthorpe Road to the east, Church Lane to the south and Sim Balk Lane to the west, is identified in the York Green Belt Appraisal (2003) as being important to the village setting and the setting and character of York. The appraisal considers this area of open agricultural land in particular, to

enhance the character and setting of the northern part of Bishopthorpe, which is designated as a conservation area. The area is also regarded as important due to the open views from the A64 to Bishopthorpe and also prevents coalescence between the urban area and Bishopthorpe. Consequently development in this area would be difficult to support.

29. The land under consideration is classified as 'Low Lying Arable Plain' in the 'York Landscape Appraisal' (ECUS 1996). The typical characteristics of such areas are open, generally flat/low lying, arable land use, and medium to large regularly shaped fields, very few hedgerows and hedgerow trees. The ECUS study also notes the influence Bishopthorpe Palace has on the surrounding area and its character. Given the character of such land, any development, which would damage or have a detrimental impact on such areas would be difficult to justify in planning policy terms.
30. The proposed alignment of the main link road (Link A) and surrounding area runs through land in Flood Zone 3b (Functional Floodplain) and Flood Zone 2, as specified in the Strategic Flood Risk Assessment. Flood Zone 3b has a very high risk of flooding, and consequently, the uses acceptable in this zone would be very limited. A road could be classified as 'Essential Infrastructure' for the purpose of flood risk and within the area within Flood Risk 3b, an exceptions test would be required, as outlined in Section 5 of the Council's Strategic Flood Risk Assessment and PPS25. The exceptions test makes provision for sites that can be balanced against wider sustainability considerations and is designed to ensure that the flood risk posed to such sites is controlled and mitigated to an acceptable level.
31. The proposed road in this location would have a significant impact on the built conservation issues in this area. Bishopthorpe Conservation Area encompasses the Archbishops Palace and grounds, Walled Garden, fields, Bishopthorpe Garth and Church Lane / Main Street area of the village. The proposed alignment of the road would run very close to the boundary of the conservation area and in particular, adjacent to the Walled Garden and open fields which dominate the open aspect, north of Church Lane. Bishopthorpe Garth, located immediately east of Sim Balk Lane would also adversely affected by the proposed link road. There are a number of other listed buildings, which would be affected detrimentally by the proposed link road.
32. Additionally, the proposed junction between the link road and Bishopthorpe Road would have a significant detrimental impact on York Crematorium, which is located immediately east of the proposed junction. The impact on the open grounds, tranquility and access to the Crematorium would be considerable.
33. Given the proximity to the Archbishop's Palace and other historic properties, and Bishopthorpe Conservation Area, consultation with the Council's Conservation team will be vital in the consideration of this proposal.
34. It is believed that the section of the proposed link road which runs between Bishopthorpe Road and Sim Balk Lane is based on Grade 2 (very good) agricultural land. The section, which runs from Sim Balk Lane to the A64 slip

road, is Grade 1 (excellent) agricultural land. More advice from DEFRA should be sought to confirm the agricultural land quality in these areas.

35. From a planning application viewpoint applications for the construction of a new road, which would have an appreciable impact on green belt land, such as this link road, will need to be referred to the Government Office. There is considered to be a high likelihood that it would be “called in” and require a public inquiry to be held. Typically these processes take over a year before any inspector findings are known. Overall therefore, given the issues outlined above, the proposed link road would be difficult to justify in policy terms.

Motion Point b): Measures required to protect the residential amenity on Bishopthorpe Road north of the Terry’s site and the Nunnery Lane/Price’s gyratory from additional traffic and worsening air pollution.

36. As part of the negotiations undertaken for the unsuccessful Terry’s application a number of measures were agreed to by the developers Grantside Ltd to mitigate the impact of the development, these included:
- A. Signalisation improvement works at:
 - (i) Campleshon Road – Bishopthorpe Road junction
 - (ii) Scarcroft Road – Bishopthorpe Road junction
 - (iii) Tadcaster Road – Knavesmire Road junction
 - (iv) Pulleyn Drive Pelican Crossing
 - (v) Tadcaster Road – St. Helens Road junction
 - (vi) Moor Lane roundabout
 - B. Contributions towards sustainable travel:
 - (i) Travel vouchers for residents
 - (ii) Expansion of City wide car club
 - (iii) 20 mph zone along Bishopthorpe Road
 - (iv) Pedestrian / Cycle link to the existing riverside route
 - (v) Peak hours shuttle bus service linking the site with the Askham Bar Park and Ride and the site with the Railway Station for an agreed period.
 - (vi) Funding of the post of travel plan co-ordinator for an agreed period in order to promote sustainable modes of travel by future employees, residents and visitors.
37. The council however were unsuccessful in obtaining the agreement of the developer to the funding of a 15 minute frequency service between South

Bank and the City Centre – considered necessary to achieving the level of sustainable travel which officers sought. It should also be noted that a nominal £30k contribution was the best that could be achieved towards the improvement works required at the Moor Lane roundabout.

38. The range and extent of any final mitigating measures for any new application on the Terry's site will need to be tailored to the specific implications of the development proposals.
39. It is shown in the model analysis that increases in traffic would be realised north of Terry's when compared with the existing flows. This is assuming the level of development put forward being the same as the refused Terry's application. This application did identify mitigation measures as outlined earlier. The level of increase along Bishopthorpe Road and through the gyratory would in numerical terms be relatively small when taken over the full morning and evening peak hours. Based upon the Saturn modelling undertaken it would be difficult to surmise that additional hard engineering measures could be justified over and above those already identified to mitigate the additional traffic arising. Following the rejection of the previous application, pre-application work is currently underway with developers in anticipation of a second application and the approach being taken by officers is to seek a fresh and iterative approach, in which private car borne trips can be minimised. It is however inevitable that whatever the form and scale of development that comes forward, that residual traffic will arise and a strong focus will be given to achieve an environmental and technically acceptable solution for the highway network and of course all users.

Air Quality Issues

40. Nunnery Lane/Price's Lane gyratory is in one of five air quality management areas (AQMA) designated by the City Council in January 2002 where annual average nitrogen dioxide levels are expected to exceed an annual objective (of 40ug/m³).
41. An air quality impact assessment was submitted by the applicant (Grantside Ltd.) in respect of the application subsequently refused by the Planning Committee. Unfortunately this did not provide a full picture of what the impact of the development would be on the area of the ring road south of the river. Any resubmission of this application therefore must be accompanied by a new air quality impact assessment covering a larger area than that of the original. Particular attention must be paid to the Nunnery Lane gyratory, the shopping area on Bishopthorpe Road and the junction with Scarcroft Road.
42. Environmental Health officers have particular concerns about any increase in the number of HGV movements along Bishopthorpe Road, which would presumably result in an increase in the number of these types of vehicles entering the existing AQMA. Any revised application should give detailed consideration as to how the impact of these types of vehicle can be reduced. The most obvious solution would be to prevent these type of vehicles travelling on any part of the current AQMA, but if this is not possible then consideration should be given to other possible solutions, such as:

- The use of a low emission standard for the site (i.e. vehicles not meeting certain emission levels being excluded)
 - The setting up of transshipment arrangements whereby goods for delivery to the site are transferred to smaller, cleaner vehicles outside the AQMA before being brought to site. The ideal would be to use electric vehicles.
 - Establishing an arrangement whereby different operators on the Terry's site could share delivery of goods preventing numerous unfilled vehicles accessing the site for different customers.
43. Quality Officers were disappointed to note that in the last application the number of movements of smaller vehicles were not reduced significantly as compared to the existing planning permissions on the site. Given the proximity to the AQMA and the City Centre, together with the availability of public transport and cycling routes, officers are recommending the Authority actively pursues a reduction in the total number of vehicle movements allowed on the site with the new development in place. Measures to achieve this might include:
- Measures to promote cycling and walking
 - The setting up of a car club on the site
 - Reduced parking standards
 - Provision of a frequent public transport link with the City Centre.

Motion: Point c) Investigate the possibility of constructing a new junction to the west of London Bridge to facilitate more effective access to the A64 slip roads.

44. The construction of a new signalised junction for improved access onto the A64 Slip Roads has been incorporated into the design of Link B. This also provides for a more direct connection to Sim Balk Lane, which is considered to be the route most likely to maximise the use of the Bishopthorpe Link (Link A). A less direct route would reduce its attractiveness and hence impact on the traffic modelling.

Motion: Point d) Investigate complementary and/or alternative public transport improvements to address the potential traffic from Terry's and to address the serious problems of unreliability and inadequate service frequency of service No.11.

Public Transport Facilities

45. Public transport service considerations are detailed below with particular reference to the Service No 11. This service currently runs half – hourly during the day and hourly during evenings and Sunday between York City Centre and Bishopthorpe via South Bank. It is run commercially during weekday daytime by First York and is subsidised by the Council at other

times. It is the Company's view that demand on the route will not at present support a higher frequency service. The route unfortunately has a reputation for poor reliability and has undergone a number of changes in recent years to address delays regularly experienced. Recent sample observations by Council officers and the examination of electronic data by First York have not been able to identify any current reliability problems. Anecdotally, buses are sometimes delayed negotiating the narrow streets in the South Bank area, which are habitually lined with parked cars and vans. Further surveys are in progress as part of the Council's annual bus reliability surveys and the results should be available in the near future. One possible solution suggested to address the problems reported in South Bank is to make Balmoral Terrace and Queen Victoria Street one way in the direction currently used by buses. This would need subject to further more detailed consultations and consideration.

46. In respect to transport connections with the redevelopment of the Terry's site, the Council are seeking to establish a fifteen-minute frequency bus service between the City Centre and the site, together with a half-hourly link between the site and Askham Bar Park and Ride site. The intention of the Park and Ride link is to intercept traffic approaching the site from outside the City to the south-west. It is envisaged that this will not be introduced until the replacement larger, Askham Bar Park and Ride car park currently proposed is completed in 2012.
47. Informal discussions have been held both with First York and Transdev York, regarding how this level of service might be achieved. Unfortunately, the costs of subsidising services which are supplementary to the existing provision would be substantial for an initial period of several years and would carry the risk of not becoming financially viable at the end of the initial funding period. First York has therefore been asked to examine whether or not existing services could be adapted to provide the required services at a lower cost, with a better chance of long-term viability. The outcome of this investigation is currently still awaited.

Motion: Point e) Investigate other sustainable transport solutions that would facilitate appropriate development of the Terry's site, including better cycling links than proposed in conjunction with the planning application to the city northwards and westwards.

48. The public transport linkages and possible improvements to be considered were discussed in the previous motion point d). Improvements to the cycling infrastructure, which will also benefit pedestrian access, are discussed below.

Cycle Route Improvements

49. Officers have identified the following routes where improvements should be sought in order to encourage cycle movements to and from the development site. A plan showing the routes and how they would fit with the existing ones is provided in Annex E and detailed below:

- A route within the highway verge along the southwestern side of Knavesmire Road, which would link Racecourse Lane with the new route, which passes near Herdsman's Cottage.
 - A route, which cuts across Knavesmire itself following the alignment of the current footpath and connecting with Cherry Lane, off Tadcaster Road.
 - An upgrade of the current route through the South Bank district linking with the centre of the City, including a priority crossing of Campleshon Road.
 - A route which links the site with the current riverside route and takes account of cyclists preferred desire line.
 - Internal routes within the site, which provide direct linkages in a north south and east – west direction.
50. Funding should be sought from the developer to allow the construction of the route along Knavesmire Road, the link to the riverside path and the upgrade of the existing South Bank route. The detailed design proposals for the site itself need to incorporate these internal linkages between adjoining public highways.
51. There are likely to be land ownership issues associated with the route across the Knavesmire, which is almost certain to prove controversial. In view of the time factors, it may be better to seek a contribution from the developer at this stage towards it's implementation at a future date, with further funding sought from the LTP.

Opportunities for funding of Link Road

52. The Council Motion sought to address the potential for funding the link road from developers and other sources and identify how future development allocated through the LDF process could contribute to construction costs.
53. Any developer contributions are only likely to fund a new highway infrastructure sufficient to allow their site to function i.e. to provide access to all areas commensurate with the predicted levels of traffic generation. They are unlikely to be willing to fund the construction of a link aimed at providing a transport solution on another site.
54. With regards to the Terry's development there is unlikely to be any significant sums offered by the developer towards the link road. Previous negotiations to obtain funding for highway mitigation measures and improvements to sustainable modes of transport resulted in only a proportion of estimated costs to be forthcoming. The developer claiming that their proposals would be unviable if they were required to provide further funding.
55. Funding is unlikely to be forthcoming through the Regional Funding Allocation as it is:

- (a) not a regional priority and
 - (b) not contributing to other social and economic criteria.
56. The use of LTP monies remains a possibility but it is questionable whether Members would vote for monies to be directed away from existing programmes for this scheme, over and above other identified schemes already earmarked. Preliminary enquiries into the possibility of European funding have not been able to identify any suitable source that are likely to give priority to this proposed link road.
57. In terms of opportunities for developer contributions through S106 obligations (planning gain), the Government Circular (05/2005) stresses that contributions are intended to make acceptable a development which would otherwise be unacceptable in planning terms. A planning obligation must be:
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
58. Where a proposed development is not acceptable in planning terms due to inadequate access or public transport provision, planning obligations might be used to secure contributions towards a new access road or provision of a bus service, perhaps co-ordinated through a Travel Plan. However, in this case, the suggested link road is not *necessary* to make the proposed Terry's development acceptable and, in itself, would create an unacceptable situation elsewhere (development in the green belt and, potentially, more intensive use of Bishopthorpe Road). Representations on the revised development brief are revealing objectors to the proposed relief road, as well as supporters.
59. In addition, full funding of the road by the developer of Terry's would not be *reasonable* or *related in scale* to the Terry's development. Pooled developer contributions would help to realise the substantial funds required for this proposed road. However, that would necessitate the allocation of additional land for development through the LDF and this area has, through a comprehensive and agreed methodology, been identified as a sensitive Green Belt location rather than land for housing. In planning terms, there are far better sites in and around York.

Options and Appraisal

60. In respect to the feasibility of the proposed link road under consideration there are two basic options available. Continue more detailed transport, environmental, and economic assessments or do not pursue this proposal further.

61. In very basic traffic terms the main benefits of the link road is the relief it could provide for Bishopthorpe, particularly Church Lane. There are other minor benefits such a slight traffic reduction on Tadcaster Road, but at a cost of increased flows along Bishopthorpe Road. In relative terms the overall traffic benefits are not considered to be high or of a magnitude that would warrant the introduction of this link road.
62. From a Planning perspective the introduction of this proposed link road is across designated "green belt" land. This is in direct contravention to the Council's existing policies. Any attempt to deviate from this is likely to lead to the need for a lengthy public inquiry.
63. No specific funding has been identified for further impact assessments or more importantly construction costs. Whilst there may be limited opportunity to bid for funds via the normal mechanisms a proposal of this nature is unlikely to be given a high priority when compared to other transport proposals.
64. Bearing this in mind this report is recommending that no further works be instigated into this link road proposal.

Consultation

65. For the purpose of this feasibility study only limited internal consultations have been undertaken so far. Much wider consultations would be required with all relevant stakeholders should any proposals be developed further.

Corporate Priorities

66. The following priorities (Corporate Strategy (2007 – 2011), could be considered relevant to the report:
 - A. No 3 "*Increase the use of public and other environmentally friendly modes of transport*"; and
 - B. No 4 "*Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces*".
67. The *hierarchy of transport users* is firmly embedded within the second Local Transport Plan (LTP2), with pedestrians and cyclists being given priority when considering travel choice.

Implications

68. There are no Financial, Human Resource, Equality, Legal, Crime and Disorder, IT, Property or other implications associated with the recommendations in this report.

Risk Management

69. In compliance with the Council's Risk Management Strategy, there are no risks associated with the recommendations of this report.

Recommendations

70. Members are recommended to:

Note the contents of this report and instruct officers to cease any further work on this proposal.

Reason: To ensure that the council's position is consistent with its obligations under the provisions of Highway and Planning legislation in its implementation of existing policies.

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City Development and Transport

Report Approved **Date** 02/03/09

Specialist Implications Officer(s)

Financial

Patrick Looker (Finance Manager) 01904 551633

Legal

Martin Blythe (Senior Assistant Solicitor) 01904 551044

Wards Affected:

Fishergate

For further information please contact the author of the report

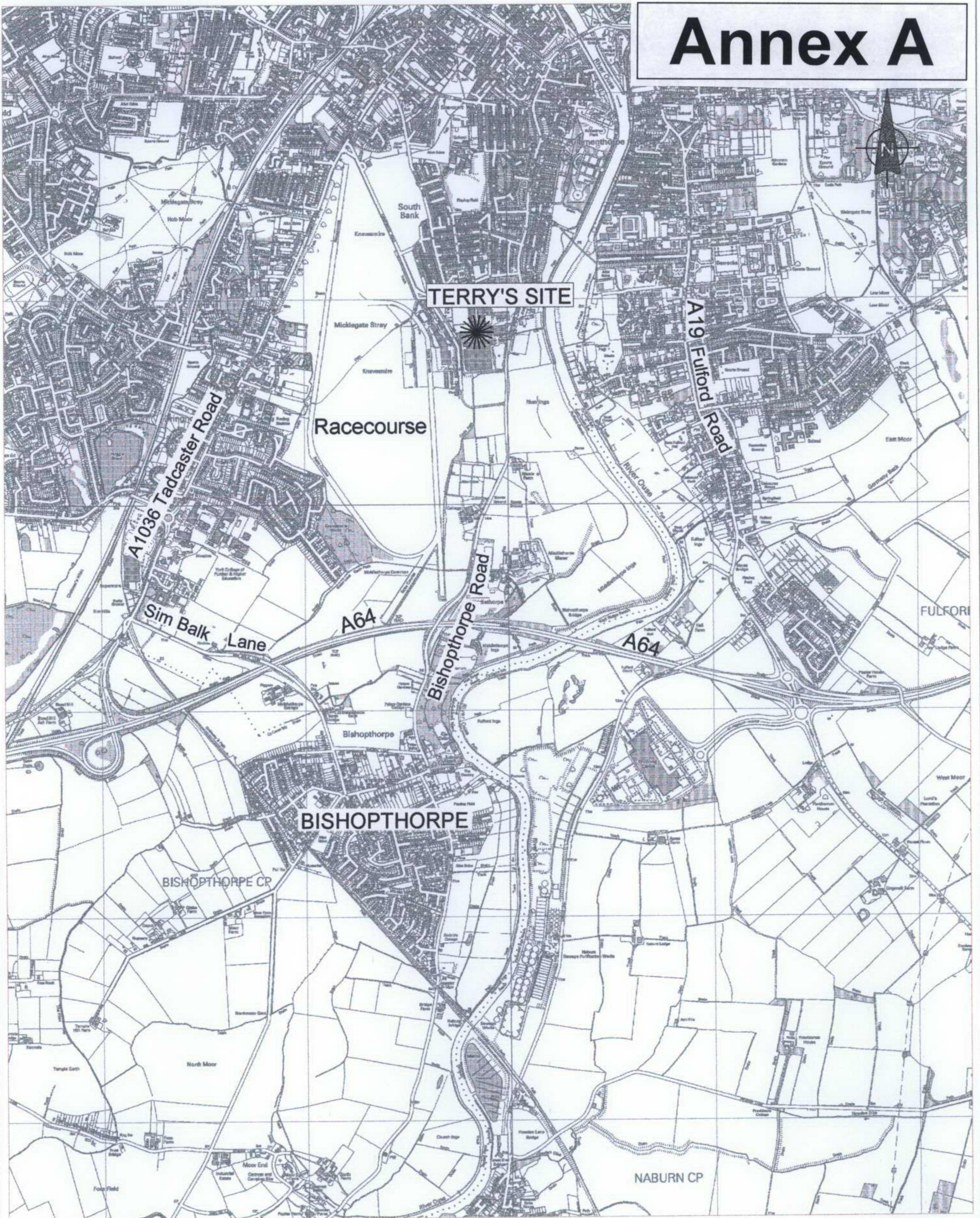
Background Papers:

Planning Committee Report 28 August 2008 – Factory, Bishopthorpe Road York

Annexes

- Annex A - Location Plan
- Annex B - Council Motion
- Annex C - Proposed Link Road
- Annex D - Traffic modelling
- Annex E - Cycle routes

Annex A



South York - location plan



SCALE 1:25000

DRAWN BY DRowtree

DATE Feb 2009

Originaling Group

Project

Drawing No.

Engineering Consultancy

20-02-09

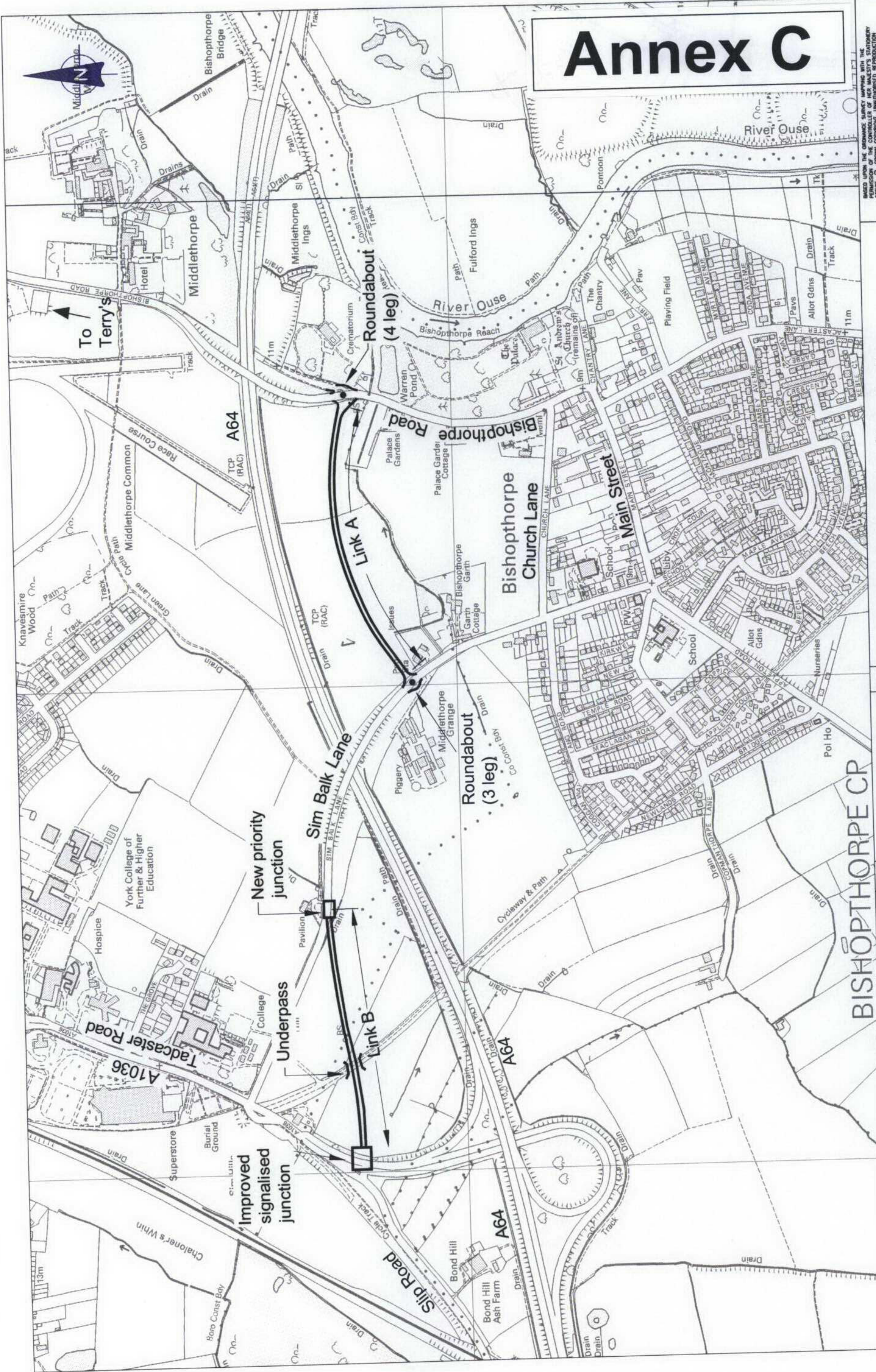
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York City Council LA 1000 20018

Annex C



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Traffic issues related to Terry's site
 Bishopthorpe Road to A1036 Link Road

20-02-09

DATE	AMENDMENTS	REV	INITIAL	DRAWN BY	CHECKED BY	SCALE	DATE
			DRowntree		DCarter	1:10,000	Feb 2006



York Consultancy
Consultants of first choice

Council Motion – 25 September 2008:

"This Council notes that, as an aid to the development of the Terrys Site, it has been suggested that a Link Road between Bishopthorpe Road and Sim Balk Lane to the south side of the A64 should be considered, and that this also offers the opportunity to keep race day traffic out of the main city area and roads, using this suggested link and the Bustardthorpe access to the Racecourse.

Officers are therefore instructed to undertake a feasibility study and to prepare a detailed report as soon as possible, and in a timescale to inform any future planning application and also to address the potential for funding the Link Road with a contribution from Developers and other sources. The report should also indicate how any proposed future development allocated through the LDF process could contribute to the construction costs of such a link road proposal.⁷

Such report to:

- a) consider the implications for the road network and road junctions in the South West quadrant of the City , of proceeding with the proposed Link Road;
- b) consider what additional measures might be required to protect residential amenity on Bishopthorpe Road north of the Terrys site and the Nunnery Lane / Price's Lane gyratory from additional traffic and worsening the already above limit air pollution;
- c) investigate the possibility of constructing a new junction to the west of London Bridge to facilitate more effective access on to the A64 slip roads;
- d) investigate complementary and / or alternative public transport improvements to address the potential traffic form the Terrys development and to address the serious problems of unreliability and inadequate service frequency of the current main No.11 Bishopthorpe Road / South Bank / Bishopthorpe bus service and
- e) investigate other sustainable transport solutions that would facilitate appropriate development of the Terrys site, including much better cycling links than proposed in conjunction with the recent planning application to the city northwards and westwards from the site."

On being put to the vote, the motion, as amended by the two amendments, was declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

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Annex D

Impact of constructing link road on its own (Scenario 2):

1. Figures 1 and 2 (Annex E) illustrate the predicted changes in traffic flows. Absolute values are given in table 2 of this Annex.
2. The model predicts that 98 pcus (9%) during the AM and 124 pcus (9%) during the PM will switch their route from using Tadcaster Road to Bishopthorpe Road as a direct result of the availability of the new link Road. The model assigns traffic to the network so that it experiences the least cost and delay for its journey. The model predicts that the proposed link road will provide a more attractive route for these vehicles.
3. As might be expected, the model predicts that the new road provides an immediate relief for Church Lane, with all but local traffic (7 pcus AM, 13 pcus PM) effectively switching to this new link. It is accepted that levels will not in reality drop this low, a limitation of this type of strategic model is that the level of detail contained in it is not always sufficient to pick up minor local flow movements.
4. It is predicted that some of the traffic, 98 pcus (41%) in the AM and 66 pcus (23%) in the PM, that uses Appleton Road (South and towards Copmanthorpe), switches route to use the Copmanthorpe Link and the new link Road. This contributes to a reduction in flow for Main Street a net reduction of 107 pcus (29%) in the AM, 73 pcus (25%) PM.
5. The effects that the above flow changes will have on junction capacities at key locations on the highway network are shown in table 5 (Annex E). An increase in the available 'reserve capacity' of 10% during the AM and 6% in the PM over the base 2011 flows is predicted at the Tadcaster Road / Sim Balk Lane traffic lights. This means that this amount of additional traffic growth could be accommodated without increasing delays over the base position, or that there will be a reduction in delay at the junction of this order.
6. More modest increases in junction reserve capacity of 3% and 4% are predicted for St Helens Road / Tadcaster Road junction. Smaller, less than 2%, increases are seen on the rest of Tadcaster Road and The Mount.
7. Bishopthorpe Road sees an increase in traffic of 142 pcus (18%) AM and 221 (22%) PM South of the Terry's development site and 43 pcus (6%) AM and 119 pcus (12 %) PM North of this. The effect on the junction capacity at Bishopthorpe Road / Scarcroft Road signals is a modest worsening in the PM peak reserve capacity of -3%.

Impact of Development Traffic on its own: (Scenario 3)

Annex D

8. Figures 3 and 4 (Annex E) illustrate the predicted changes in traffic flow that would result from scenario 3. Absolute values are given in table 3, Annex E.
9. The figures show the trip distributions associated with a development of the Terry's site generating 757 arrivals and 299 departures in the AM peak, 342 arrivals and 673 departures in the PM peak. As might be expected the impact extends over a wide area of the network. Note that small flow changes of less than 10 pcus are not illustrated.
10. The SATURN model takes into account 'knock on' effects so while some links see a consequential increase, others may see a decrease as a result of vehicles reassigning their route away from routes that become busier.
11. Increases in flow are predicted for Bishopthorpe Road North of Terry's, 326 pcus (31%) AM and 381 pcus (31%) PM, and South of Terry's 187 pcus (22%) AM, 99 pcus (11%) PM. On Tadcaster Road flow increases are seen of 74 pcus (6%) AM and 93 pcus (6%) PM.
12. The effect on network capacity on key junctions is shown in table 5 (Annex E). A reduction in reserve capacity is predicted at Tadcaster Road / Sim Balk Lane of (-3% AM & -1% PM), Tesco Roundabout (-2% AM & -4% PM), at the St Helens Road / Tadcaster Road junction of (-5% AM & -5% PM), at The Mount / Dalton Terrace lights of (-7% AM & -7% PM) and at Bishopthorpe Road / Scarcroft Road of (-8% AM & -11% PM).

Impact of Link Road and Development Traffic: (Scenario 4)

13. Figures 5 and 6 (Annex E) illustrate the predicted changes in traffic flow that would result from scenario 4. Absolute values are given in Table 4 of Annex E.
14. Some of the benefits of the new link road are still present particularly the benefit to the junction of Tadcaster Road / Sim Balk Lane with reserve capacity improvements of (9% AM, 3% PM). As might be expected the link will also continue to provide relief for Church Lane and Main Street in Bishopthorpe.
15. The link road provides some relief for Tadcaster Road 75 pcus (7%) AM and 85 pcus (6%) PM. At the St Helens Road junction, however the increase in side road flow on St Helens Road effectively cancels out the improvements in capacity with no improvement in the AM (0%) and only a small improvement in capacity in the PM of 2% (Annex E, table 5). Further into the City any benefits of the link road are lost due to the increases in flow due to the development traffic.
16. The effect of Bishopthorpe Road is that there is a significant increase in traffic predicted North of the Terry's site 338 pcus (32%) AM, 453 (35%)

Annex D

PM, and South of the site 402 (38%) AM & 399 (34%) PM. These increases are due to the combined effect of the development traffic and the reassignment of traffic from Tadcaster Road as a result of constructing the new link road. South of Terry's this increase is probably manageable although it would have an impact on any junction proposals for access to the Terry's site. North of Terry's the main consequence is felt at the Scarcroft Road lights with a significant reduction in the reserve capacity (-8% AM, -13% PM).

Annex D

Table 1: Scenario 1, AM and PM flows in PCUs, existing network 2011:

2 Way Flows (Existing 2011) Scenario 1	AM flow PCUs
Tadcaster Road	1169
Bishopthorpe Road (South of Terry's)	659
Bishopthorpe Road (North of Terry's)	727
Church Lane	154
Main Street	482
Link Road	
Appleton Road	336
2 Way Flows (Existing 2011) Scenario 1	PM flow
Tadcaster Road	1444
Bishopthorpe Road (South of Terry's)	775
Bishopthorpe Road (North of Terry's)	837
Church Lane	420
Main Street	363
Link Road	
Appleton Road	355

Table 2: Scenario 2, AM and PM flows in PCUs, with link road, 2011. Change compared to base scenario 1.

2 Way Flows (Link only) Scenario 2	AM flow PCUs	Change PCUs	Percentage
Tadcaster Road	1071	-98	-9%
Bishopthorpe Road (South of Terry's)	802	142	18%
Bishopthorpe Road (North of Terry's)	771	43	6%
Church Lane	7	-147	-95%
Main Street	374	-107	-29%
Link Road	410	410	0%
Appleton Road	238	-98	-41%
2 Way Flows (Link only) Scenario 2	PM flow PCUs	Change PCUs	Percentage
Tadcaster Road	1320	-124	-9%
Bishopthorpe Road (South of Terry's)	996	221	22%
Bishopthorpe Road (North of Terry's)	956	119	12%
Church Lane	13	-410	-97%
Main Street	290	-73	-25%
Link Road	707	707	0%
Appleton Road	289	-66	-23%

Annex D

Table 3: Scenario 3, AM and PM flows in PCUs, with development, 2011. Change compared to base scenario 1.

2 Way Flows (Development only) Scenario 3	AM flow PCUs	Change PCUs	Percentage
Tadcaster Road	1243	74	6%
Bishopthorpe Road (South of Terry's)	847	187	22%
Bishopthorpe Road (North of Terry's)	1052	326	31%
Church Lane	280	125	45%
Main Street	546	63	12%
Link Road	0	0	
Appleton Road	367	31	8%
2 Way Flows (Development only) Scenario 3	PM flow PCUs	Change PCUs	Percentage
Tadcaster Road	1537	93	6%
Bishopthorpe Road (South of Terry's)	873	99	11%
Bishopthorpe Road (North of Terry's)	1219	381	31%
Church Lane	512	89	17%
Main Street	388	24	6%
Link Road	0	0	
Appleton Road	386	30	8%

Table 4: Scenario 4, AM and PM flows in PCUs, with development, 2011. Change compared to the existing base scenario 1.

2 Way Flows (Link + Development) Scenario 4	AM flow PCUs	Change PCUs	Percentage
Tadcaster Road	1094	-75	-7%
Bishopthorpe Road (South of Terry's)	1060	402	38%
Bishopthorpe Road (North of Terry's)	1066	338	32%
Church Lane	7	-147	-95%
Main Street	409	-73	-18%
Link Road	639	639	0%
Appleton Road	245	-91	-37%
2 Way Flows (Link + Development) Scenario 4	PM flow PCUs	Change PCUs	Percentage
Tadcaster Road	1361	-83	-6%
Bishopthorpe Road (South of Terry's)	1175	399	34%
Bishopthorpe Road (North of Terry's)	1291	453	35%
Church Lane	13	-410	-97%
Main Street	293	-71	-24%
Link Road	882	882	0%
Appleton Road	295	-62	-21%

Annex D

Table 5: Percentage changes in reserve capacity at key junctions:

+ values indicate an increase in reserve capacity compared to the existing base scenario 1

- values indicate a decrease in reserve capacity compared to the existing base scenario 1

AM 2011	Scenario 1 No Dev No Link	Scenario 2 No Dev Link	Scenario 3 Development No Link	Scenario 4 Development & Link
Tadcaster Road / Sim Balk Lane	0	+10	-3	+9
Tesco Roundabout	0	+1	-2	-2
Tadcaster Road / St Helens Road	0	+3	-5	0
The Mount / Dalton Terrace	0	+1	-7	-5
The Mount / Scarcroft Road	0	+1	-1	-1
The Mount / Holgate road	0	+1	0	0
Blossom Street / Queen Street	0	+1	-1	-1
Bishopthorpe Road / Scarcroft Road	0	0	-8	-8

PM 2011	Scenario 1 No Dev No Link	Scenario 2 No Dev Link	Scenario 3 Development No Link	Scenario 4 Development & Link
Tadcaster Road / Sim Balk Lane	0	+6	-1	+3
Tesco Roundabout	0	+2	-4	-2
Tadcaster Road / St Helens Road	0	+4	-5	+2
The Mount / Dalton Terrace	0	+1	-7	-6
The Mount / Scarcroft Road	0	+2	-3	-2
The Mount / Holgate road	0	+1	+1	+1
Blossom Street / Queen Street	0	0	-1	-1
Bishopthorpe Road / Scarcroft Road	0	-3	-11	-13

Fig 1. AM Flow changes due to new link road scenario 2 (refer table 2):

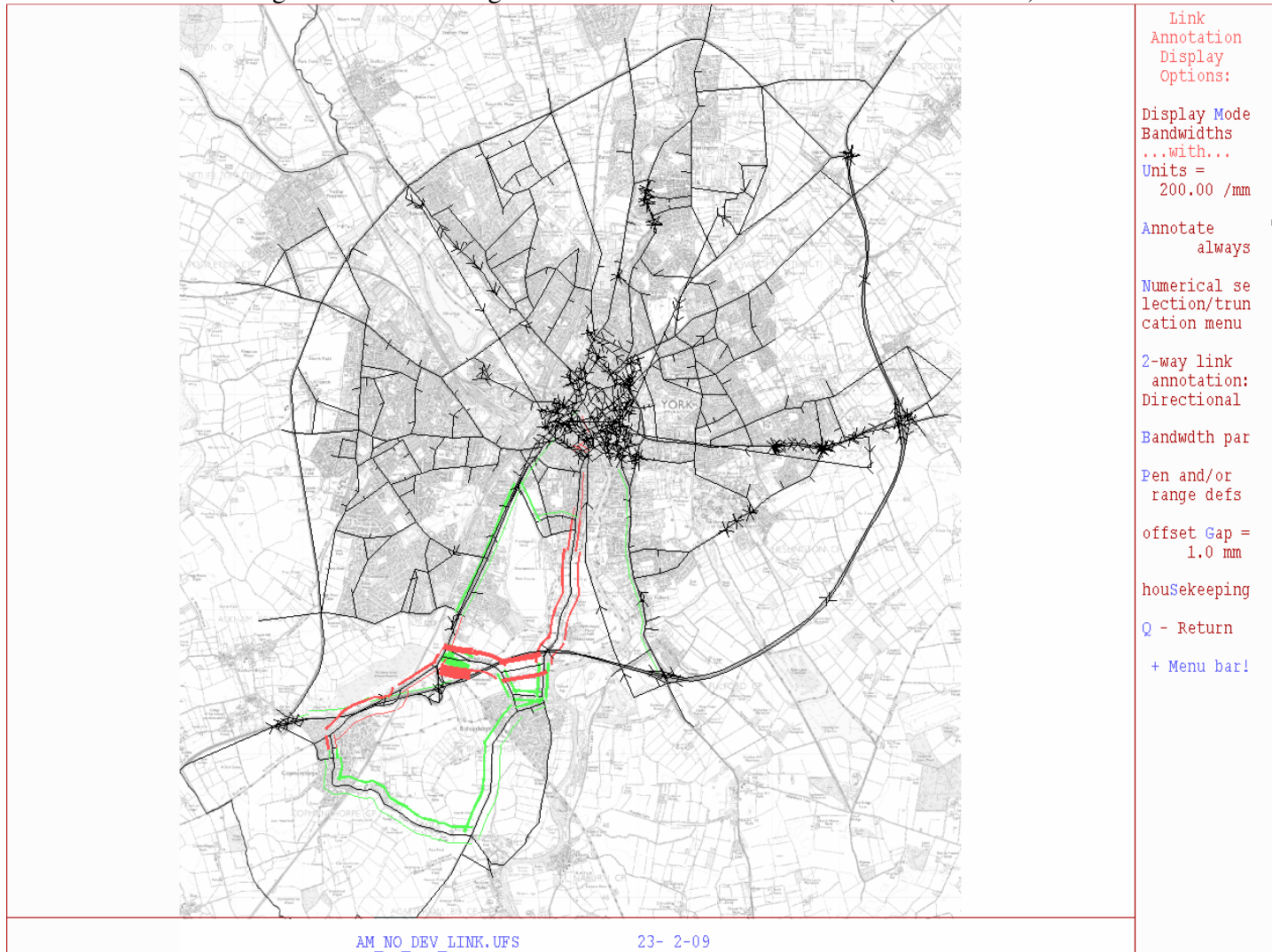


Fig 2. PM Flow changes due to new link road scenario 2 (refer table 2):

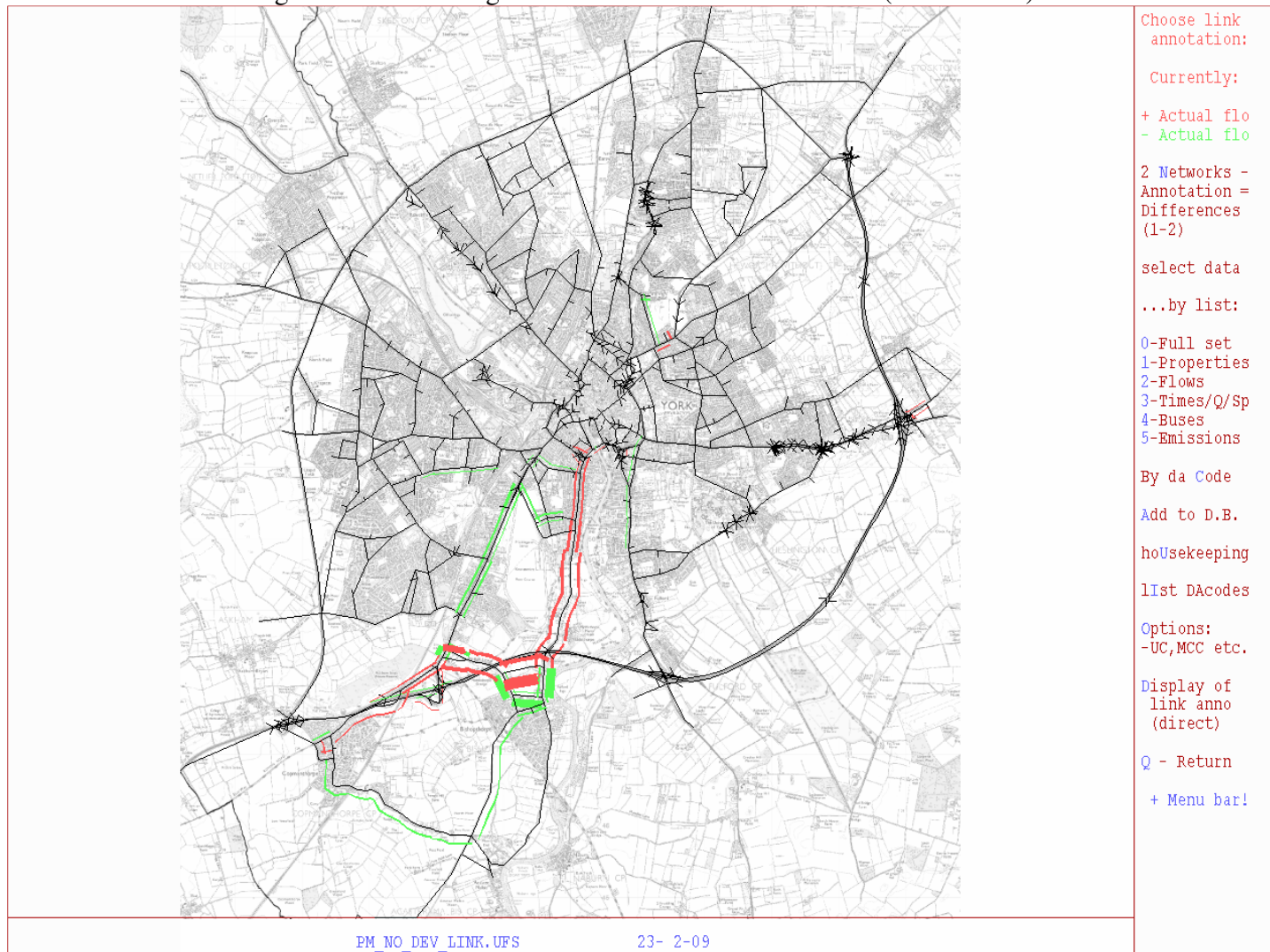


Fig 3. AM Flow changes due to development scenario 3 (refer table 3):

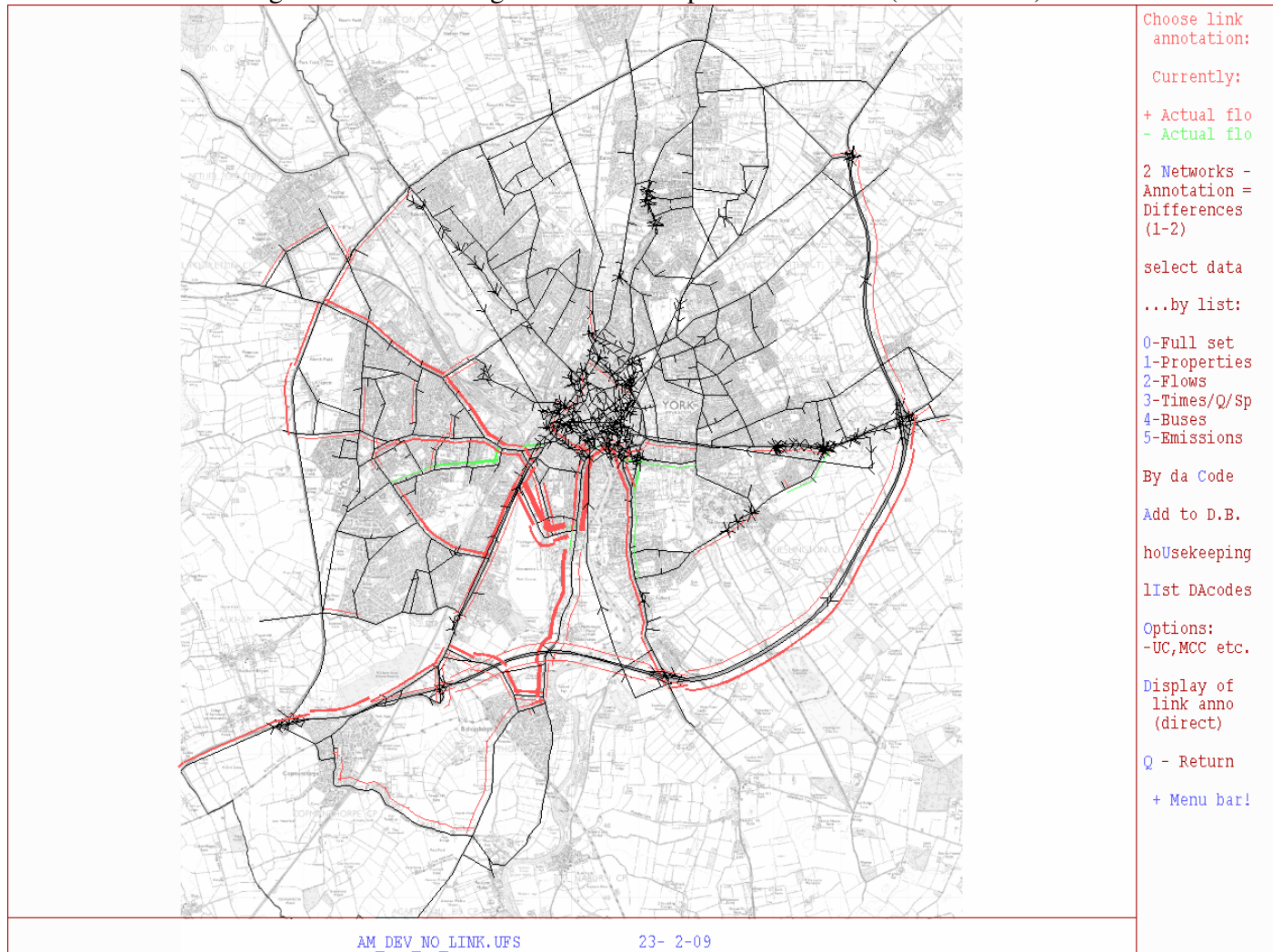


Fig 4. PM Flow changes due to development scenario 3 (refer table 3):

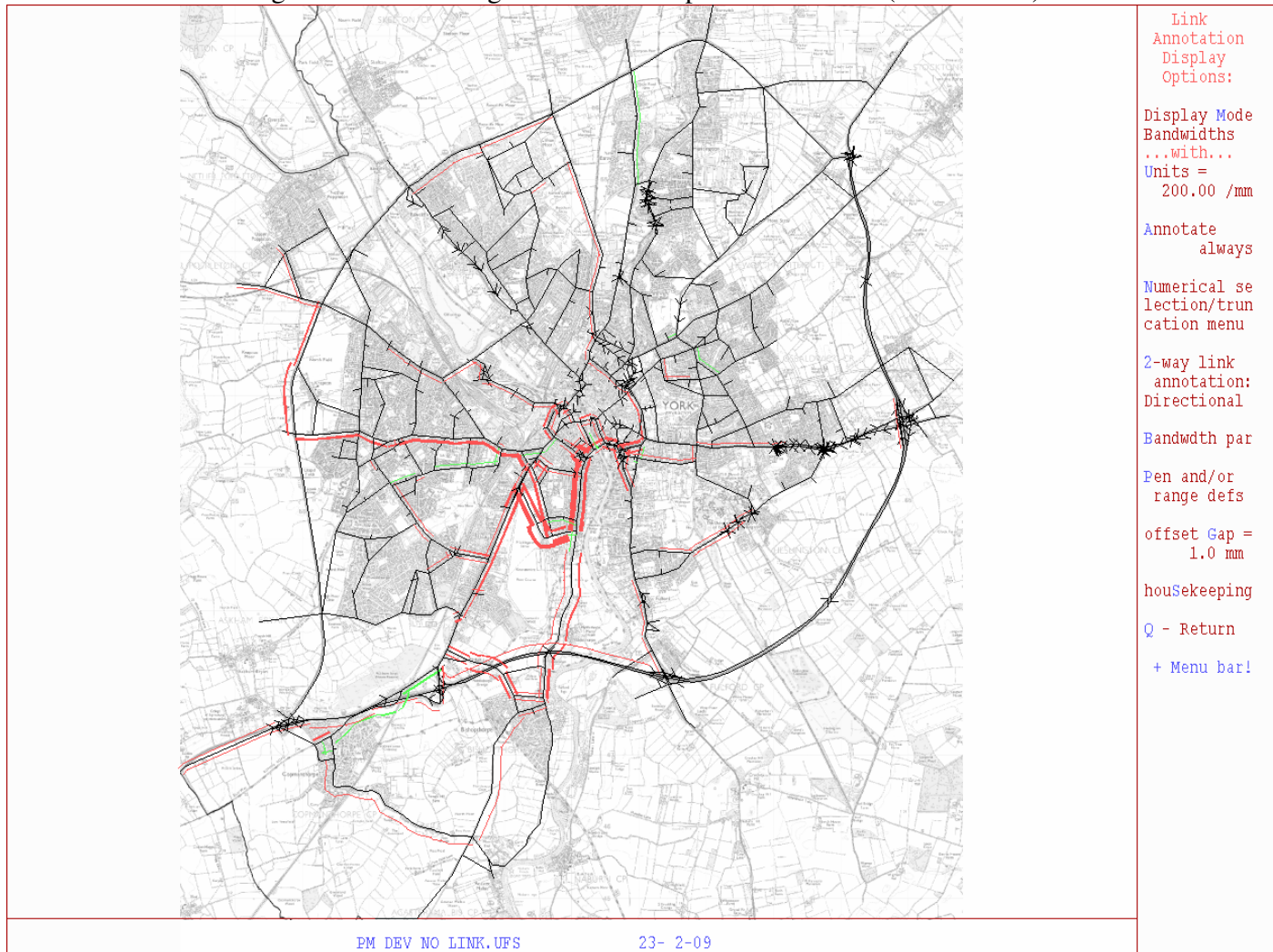
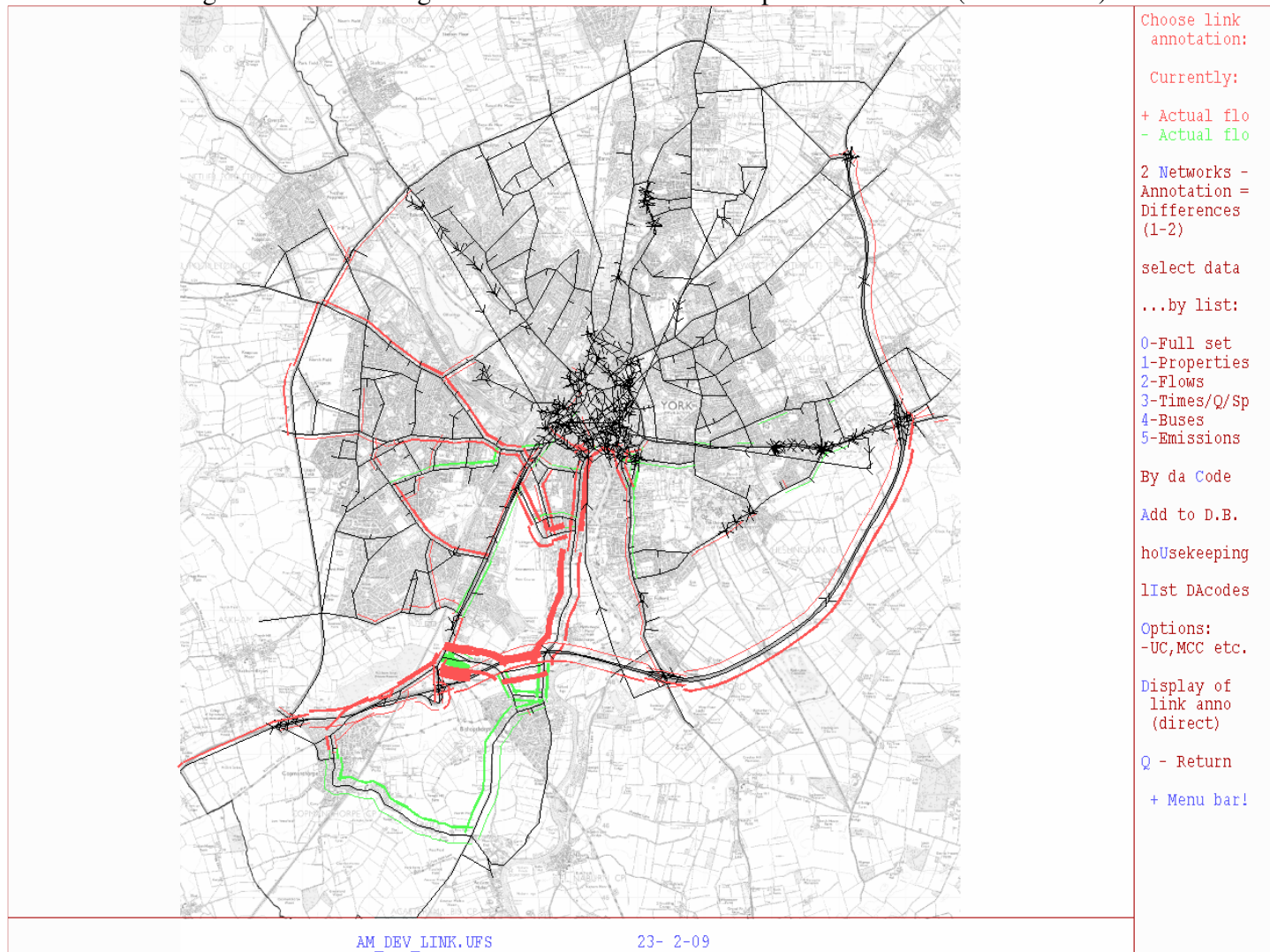
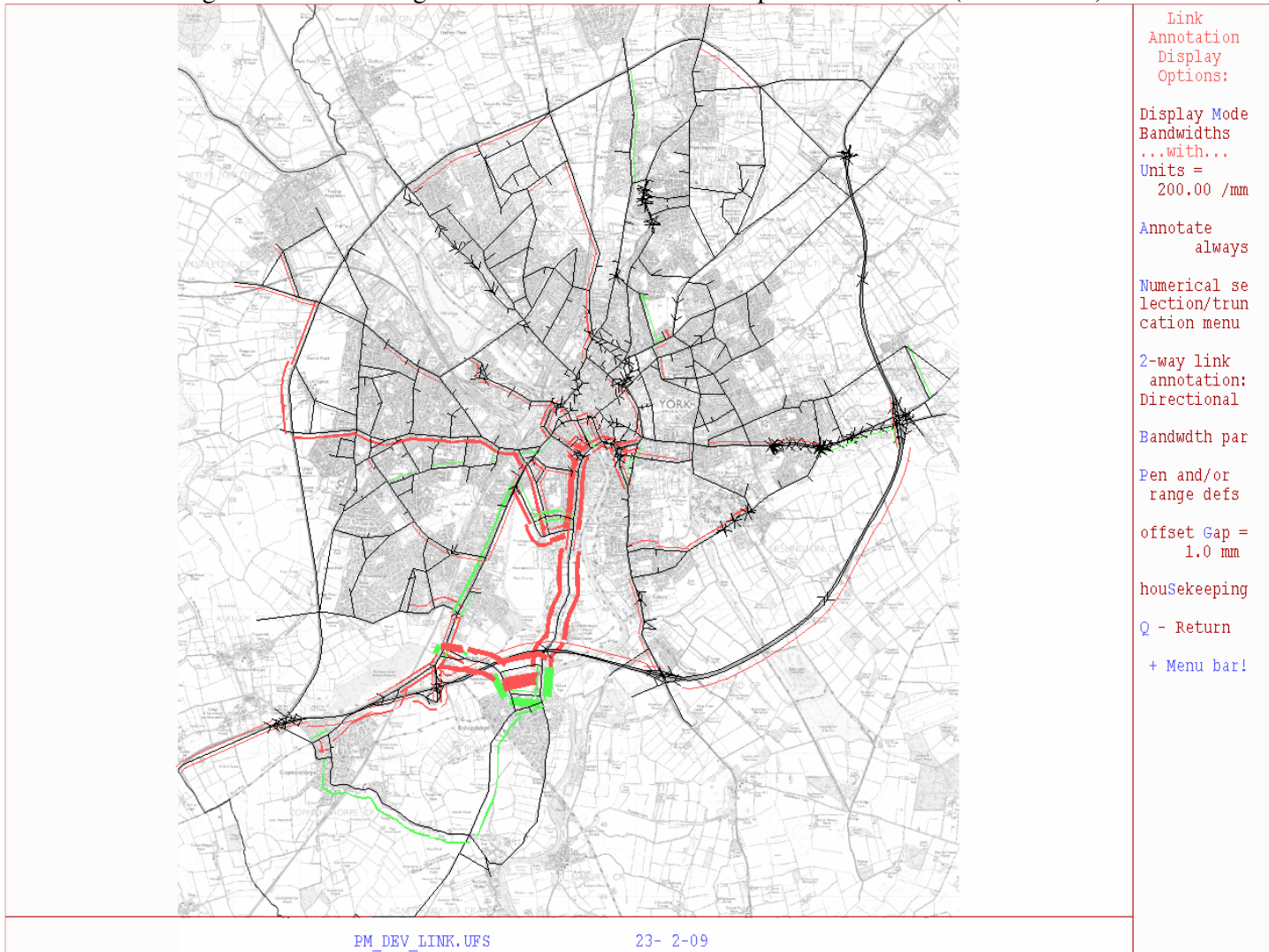


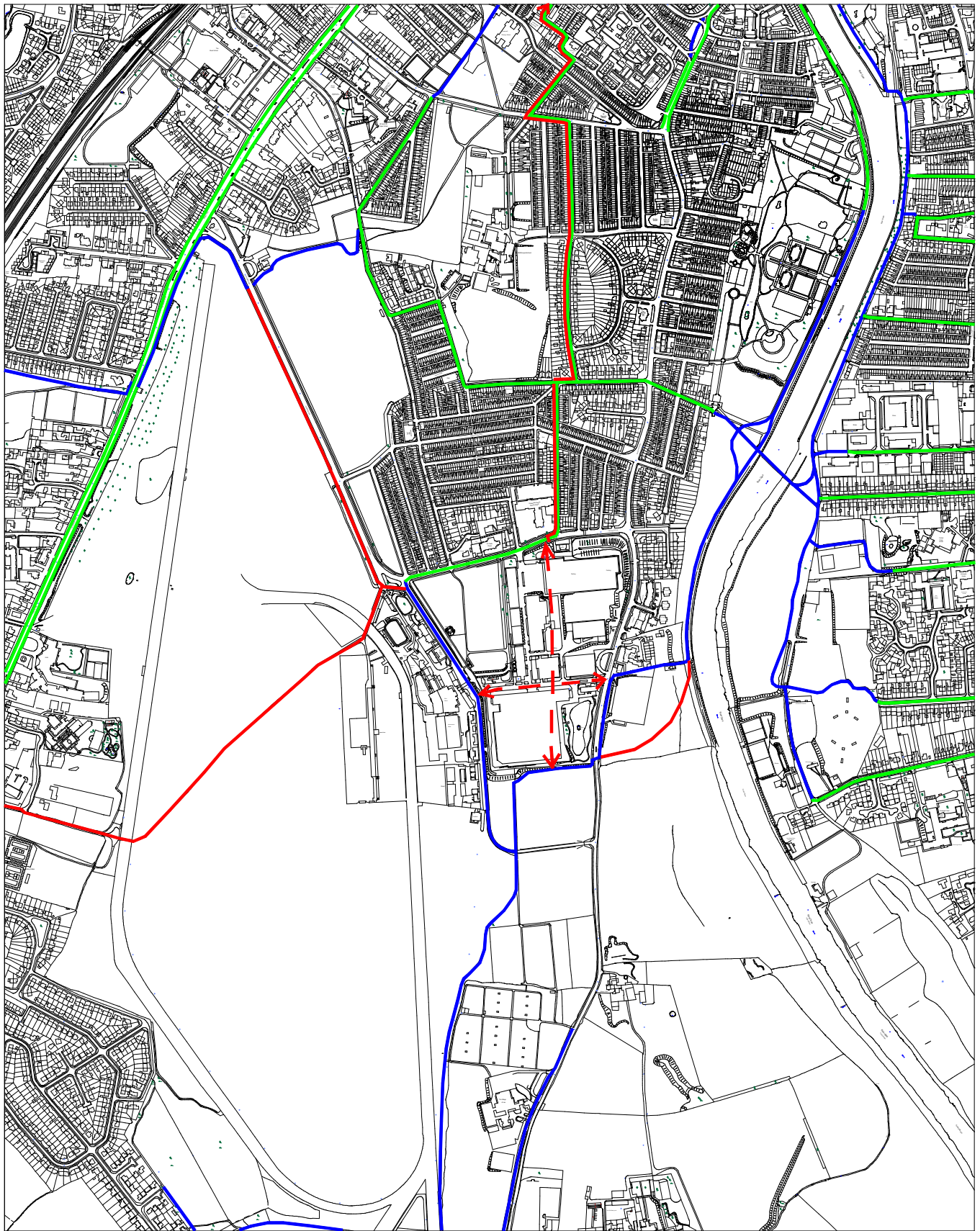
Fig 5. AM Flow changes due to link road and development scenario 4 (refer table 4):



Choose link annotation:
Currently:
+ Actual flo
- Actual flo
2 Networks - Annotation = Differences (1-2)
select data
...by list:
0-Full set
1-Properties
2-Flows
3-Times/Q/Sp
4-Buses
5-Emissions
By da Code
Add to D.B.
hoUsekeeping
list DACodes
Options:
-UC,MCC etc.
Display of link anno (direct)
Q - Return
+ Menu bar!

Fig 6. PM Flow changes due to link road and development scenario 4 (refer table 4):





KEY

- Existing on-road cycle route
- Existing off-road cycle route
- Potential cycle link to and through development

Potential Cycle Links to Former Terrys Site

SCALE: 1:10000

DRAWN BY: AV

DATE 11/2/2009

Originating Group:

Organisation

Drawing No.



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**Executive**

17 March 2009

Report of the Director of Resources

Shared Service – Staffing Implications

Summary

- 1 This report provides details of the progress made to address the outstanding staffing matters relating to the shared service between CYC and North Yorkshire County Council (NYCC) for internal audit, counter fraud and information governance services.

Background

- 2 The Executive considered the final Business Case for the shared service between City of York Council and North Yorkshire County Council for internal audit, counter fraud and information governance services on 20 January 2009, and gave approval to proceed to the next phase of the project, being the transfer of the relevant services to a company wholly owned by the two councils. It was agreed that the date of this transfer would be 1 April 2009.
- 3 However, at the time that the final Business Case was considered by the Executive a number of staffing related matters remained to be finalised. Unison also raised a number of questions regarding aspects of the proposed change. Members therefore asked for a further report to be brought back on the outstanding staffing issues.

Staffing ImplicationsSection 95 Company / Teckal

- 4 The shared service company has been set up as a Section 95 company under the Local Government Act 2003. Unison questioned whether the two Councils could award the work to the shared service company without the need to undertake a competitive procurement exercise. As set out in the final Business Case, specific case law (including Teckal and Carbotermo SpA) has established that if a local authority wishes to award a contract to supply services, to a company set up by that local authority, then the authority does not need to carry out a competitive tender exercise before awarding such a contract provided that the following (Teckal) principles apply:

- the authority must exercise a similar degree of control over the company to that which it exercises over its own departments;
- the exercise must be 'a power of decisive influence over both the strategic objects and significant decisions of the company';
- the essential part of the company's activities must be carried out on behalf of the controlling authority. Any activities undertaken for bodies other than the controlling authority can be of no more than marginal significance.

The exemption also applies to companies controlled by more than one authority, providing that the principles set out above are complied with.

- 5 It is for each contracting organisation to determine, in accordance with their own procurement rules, whether to award a contract to the company. There is no requirement for a S95 Company to only accept contracts from public bodies or other organisations which have been subject to competition.

Concluding Statement: to demonstrate compliance with the Teckal principles, the provision of services to external customers will be limited to no more than 10% of the shared service company's total activities.

Equal Pay

- 6 Unison also raised concerns regarding the fact that staff from both Councils would transfer to the shared service company under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) but as a consequence would then be employed on different terms and conditions. Unison considered that this would could create a situation where staff would be entitled to claim unfair treatment under Equal Pay legislation. The Equal Pay Act 1970 prohibits gender discrimination in relation to all contractual terms. It achieves this by implying an 'equality clause' into the contracts of all employees, so as to ensure that none of its terms are less favourable than those of a comparable employee of the opposite sex. Whilst the Act is couched in terms of the complainant being a woman, the Act equally applies to a male and a man is also entitled to bring proceedings under the Act.
- 7 Under regulation 4 of the TUPE regulations the transferee employer is obliged to take over the transferring employee's contract and become bound by the terms and conditions as if he were the original employer. What is more, regulation 4(4) provides that any detrimental changes to these terms and conditions made by the transfer, whether with or without the consent of the employee, will be void. There is every chance therefore that following a TUPE transfer an employer will acquire employees whose contracts are more favourable than those of its existing workforce who are performing work equal to that of the new employees. Such situations are therefore open to potential equal pay claims, but the case of *Nelson v Carillion Services Ltd* 2003 ICR 1256, CA demonstrates that an employer can rely on TUPE as a genuine material factor defence as the difference in pay was not be tainted by sex.

Concluding statement: case law confirms that the employer will have a potential defence against any possible future equal pay claims.

Redeployment

- 8 Unison has asked that both Councils grant redeployment rights to staff who do not wish to be employed by the shared service company and/or where their employment is at risk in the future because of either health or redundancy reasons. If in the future, a member of staff's employment with the shared service company was at risk because of either health or redundancy reasons, then the company would work closely with both Councils to mitigate the potential impact and to support that member of staff in finding suitable alternative employment opportunities. Every effort would be made to minimise the potential impact. Anyone that wished to be redeployed as a result of a grievance issue would have access to both Council's internal job bulletins and would be expected to identify and apply for jobs in the normal way.

Concluding statement: both Council's would work closely with the company to mitigate the risk to staff of any possible future health or redundancy situations.

Individual Staff Consultation

- 9 Individual staff consultation meetings have now been held with all staff regarding the implications of the transfer. The meetings gave staff the opportunity to ask questions and seek clarification about TUPE and the implications of the decision to implement the shared service company.

Concluding Statement: No new issues have arisen from these meetings.

Pay and Grading Arrangements

- 10 Although staff from both Councils will transfer to the new company under TUPE on their existing terms and conditions of employment, the company will require its own terms and conditions for any new staff employed after 1 April 2009. New job descriptions have therefore been prepared for all the posts within the shared service company and these have been evaluated in accordance with the existing NYCC job evaluation schemes, NJC and HAY. Each post also has an associated competency profile linked to a new competency framework which will be used in the future to identify areas for individual staff development and to determine incremental progression. The resulting job scores have been matched to a new pay and grading structure for the company.

Concluding Statement: at the time of writing, details of the new grades are due to be shared with staff and the unions in the week commencing 1 March 2009.

Human Resource Policy Framework

11 Work has been ongoing to prepare the company's new HR policy framework. The policy framework is being based on the existing policies used by both Councils, although account is being taken of the relative small size of the new shared service company. The following draft policies have been prepared and circulated to the unions for consideration:

- Recruitment and Selection
- Disciplinary
- Electronic Communications (internet, telephone and e-mail)
- Gifts and Hospitality
- Attendance/Absence Management
- Equalities
- Health and Safety
- Resolving Issues at Work
- Capability
- Declarations of Interest

Concluding statement: Work is ongoing to ensure that the remaining policies and associated guidance are finalised by 31 March 2009. The unions will be consulted on the new policies.

Consultation

12 Staff from both authorities, together with representatives from Unison and the GMB have continued to be kept informed of progress with the development of the shared service. The Project Board has also provided copies of all key documentation, minutes of meetings and information sheets to the staff and union representatives.

Options

13 Not relevant for this report.

Analysis

14 The costs and benefits of implementing a company as the long term structure for the shared service were detailed in the final Business Case which was considered and approved by the Executive on 20 January 2009.

Corporate Priorities

15 This report contributes to the Council's overall aims and priorities by helping to provide strong leadership, and by encouraging improvement in everything we do.

Implications

16 The implications are;

Financial – there are no financial implications to this report.

- **Human Resources (HR)** – HR were involved in the preparation of the final Business Case and Project Implementation Plan. The existing services will be transferred to the new company on 1 April 2009. In accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), all employees assigned to the transferring services will automatically transfer to the new company. From the date of transfer, the terms and conditions of employment, plus any existing collective agreements and relevant company policies relating to terms and conditions of employment, such as maternity and paternity leave, will automatically be taken over by the company as the new employer. In addition, there will also be equality of pensions because the company is being granted admitted body status to the North Yorkshire Pension Fund.

Although staff will transfer to the new company on their existing terms and conditions of employment, the company will require its own terms and conditions for any new staff employed after 1 April 2009. Staff and unions have been fully consulted on the TUPE transfer and the company's proposed staffing arrangements.

- **Equalities** - there are no equalities implications to this report.
- **Legal** – Legal Services were involved in the preparation of the final Business Case and Project Implementation Plan. The legal implications relating to the outstanding staffing issues are contained in the main body of this report.
- **Crime and Disorder** – there are no crime and disorder implications to this report.
- **Information Technology (IT)** – there are no IT implications to this report.
- **Property** – there are no property implications to this report.

Risk Management Assessment

17 A detailed risk assessment was undertaken as part of the work to prepare the Outline Business Case. The risk assessment included consideration of the risks associated with both the project and the preferred option for the long term structure of the shared service. The Project Board has continued to monitor the identified risks and, where possible has taken mitigating action.

Recommendation

18 Members are asked to:

- note the progress made to address the remaining staffing implications associated with the shared service.

Reason

To ensure that all the outstanding staffing related matters are resolved before the date of transfer to the shared service company.

Contact Details

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Chief Officer Responsible for the report:

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Assistant Director (Customer Services and
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Report Approved



Date 4/3/09

Specialist Implications Officers

Patrick Looker - Finance
Janet Neeve - HR
Glen McCusker - Legal

Wards Affected: Not applicable

All



For further information please contact the author of the report

Background Papers

Final Business Case



Executive

17 March 2009

Report of the Assistant Director of City Strategy

Urgent Business: Proposed Big Wheel in St George's Field Car Park**Summary**

1. This report advises the Executive of the receipt of a proposal made by WTA Ltd to site a Yorkshire Wheel in the St George's Field car park for a temporary period of 3 months to assess its usage and impact. The report describes the proposal and makes officer comments on it.
2. The report recommends that subject to receiving planning permission and agreeing acceptable terms that the proposal is accepted for a temporary period of 3 months.

Background

3. On 20th January 2009 the Executive considered a proposal to site the Yorkshire Wheel in North Street Gardens. The Executive resolved not enter into an agreement with WTA Ltd to site the observation wheel in North Street Gardens.
4. Subsequent to this meeting WTA Ltd approached officers with a further proposal to site the wheel on St George's Field car park adjacent to the public toilets.
5. The key features of their proposal are:
 - To locate the wheel at the north east corner of St. George's Field Car Park, parallel to tree line with entrance facing towards the river. It is anticipated that the wheel footprint - maximum of 20 x 25m will take out 25 car park bays, no more than 27.
 - The size of the wheel is R40 - R60, (approx 40m or 60m) we have transportable R60 (ex Hyde Park, London and Royal Windsor) available for limited time.
 - The wheel would be temporary for 3 months to assess the usage and impact.
 - Target date for opening would be before Easter 2009.
 - The site already has a use precedence as a temporary fairground.

- There is however concern with flooding, as site is classified by EA as 'moderate' flood risk. Flood risk will be mitigated by temporary nature of the attraction. Also, we have a full flood management and evacuation procedure. Sign up to EA flood alert system to get advance warning of six hours before water reaches critical level. 20 minutes needed for full evacuation. We have mechanical provision to lift vulnerable electrics to above 100 year flood event level (2000) 10.40 AOD (scissor lift). Rest of wheel flood resilient and will displace little flood water. At our own cost, we will undertake clean-up wheel and immediate area in car park after flood water has receded.
- Once planning has been approved we will negotiate an appropriate commercial deal with York City Council.
- The York wheel will receive priority support from our formidable marketing team. We will offer a temporary attraction, which for a limited time, will allow tourists and residents to see the architectural and medieval treasures of York from closer than ever before. We will work closely with local businesses. We already have letter of support from Chamber of Commerce, Park Inn Hotel, other hotels in York have expressed their support. Many opportunities for cross promotions with local businesses - especially tourism and retail related. Work with other local attractions, e.g. Minster who have been supportive in past.

Consultation

6. Due to the very tight timescales it has only been possible to consult internal amongst officers at this stage. If the Executive supports the proposal then we would expect WTA Ltd to carry out extensive consultation in support of their planning application.

Options

7. There are three options for the Executive to consider.
 - A. Agree in principle to the proposal made by WTA Ltd subject to them achieving planning approval and agreeing acceptable terms with the Council.
 - B. Agree in principle to the proposal subject to agreeing modifications to the proposal, achieving planning approval and agreeing acceptable terms.
 - C. Reject the proposal.

Analysis

8. The fairground comes to St Georges Field annually for the week before and after Easter so this would present a problem if planning permission could be achieved within the timescale but this is highly unlikely.
9. There are likely to be major objections to the proposal from residents and businesses in the area.

10. St Georges Field car park is functional flood plain. There was an Environment Agency objection (and a proposed reason for refusal) to the 2004 Tower Gardens proposal. WTA Ltd would need to seek an early consultation with them prior to submitting an application.
11. Any terms agreed would need to absolve the Council from the clean up following a flood event and from any damage caused to the car park as a result of this proposal.
12. English Heritage did not raise objections to the temporary permission for a wheel on Tower Gardens however given the height of the wheel they may well take a different view this time around. They would also be a statutory consultee on the planning application.
13. Timescales are short for an application to be considered in April and WTA Ltd would need to progress their application as soon as possible.
14. Ownership of the site is with the City Council and as far as we are aware there are no covenants regarding usage.
15. Whilst WTA Ltd have suggested there will be 27 parking spaces lost our view is that this could be considerably higher as some bays would become unusable on safety grounds. We will make a charge for the lost revenue on the basis of the same time period last year.
16. There are already pedestrian concerns in this area with access to the car park and we would expect that the proposal would significantly increase pedestrian movements. This would need to be addressed by the planning application.
17. A wheel in this location would increase the visitor attractions for the city and could bring in additional visitors thereby boosting the local economy.
18. There is no doubt that the wheel would have an environmental impact in that part of the city next to the river and many residential properties and businesses.
19. However if the city is to continue to offer new opportunities to maintain market share of visitors it needs to provide new and interesting attractions for visitors. By considering a temporary 3 month arrangement then the city can assess the benefits that have arisen from the presence of the wheel and the impact that it has upon visitors and the environment and neighbourhood in which it is sited.
20. The specific location of the wheel in the car park, its access, hours of operation and maintenance need to be carefully assessed which would result in a modification of the proposals.

Corporate Priorities

21. This proposal has no direct connection with the Corporate Priorities. However it does support the economic vitality of the city centre as a visitor attraction thereby improving the economic prosperity of the city.

Implications

22. There are no financial or legal implications of this proposal.

Risk Management

23. There are a number of risks attached to this proposal. The Council could be criticised for agreeing to a proposal that is subject to river flooding, could have an affect upon local residences and properties and that there has been insufficient consultation before agreeing to the proposal.

Recommendations

24. Agree in principle to the proposal for a temporary period of 3 months, subject to agreeing modifications to the proposal, achieving planning approval and agreeing acceptable terms.

Reason: So that the wheel can increase the visitor offer in the city and allow the impact of the wheel can be assessed.

Contact Details

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Chief Officer Responsible for the report:

Bill Woolley
Director of City Strategy

Report Approved

Date 08/03/09

Specialist Implications Officer(s) None

Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers :

Executive Report – Proposed Big Wheel in North Street Gardens – 20
January 2008

Annexes :

Annex A – Company Profile

8 March 2009

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Annex A

Company Profile:

World Tourist Attractions-GCA is the world's leading operator of Giant Observation Wheels, offering a superlative, peerless customer experience across multiple international wheel sites.

We have recently combined forces with the Great Wheel Corporation who are responsible for the Singapore Flyer - at 540 ft the largest observation wheel in the world.

Our unrivalled track-record and impressive visitor volume in wheels sites throughout the UK and beyond means that we are confident that we will be able complement and enhance the city of York's domestic and international tourism offering as well as generating associated spend for local businesses.

Our high profile locations in both hemispheres have ranged from the grounds of a British Royal Palace (Windsor Castle) to a World Heritage Site (Greenwich in London) and have (and will soon) include Paris, Singapore, Berlin, Beijing, Manchester, Brussels and Belfast where our wheel was recently voted most popular tourist attraction in the city.

We are in the process of opening many new sites in Australia such as Brisbane, Perth and Melbourne where the Southern Star Observation Wheel is the largest in the southern hemisphere.

The repeat custom of our public sector partners is as a direct result of our combined businesses consistently delivering outstanding cultural and commercial benefits including

- Boosted tourism numbers to cities and regions
- Secondary spend to local businesses
- Many new jobs, including management roles
- Regeneration or enhancement of familiar locations

Our wheels are also an excellent PR and sponsorship opportunity for associated organisations with the media coverage surrounding the Birmingham wheel alone generating around 52 million opportunities to view (OTV) from October 2003 to March 2004.

Our partnership with renowned Ronald Bussink Professional Rides means that we can guarantee delivery of a technologically advanced wheel that is sure to delight York residents and tourists alike.

These are just some of the technical and design innovations featured on our 'Wheels of Excellence'

- Graceful and inspiring design leading the world in the 'next generation' of giant observation wheels
- Fully self supporting structure
- State of the art, fully enclosed air conditioned capsules
- Luxury VIP capsule options
- Advanced two-way wireless communication and technology
- 360 degree panoramic views of the surrounding area
- Lighting package
- Multilingual interactive in-capsule commentary highlighting local landmarks
- Excellent disabled access
- Virtually silent performance
- German DIN standards and TUV approval
- Computer controlled operation
- Full fail-safe back-up

Each wheel is a triumph of civil engineering, inspiring in its own right, but combined with our exceptionally high standards of operation and the draw of European Destination of the Year, York, we believe that our proposal represents an exciting new way to enjoy York's awesome mediaeval and architectural marvels from closer than ever before.