



Notice of meeting of

Executive

To:	Councillors Steve Galloway (Chair), Aspden, Sue Galloway, Jamieson-Ball, Reid, Runciman, Sunderland, Vassie and Waller
Date:	Tuesday, 23 October 2007
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 22 October, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 25 October, 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. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

- Annex 2 to Agenda Item 11 (Park & Ride Bus Contract)
- Annex 2 to Agenda Item 12 (Monk Bar Garage – Future Use of Site)

on the grounds that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 3 - 12)

To approve and sign the minutes of the meeting of the Executive held on 9 October 2007.

4. 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 22 October 2007**.

5. Executive Forward Plan (Pages 13 - 16)

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

6. Review of the Leisure Facilities Strategy (Swimming) (Pages 17 - 54)

This report sets out the background to the development of the Council's leisure facilities strategy, an update on schemes already approved, strategic issues and choices now facing the Council, and options for an updated leisure facilities strategy.

7. Sustainable Street Lighting Policy (Pages 55 - 102)

This report seeks Executive approval for a proposed Sustainable Street Lighting Strategy, which aims to ensure that the effects of street lighting are minimised in terms of the use of natural

resources for the supply of equipment and services, the use of energy to power the lights and the light pollution produced.

8. Waste PFI Update (Pages 103 - 110)

This report notes the allocation of Private Finance Initiative (PFI) credits to support this project for joint procurement of residual waste treatment services, provides an update on progress and seeks delegated authority for Officers to commit to an Inter-Authority agreement with North Yorkshire County Council.

9. Competition Policy (Pages 111 - 122)

This report provides an update on progress in developing a universal approach to competition at the Council and asks the Executive to consider and comment on the scope and content of a draft Competition Policy, for approval by Full Council in due course.

10. Community Management and Ownership of Council Property Assets (Pages 123 - 136)

This report summarises the contents of the Quirk Review of community management and ownership of public assets, details the work this Council has already done in encouraging community management of assets, sets out options for future progress and details the Community Asset Fund, with a proposal to make a bid to this fund.

11. Park & Ride Bus Contract (Pages 137 - 156)

This report presents the result of the evaluation of the tenders received for the provision of the Park & Ride bus service and asks the Executive to decide which fare and vehicle emission standard variants to progress and which enhanced specification items should be included at the start of the contract.

12. Monk Bar Garage - Future use of site (Pages 157 - 166)

This report seeks approval for the sale of Monk Bar Garage for residential development.

13. Urgent Business - New Growth Points and Eco-towns - Leeds City Region Bid (Pages 167 - 174)

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 will outline the key elements of the New Growth Points (NGP's) and Eco-towns proposals set out in the recent Housing Green Paper, summarise the proposal by the Leeds City Region to submit a bid to government by the end of October and seek Members' views on whether York should sign up to this bid.

Note: The report for this item was not available when this agenda was originally published on 12 October. The agenda was re-published on-line on 17 October, to include this report.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

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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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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Holding the Executive to Account

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

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	9 OCTOBER 2007
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), ASPDEN, SUE GALLOWAY, JAMIESON-BALL, RUNCIMAN, VASSIE AND WALLER
APOLOGIES	COUNCILLORS REID AND SUNDERLAND
IN ATTENDANCE	COUNCILLOR SCOTT (FOR AGENDA ITEMS 1-3 & 10)

65. 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.

66. Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting during consideration of the following:

Annex B to Agenda Item 8 (Capital Programme – Monitor One) (minute 72 refers) on the grounds that it contained information relating to the financial or business affairs of any particular person (including the authority holding that information). This information was classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

67. Minutes

RESOLVED: That the minutes of the Executive meeting held on 25 September 2007 be approved and signed by the Chair as a correct record.

68. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

Councillor Scott made representations regarding agenda item 10 (Waste Management Strategy 2007/2008 – 2013/2014) (minute 74 refers), as Children and Young People's Champion, in support of promoting recycling

in schools as part of the educative process and providing free recycling for schools. He also circulated details of the costs of providing recycling for schools.

69. Executive Forward Plan

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

70. Reference Report: Supporting People Programme

Members received a report which advised them of progress made within the Supporting People (SP) Programme in York, the key priorities for the Programme and the implications of these for the Council, as requested at the meeting of the Executive Members for Housing & Adult Social Services on 16 July 2007.

Members highlighted that real progress had been made since 2004 and supported an annual report being brought to the Executive.

Having considered the advice of the Shadow Executive, it was

RESOLVED: That the report be noted.

REASON: To allow a wider strategic understanding of the programme, which extends beyond the usual remit of Housing and Adult Social Services.

71. First Performance and Financial Monitor - 2007/08

Members received a report which provided details of the headline performance issues from the performance monitor session on the 26th September 2007. It also built on this to present the latest projection of the Council's revenue income and expenditure for the current year.

Overall, service performance across directorates showed fairly good improvement, particularly in waste recycling, the cleanliness of our streets and open spaces, brownfield site development, benefits processing and early educational attainments results. The most significant improvement had occurred with community safety, with significant reductions in anti-social crime and a predicted 35% decline in crime since the crime reduction strategy started. There were a number of service delivery areas however, which either needed to be watched closely between now and monitor 2, or where corrective action needed to be taken to turn performance around before 31st March 2008. These included staff sickness, secondary school pupil exclusions and the need to achieve a score of 3 for Use of Resources (CPA).

If the current action taken by the Directors continued to be successful, then it was projected that the Council would overspend by £12k. However, this was due to savings on investment decisions and opportunities of £750k, slippage on IT schemes of almost £400k and other one-off savings identified by Directorates. Any recurring overspends would need to be

funded in future budget processes and would reduce the opportunity to redirect resources to other areas. The overspends needed to continue to be fully monitored as any overspend resulted in reduced balances. The Medium Term Financial Forecast had already indicated that the next budget process would be extremely difficult. As much scope as possible would be needed to reduce the impact of service cuts and Council Tax increases. There had been a lot of work undertaken within departments to manage expenditure and bring budgets in on target. There were, however, some underlying pressures where the overspends looked set to continue. These would clearly need to be addressed as a high priority in future monitoring reports.

Officers reported a correction to the table on staff turnover at paragraph 13 of the report to swap the column headings on turnover levels for April-June 2007 and 2006/07 outturn.

Members expressed concern that central government had not fully funded the cost of providing "free" pensioners' bus passes and supported the representations made to the minister on this issue, calling for fair treatment of local government. They highlighted the outstanding improvements in the Safe City indicators and also thanked officers for their hard work managing their budgets.

Members had previously noted the additional business rates income won through the law courts and which was worth over £500k to the City. In recognition of the contribution made by business in the City, and taking into account that it was not possible to make any budget allocation for erecting the cross street Christmas lights in this year's budget, the Leader announced that an allocation of £20,000 from this rebate would now be directed into the lighting activity. This action had the support of local city centre traders and the City Centre partnership.

Having considered the advice of the Shadow Executive, it was

- RESOLVED: (i) That the performance issues identified in the report be noted;
- (ii) That the applications for supplementary estimate requests of £200k be granted to City Strategy to deal with shortfalls in planning and land charge income, to be funded from the contingency fund, but that consideration of the request in respect of concessionary fares be deferred until central government has responded to the Council's representations for an increase in grant entitlement to offset the additional costs;
- (iii) That the virements over £250k, set out in paragraph 57 of the report, be approved;
- (iv) That the transfer between general fund and the traded activities profit from Neighbourhood Services of £152k, as set out in paragraph 58 of the report, be approved;

- (v) That the applications for supplementary estimate requests of £480.5k to be funded from general fund reserves, as set out in paragraph 60 of the report, be approved;
- (vi) That the transfer of the additional Local Area Business Growth Incentive (LABGI) grant (£537k) straight to general reserves (as set out in paragraph 54 of the report) be authorised, with the exception of £20k to be earmarked for erecting the Christmas 2007 lighting scheme;
- (vii) That departments be instructed to continue to look for savings within their own budgets rather than request supplementary estimates for additional expenditure pressures;
- (viii) That the action currently being taken by departments to manage the overspend identified be endorsed.

- REASON:
- (i) So that corrective action on these performance issues can be addressed by Directorates and Executive Members & Advisory Panels (EMAPs);
 - (ii) In accordance with the Executive's constitutional powers to make decisions on the level and granting of supplementary estimates;
 - (iii) In accordance with the Executive's constitutional powers to make decisions on virements over £250k;
 - (iv) The virement request is within the budget areas where the Executive is the responsible body;
 - (v) In accordance with the Executive's constitutional powers to make decisions on the level and granting of supplementary estimates;
 - (vi) The additional income is within the budget areas where the Executive is the responsible body;
 - (vii) To ensure that all practicable action is taken in departments prior to seeking additional funding from the Executive;
 - (viii) To enable the Executive to continue to monitor the budget.

72. Capital Programme - Monitor One

Members received a report which informed them of the likely outturn position of the 2007/08 Capital Programme based on the spend profile and

information to August 2007, reflecting the capital monitor one reports taken to Executive Member and Advisory Panel (EMAP) meetings for each portfolio. It also informed them of any under or overspends and sought approval for any resulting changes to the programme, informed them of any slippage and sought approval for the associated funding to be slipped to or from the financial years to reflect this, and informed them of the funding position of the Capital Programme, taking account of the current capital receipts forecasts for the four year Capital Programme.

There was an increase of £25.7m in the 2008/09 Capital Programme, mainly because of the Council's successful Building Schools for the Future pilot programme funding bid, which provided for a brand new replacement school at Joseph Rowntree Secondary School. This increased the 2008/09 programme to £73.6m, 40% more than this year's anticipated outturn. In year capital receipts, were forecast to be down against the target by £3.6m, although this was mainly because of timing issues with the majority of the slippage expected early in 2008/09. The impact of these delays was reduced by there being corresponding slippage on capital receipt funded schemes of £2.2m. The Council had £5.4m of capital receipt funding carried forward from the £27m raised in 2006/07. Therefore, despite the small anticipated delay in receipts the Council remained in a strong capital funding position. Against the current approved budget of £52.143m, there was a predicted outturn of £52.525m, a net increase of £0.382m made up of:

- Additional schemes costing £2.742m of which £2.363m was fully externally funded;
- The reprofiling of budgets from 2007/08 to future years of £2.360m of which capital receipts made up £2.25m.

To the end of August there was £11.9 m of capital spend representing 23% of the approved budget, compared to 26% for the same period in 2006/07.

Having considered the advice of the Shadow Executive, it was

- RESOLVED: (i) That the £117k of adjustments made under delegated authority to the 2007/08 approved capital programme, as illustrated in Table 1, be noted;
- (ii) That the inclusion of £2.732m of additional funding to the 2007/08 to 2010/11 Capital Programme, as illustrated in paragraph 7 of the report, be approved;
- (iii) That the reprofiling of £2.360m from 2007/08 to future years, as summarised in paragraph 7 of the report, be approved;
- (iv) That the restated Capital Programme, summarised in Table 10 and as set out in details in Annex A of the report, be approved;
- (v) That the capital receipt projects for 2007/08 to 2010/11, as summarised in exempt Annex B, be noted.

REASON: To enable the effective management and monitoring of the Council's Capital Programme.

73. Corporate Risk Management Report 2007/08

Members received a report which provided information on the key risks identified through deployment of the risk management strategy and detailed progress made in embedding risk management arrangements across the Council.

The key corporate risks were set out in Annex A of the report, with deleted and suggested risks from Corporate Leadership Group (CLG) at Annex B and a summary of the Corporate Risk Register at Annex C.

Having considered the advice of the Shadow Executive, it was

- RESOLVED: (i) That the contents of the report and progress to date be noted;
- (ii) That the key corporate risks, as set out in Annex A of the report, and additional risks identified by senior officers, as set out in Annex B, be noted;
- (iii) That the list of key corporate risks be approved;
- (iv) That the new arrangements at Corporate Management Team and Audit & Governance Committee to ensure regular monitoring and review of key corporate risks be noted as improving, developing and strengthening overall governance arrangements at the Council.

- REASON: (i) To raise awareness of the progress made to date in respect of risk management arrangements at the Council and to advise Members of the further work now needed to support the effective development of the Council's approach in the future;
- (ii) To ensure Executive validation of the key strategic risks identified by senior officers;
- (iii) To provide a clear corporate focus with regards to the Council's key strategic risks and jeopardies;
- (iv) To make the Executive aware of the management and monitoring arrangements for risk management at the Council.

74. Waste Management Strategy 2007/2008 - 2013/2014

Members received a report which considered what actions needed to be taken during the period from 2007/2008 to 2013/2014 to help meet challenges relating to waste management prior to the Waste Private Finance Initiative (PFI) contract becoming operational. It asked them to

consider a range of recommendations and initiatives that had been identified to reduce the risk of the Council incurring fines through the Landfill Allowance Trading Scheme (LATS) by operating within its allowances.

The report presented the following initiatives for consideration:

- Item 1 - To help control waste arising through delivery of an annual waste minimisation plan through to 2013/2014.
- Item 2 - To meet the requirements of the Household Waste Recycling Act 2003 by providing a kerbside recycling service to all households for at least 2 materials. This initiative was linked to moving all 22,800 properties on weekly residual waste collection to an alternate weekly service.
- Item 3 - This was Item 2 plus the collection of kitchen waste from 22,800 households. This item aimed to provide an element of consistency in service provision across the city. The kitchen waste collection could be viewed as an equivalent service to that of green waste which was collected at the majority of other households. This option assumed fortnightly collection but the Council would also need to consider the issue of weekly collection of kitchen waste.
- Item 4 - To collect kitchen waste from 61,440 households that currently received the full alternate weekly collection service. This option assumed fortnightly collection but the Council would also need to consider the issue of weekly collection of kitchen waste.
- Item 5 - Increasing the kerbside recycling participation level and capture rate.
- Item 6 - To develop a commercial waste collection service (including recycling for businesses and schools) that passed full LATS costs back to businesses. This also needed to include commercial waste delivered to Hazel Court household waste recycling centre.
- Item 7 – To identify a waste treatment process to effectively deal with the balance of biodegradable municipal waste (BMW) that still needed to be diverted from landfill after implementation of other recycling and composting schemes. Either as part of the York and North Yorkshire County Council partnership or a stand alone solution for York.
- Item 8 - Specific policies for acceptance of waste from non-York residents at household waste recycling centres, limiting the amount of waste taken to household waste recycling centres by residents (permits system), etc.
- Item 9 - To develop a LATS trading strategy to deal with selling and purchasing of permits.
- Item 10 – To review the provision of household waste recycling centres (HWRCs) in terms of number and location. It was intended to provide a separate report for the Executive to consider before the end of this calendar year regarding this matter.

Members thanked officers and members of the public for their contribution to the significant progress which had been made during recent years, especially with the roll out of alternate weekly collections.

Officers provided an update on work currently being undertaken to develop school recycling services and explained that the proposals in the report

relating to commercial waste would further support this, as schools were included in this classification.

Having considered the advice of the Shadow Executive, it was

- RESOLVED: (i) That it be agreed for £50k to be included in the Council's budget each year to allow waste minimisation work to continue and subject to the usual value review as part of the annual budget build process;
- (ii) That it be agreed for a pilot recycling scheme to be implemented in the Groves area commencing April 2008 at a cost of £160k in a full year, with consultation starting during 2007/2008 and being managed within the existing budget, and a full implementation plan being shared with Members following a full survey of the area;
- (iii) That it be agreed for a delivery plan for the pilot area to be presented to the Neighbourhood Services Executive Member & Advisory Panel (EMAP) to inform Members of how this will be implemented and to receive feedback;
- (iv) That the full rollout of recycling in terraced areas as from April 2009 be agreed in principle at an annual cost of £241k per annum, subject to the usual value review as part of the budget build process;
- (v) That it be agreed for an annual budget of £30k to be included in the Council's budget each year to help improve participation levels in kerbside recycling, subject to the usual value review as part of the budget build process;
- (vi) That the proposed changes to the Commercial Waste section, that will allow the Council to provide recycling to schools and commercial organisations and which will be cost neutral to implement, be agreed;
- (vii) That authority be given for the designated LATS trading officer to sell surplus LATS permits in line with the Council's Waste Strategy;
- (viii) That it be agreed to ask officers to provide further reports on the items considered in the Strategy which will contribute to the mitigation of the Council's LATS targets.

REASON: To assist the Council to meet its LATS targets and to minimise the amount of waste going to landfill.

75. Review of Parking Services

Members received a report which summarised the outcome of a review of parking services, outlined the results of an in depth review of the enforcement, administration and management of parking services and recommended opportunities for improvements.

The report also included consideration of and recommendations on a number of parking issues from the Policy Prospectus:

- The adoption of a new parking policy that met the existing objectives but linked parking with the Council's strategy on transport, the economy and environment;
- A proposal to review alternative options for delivery of the enforcement service;
- A proposal to carry out a trial on the pay on exit method of payment in car parks;
- A review of the possibility of introducing a permit scheme for environmentally friendly vehicles;
- A review of the car park charges.

Members highlighted that most car parking charges had reduced in relative terms in the City over the last 4 years, that low emission vehicles enjoyed a 50% discount on ResPark permit costs and that parking income remained buoyant. They also expressed some concern about sickness levels and inflexible working practices in the parking team, and confirmed that they did not wish to put the service out to the private sector, owing to the ambassadorial role wardens played in the City, compared to the negative image of some private security firms.

Plans to introduce a discount for "pay by phone" customers and to provide facilities to help customers with the initial set up stage for this payment method were announced at the meeting, for implementation during the pre-Christmas period.

Having considered the advice of the Shadow Executive, it was

- RESOLVED: (i) That the recommendations in respect of the financial and functional review be adopted, as set out in paragraph 22 and Appendix C of the report;
- (ii) The revised parking policy, as suggested in paragraph 24 of the report, be adopted;
- (iii) That consultation be undertaken with the trade unions and staff on the local agreement to improve performance and flexibility;
- (iv) That Appendix D of the report be noted with respect to Pay on Exit and it also be noted that at the present time it is not possible to fund a change over to Pay on Exit at surface level car parks;

- (v) That officers be requested to implement a marketing programme aimed at promoting the “pay by phone” option;
- (vi) That no change be made, at this time, to the permit discount scheme for environmentally friendly vehicles both for on and off street parking but that further efforts be made to market this option;
- (vii) That no change be made in the charge for a household parking permit in accordance with current policy;
- (viii) That no change be made in the current level of car parking charges but that this be considered through the annual budget process;
- (ix) That an Annual Parking Report be published as proposed in Appendix J of the report;
- (x) That the draft protocols for enforcement, set out in Appendix K of the report, and administration, set out in Appendix L of the report, be adopted;
- (xi) That the Service Levels for Parking Services, set out in Appendix M of the report, be adopted.

REASON: For the more efficient and effective management of Parking Services.

S F Galloway, Chair

[The meeting started at 2.00 pm and finished at 2.50 pm].

EXECUTIVE FORWARD PLAN

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 6 November 2007		
Title & Description	Author	Portfolio Holder
<p>Discus Bungalows – Preferred Partner</p> <p><i>To provide Members with details of the recent tender process and recommend the appointment of a preferred development partner.</i></p>	Steve Waddington	Executive Member for Housing Services
<p>Local Development Framework: Statement of Community Involvement</p> <p><i>Purpose of report: Reports to Members the Inspector’s report on the Statement of Community Involvement (SCI) and includes the final draft of the SCI for adoption by the Council.</i></p> <p><i>Members are asked to: Approve the document for adoption.</i></p>	Claire Beech	Executive Member for City Strategy
<p>CPA Use of Resources 2007</p> <p><i>Purpose of report: To advise Members of the outcomes of the 2007 CPA UOR assessment, prior to national publication by the Audit Commission (expected mid-late November).</i></p> <p><i>Members are asked to: Note the information contained in the report.</i></p>	Liz Ackroyd	Executive Member for Corporate Services

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 20 November 2007

Title & Description	Author	Portfolio Holder
<p>Thin Client Management Arrangements</p> <p><i>A review of the Client & Contractor roles within the Council – this report seeks to rationalise and streamline them.</i></p>	Simon Wiles	Executive Member for Corporate Services
<p>Comprehensive Performance Assessment Inspection – Self Assessment</p> <p><i>The Executive is asked to consider and agree the content of CYC’s Corporate Self Assessment for the Comprehensive Performance Assessment. It will be used as a basis for CYC’s inspection of the Council by the Audit Commission in January 2008.</i></p>	Janna Eastment	Executive Leader
<p>Race Course Lease Review</p> <p><i>Members are asked to consider and approve the request from York Race Course to further extend the existing lease for another 50 years – bringing it back to a 99 year lease – and to approve a widening of the course. They wish to make further investment and improvements by building up conference facilities. This would have an impact on citizens of York and residents in Micklegate Ward.</i></p>	Philip Callow	Executive Member for Corporate Services
<p>Review & Strategy for the Commercial Property Portfolio</p> <p><i>Purpose of report: To provide Members with a detailed review of the current Commercial Portfolio.</i></p> <p><i>Members are asked to: Select appropriate options for the future management of the commercial property portfolio from 2008/09 onwards. Tenants of commercial properties may be affected by Members’ decisions.</i></p>	Philip Callow/ David Baren	Executive Member for Corporate Services
<p>IT Development Plan 2008-09</p> <p><i>Members are asked to agree the funding of IT projects for 2008/9 for the</i></p>	Tracey Carter	Executive Member for Corporate Services

<p><i>whole of CYC. Members will be asked to review the benefits and risks associated with each proposal and decide which ones to fund.</i></p>		
<p>Reducing the Maintenance Backlog</p> <p><i>Members are asked to consider the finance and performance implications of requirements under CPA/CAA and determine where CYC is to position itself. They are also asked to approve options for inclusion in a strategy.</i></p>	<p>Neil Hindhaugh</p>	<p>Executive Member for Corporate Services</p>
<p>Report of the Future York Group</p> <p><i>Purpose of report: To brief the Executive on consultation undertaken following receipt of the Future York Group and makes recommendations for the Council, working in partnership with others, to adopt in response to the report.</i></p> <p><i>Members are asked to: Agree actions set out.</i></p>	<p>Roger Ranson</p>	<p>Executive Leader</p>

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Executive

23 October, 2007

Report of the Assistant Director (Lifelong Learning and Culture) and the Head of Property Services

Review of the Leisure Facilities Strategy (Swimming)**Summary**

1. This report sets out:
 - The background to how the Council's leisure facilities strategy has been developed
 - An update on the schemes already approved and in progress
 - Strategic issues and choices now facing the Council
 - Options for an updated leisure facilities strategy

Background**The Need for Review**

2. The group leaders have asked officers to bring forward a review of the Council's leisure facilities strategy. Furthermore, Council, at its meeting on 29 June, resolved to instruct "officers as a matter of urgency to seek to provide the options for a city centre county standard pool ..." and that "a further report be provided outlining possible options on sites and all necessary design and redesign options for any proposed building and this be included in the leisure review already commissioned."
3. This report begins this process asking members to address the options available so that any further detailed work required can be put in hand.

The Context for the Review: Active Lifestyles

4. The Council is committed to increasing participation in active lifestyles. Undertaking 30 minutes of moderate intensity activity 5 times a week increases one's life expectancy by 9 years. For those whose lifestyles are generally sedentary sport and active recreation contribute important opportunities to be active. However, in York only 24.8% of the population meet the national target of undertaking 30 minutes of sport or active recreation 3 times a week. We have an LPSA2 target to increase this figure by 1% per annum, (a rate of improvement that has not been exceeded anywhere in the world). The Sport & Active Leisure Team are addressing this in a multitude of way, e.g. through:

- Community based schemes and programmes providing opportunities for the least active to get involved
 - Support for and development of the voluntary sports sector
 - A sports development framework through foundation to excellence
 - Development of PE and school sport through continuing professional development for teaching staff and the work of the school sports partnerships
 - Co-ordinated information about active leisure opportunities
 - Providing the Council's leisure facilities
5. Leisure facilities are an important part of the picture. In York they fall into a number of categories:
- Those owned by community sports clubs, run mainly by volunteers, providing locally based activities often catering primarily for team based sports. There are more than 50 facilities of this type in the city. The council supports these sites with funding, e.g. Discretionary Rate Relief, Section 106 funding, and support to access external sports funding, as well as providing club and sports development assistance.
 - Private sector leisure and fitness facilities. These are generally membership only sites which cater for fitness users who are motivated to participate on a regular basis. The cost of membership prevents some people from being able to use these facilities (see Annex D).
 - School, college and university facilities offering varied amounts community access. These sites are generally available for club hire and block bookings but are less easily accessed by casual users. The provision of sports facilities is not the primary function for any of these sites and they are not generally equipped to attract new, non motivated participants into healthy lifestyles. Council officers support the development of these facilities.
 - Council owned and operated facilities which cater for the casual, pay as you go market and allow access for regular and infrequent participants. They cater for the full range of activity from health and fitness to individual sports such as swimming and club and team activity. Timetabling and pricing reflect the need to ensure that the facilities are accessible to all. This leads to affordable admissions but restricted scope to raise income which could be reinvested to improve the quality of the facilities.
6. Swimming pools are costly to build and operate but unlike other sports facilities they are able to cater for participants of all ages and abilities. Aquatic activities are suitable for babies, those recovering from operations, disabled people, competitive athletes, families for fun, and those hoping to maintain a level of fitness and flexibility. Swimming is the third most popular sports activity, after walking and cycling. National statistics indicate that 35% of the population swim at least once a year while 13% participate at least once a week. People want to access facilities when its convenient for them.

7. The main relevant categories of pool are:
- 50m competition pools – these are intended for national and international competition and would normally include a warm-up pool, seating for 500, teaching rooms, etc. Leeds and Sheffield have 50m pools equipped to cater for high level competition. There is no demand in York for competition facilities at this level. Previous consultation exercises have shown that residents want high quality flexible pool space that can cater for all types of aquatic activity. A 50m pool can be divided to provide for a mix of uses but for schools, learners and family use the scale of the pool and the pool hall can be daunting. Furthermore, the capital cost of a 50m pool is significantly greater than the cost of a 25m pool with comparable water area.
 - 25m competition pools – these have a minimum of 8 lanes and normally include a 25m warm up pool and seating for 250. They are suitable for regional competition, local galas, and club competitions and can be programmed to operate flexibly to cater for a broad range of activities. (They have sometimes been referred to in the past as “County Standard” pools).
 - Community pools – this term can be used to describe any pool falling below competition standard and catering for recreational and fitness activities. It can be applied to 25m pools of varying widths as well as other non-standard forms. Such pools will be programmed to cater for mixed uses and all ages and abilities. Yearsley and the new York High pool fall into this category.
 - Leisure / Fun pools – Waterworld falls into this category. It has a swimming tank of just 18m x 8m and therefore makes only a limited contribution to meeting demand (see below).

How the Council’s Swimming Facilities Strategy has been Developed

8. Development of the Council’s leisure facilities strategy can be traced back to 2000 when a structural survey of the Council’s pools and a general public consultation identified that the existing swimming facilities were no longer fit for purpose. User numbers were declining sharply at the 3 traditional pools with customer numbers down 22% in 1999/2000 compared with 1994/1995. The subsidy per swim had risen to £1.31. Furthermore, there was an urgent requirement to repair and refurbish the pools just to maintain them at their current standard. At a total cost of over £10 million at today’s prices this far exceeded the discretionary capital resources available to the Council. In response the Council set about raising capital from the Barbican site in order to invest in the swimming facilities required.
9. A vision was set out for the Council’s swimming facilities. This vision remains appropriate today:
- We should have facilities that encourage all York citizens to swim
 - Sufficient sports facilities should be available for casual (pay as you go) use
 - Swimming should include opportunities for:
 - fun activities, especially for children and families
 - open swimming for casual users
 - courses and lessons
 - clubs

- time for regular fitness and competitive swimmers
- There should be a good quality environment for sports activities (wet and dry), which is bright, safe and clean
- All school children should be able to achieve the National Curriculum requirements for swimming
- Facilities should be accessible to all

The City's pools between them need to cover the full range of requirements: Facilities for local competitions, schools use, club development, teaching, fitness swimming, and family swimming.

What facilities does York need?

Swimming

10. On behalf of Active York the Council has carried out analysis of supply and demand for swimming facilities (as well as a limited number of other sports venues). The model, designed in conjunction with Sport England, is used across the country, it:
 - Is used by Sport England to compare provision across local authorities to identify areas of under-provision
 - Assumes that participation rates are consistent across the country (participation in York is actually slightly higher than the national average)
 - Produces results based on current participation rates. This does not reflect the current government target to increase participation by 1% per annum. If this is achieved demand will be significantly higher than predicted.
 - Assumes a specific water area per bather and factors in the level of usage at different times of the day.
 - Only includes open access swimming pools and facilities that are available for club bookings (with capacity reduced proportionately to reflect times of usage and restricted availability). Private pools are excluded from the analysis. Annex A provides the detail of the analysis.
11. The analysis shows that York has a current unmet demand for an additional 12, 25m lanes of swimming space in the City. By 2015, using projected population data, this will have increased by a further 4 lanes to a demand for 16 additional 25m lanes. When the results are broken down geographically it is clear that the demand is greatest in the South and East of the city. The new Oaklands pool is located in the West and Yearsley and Waterworld are in the North. In the South and East facilities are available only for club bookings; there are no casual access pools available.
12. Active York, the city's Community Sports Network, maintains a sport and active leisure plan for the city. In relation to swimming facilities this identifies that "The city has no facilities that meet modern competitive requirements or dedicated training facilities. This need, coupled with the need for public swimming facilities, can logically be met by the provision of a publicly accessible county standard pool (25m, 8 lane (or more) pool with training / teaching pool)." It also gives direction for the type of users that a new pool should cater for. "The development of a county standard pool would create a logical home for the city's

competitive swimming club and would allow the existing and new community pools to cater predominantly for community and fitness users.”

13. Previous consultation has identified the city’s need for a number of swimming facilities located close to population hubs and public transport routes. Residents have also expressed the desire for a competition facility to ensure that local swimmers can achieve their potential. However, the most significant need is for a pool that is available when people want to use it. This indicates the need for a flexible space which can be divided to accommodate a mix of uses and maximise the amount of public, casual swimming time.

Sport and Fitness

14. Active York also maintains a planning tool to assess the city’s facility needs. This has also identified the unmet demand for indoor sports hall space equal in size to 24 badminton courts. By 2015 this will have increased to 28 badminton courts. The majority of the city’s sports halls are located on school and academic sites. However, there are three secondary schools in the city which have no sports hall. The current schools development programme goes some way to addressing this shortfall but additional capital will be needed to fully satisfy the demand for hall space. The provision of 12 badminton courts of sports hall space at the University is a condition of the Heslington East planning consent. These will have community access and their provision.
15. The data produced for Active York has been incorporated into the City’s Local Development Framework documents and Issues and Options papers for York North West. They reflect the city’s demand for swimming pool space, indoor sports space, a competition hockey facility and a professional sports stadium.
16. With regard to fitness facilities analysis of supply and demand indicates that supply in York is currently sufficient to meet demand. However, the bulk of the facilities are in private gyms and therefore do not cater for casual users or those who are not regular participants. Analysis of fitness provision is also not straight forward as the facilities are often provided as ancilliary facilities to swimming pools, or indoor sports centres and are not planned in isolation. Having a fitness facility as part of a pool building not only makes commercial sense but any new swimming facilities would be expected by users to be accompanied by a fitness gym (and facilities for exercise classes) to enable them to undertaken complementary activities on the same site.

Current Position with Pools

Yearsley Swimming Pool

17. The Executive on 12 June approved a scheme of repairs for Yearsley Pool. These repairs are designed to secure the pool’s future till at least 2012. The repairs themselves, principally to the roof and plant, will last well beyond that time. But at that time it will be necessary to assess:
 - Further capital works that they be required in a building that will by then be over 100 years old
 - Whether, once more modern pools have opened elsewhere in the city, customers continue to be attracted to a pool with limited customer facilities

18. The Yearsley site presents a number of constraints restricting the ability to provide car parking and to add facilities such as a fitness gym.
19. The repairs scheme is now well advanced and still on schedule for the planned reopening of the pool on 29 October. The contractor has, however, encountered a number of additional issues that could not have been foreseen before the work commenced. Dealing with these has added additional costs of approximately £200k over and above the approved costs of approximately £890k. These will need to be funded from the contingency funding available. The key issues are concerned with:
 - o Additional ground works to replace drains found to be collapsed
 - o Additional work to remove asbestos
 - o Concrete found to be 4 times deeper than expected at the deep end of the pool hall necessitating a redesign of a number of scheme elements
 - o Pool hall lighting could not be re-used as originally envisaged

Oaklands / York High

20. The scheme approved by the Executive in December last year provides for a 6 lane community pool with trainer pool to be built onto the rear of the existing sports facilities. It will be integrated with the existing facilities including the sports hall, gym, climbing wall, and dance studio. The existing gym will be doubled in size. A hydrotherapy pool will be included. The cost of the main pool is £5.454m of which £4m is a call on the capital programme whilst £1.454m will be financed from borrowing to be repaid from the £130k a year revenue savings generated through the integrated management arrangements proposed. The cost of the hydrotherapy pool is approximately £520k to be funded from the Council's Administrative Accommodation budget.
21. The pool will provide for a wide range of community uses. It will not, however, provide for competition or club development activities (as these will be provided for elsewhere – see below). The scheme will be resubmitted to the Planning Committee in October.
22. There are two areas of additional specification that have been suggested for the project and that have been costed as options for members to consider:
 - o Measures to improve the appearance of the front of the building and to link it effectively to the new school building. These include the provision of a canopy in front of the entrance, repainting the front of the sports hall and improving the front elevation of the community room. See drawings at Annex E. £170k
 - o Installing high specification equipment to heat the pool including bio-mass boilers and solar panels to the roof. These would provide a BREEAM rating of “very good” rather than merely a pass, and comply with the Council's policy of reducing carbon emission by 25% by 2013. See Annex E for details. £170k

23. The cost of the improved environment specification can be met in part from prudential borrowing given that it is likely to produce revenue savings over its life.
24. A rigorous process of value engineering is currently being undertaken on the pool project. However, the cost is projected to exceed the currently allocated budget by approximately £220k due to a number of additional unexpected and unavoidable items that need to be budgeted for, notably:
 - o A requirement from Yorkshire Water to create water attenuation tanks
 - o Some fixtures and fittings not being re-usable from Edmund Wilson as originally envisaged

The final cost of the scheme will be established once the individual packages of work have been put out to tender.

25. No allocation has yet been made to this particular project from the overall programme fees budget nor from the overall contingency and this now needs to be done. There are also some infrastructure costs associated with the project that should be properly be assigned to the York High School project. Once this is done it will be possible to deliver the project, including the items set out above, on budget. (see Finance Implications section below) .

The University

26. The University of York and the City of York Council have agreed and signed up to a Statement of Intent with regard to the development of a competition standard swimming pool and fitness facilities at Heslington. (See Annex B). (The development of a competition standard pool with community access is a condition of the planning consent for the new campus. See Annex F).
27. A Steering Group with wide community stakeholder involvement is currently developing recommendations for the specification of the pool in light of projected user demand and is building a business plan. The pool will provide for between 8 and 12 x 25m lanes. The steering group will report back to the University with a view to securing a decision to proceed by the end of the year. It was previously agreed that, at the same time, a report would be made to the Council with regard to the community outcomes to be secured in return for the Council's £2m contribution.
28. The pool and fitness facilities are likely to cost close to £10m. The University have identified a contribution of £5m and the Steering Group will be working to close the remaining funding gap. Although the University are required to bring forward a publicly accessible competition standard pool as a condition of their planning consent the Council's contribution to the partnership will:
 - a) Help bridge the present funding gap
 - b) Significantly bring forward the start date of the project, probably to 2009 (otherwise the University effectively have up to 25 years to deliver the pool under the terms of the planning consent)
 - c) Influence the community nature of the facility
 - d) Help create a package that operationally should be self-sustaining and revenue neutral to CYC and the University

29. The facility will provide a much higher specification than the previously proposed community pool on the Kent Street site with facilities that could include a floating floor giving greater flexibility in its use, including use by disabled people – the University has access for all as one of its core principles for the proposed facility. It will provide for sports and club development and short course competitions. As well as swimming it is planned that there would also be a wide range of facilities on hand for fitness, dance, aerobics, martial arts, and a café. In the long term the University has aspirations to provide additional facilities including a sports hall and outdoor facilities.
30. Key principles for the new centre would be that it should:
- Be accessible to all York citizens and members of the University, including club use
 - Encourage participation by promoting the benefits of a healthy active lifestyle
 - Provide facilities for a range of abilities and actively encourage participation by all members of the communities
 - Promote use by people with disabilities
 - Be designed and maintained as a high quality environment
 - Have a flexible charging and admissions policy that promotes the maximum use of the facilities during the day and encourages widening participation
 - Be financially self-sufficient including an allowance for sufficient ongoing maintenance and renewal
 - Have an independent identity
31. It will provide a comprehensive, publicly accessible programme covering clubs, general swimming, schools, classes, family sessions, targeted sessions, galas, etc. in state-of-the-art accommodation. The concept of the facility has drawn extensively on the Norwich Sportspark at the University of East Anglia (prices for which are shown in Annex D).
32. The project plan provides for the pool to open approximately 2.5 years from a final decision subject to the necessary funding being in place. This should have the pool being completed in early 2011. The University's ability to close the funding gap will of course be heavily influenced by whether the Council recommits its £2m contribution.

Waterworld

33. Waterworld is leased (together with Huntington Stadium) to Cannons Leisure Ltd on a 15 year lease which ends in 2012. Cannons pay the Council a rent whilst the Council pays the business rates. As 2012 approaches it will be necessary to ascertain whether Cannons wish to renew this arrangement under the terms of their lease. It should be expected that, if the facility were to be returned to the Council, there would be a significant capital requirement associated with renewing the excitement and appeal of what is primarily an entertainment venue that will by then be 15 years old.

The Private Sector

34. Planning permission has been granted for two additional commercial sector pools in the North of the City. Both will be part of health and fitness developments that will be operated as member only facilities. The commercial health and fitness sector is continuing to grow with appropriate sites being highly sought after. St Peter's school also have plans for a new pool to replace their existing one. There is scope for some limited community use during holiday periods and possible local school use during term times, but primarily the pool will be required for the school's own use.

Strategic Options for future Swimming Provision

35. It has already been agreed that the Yearsley and replacement of Edmund Wilson at York High School schemes should go ahead. It then remains to provide 12 - 16, 25m lanes of swimming. Options for addressing this are to:
- a) Reconfirm the Council's commitment to the partnership with the University to deliver 8 – 12, 25m lanes in a competition standard pool
 - b) Withdraw from the partnership with the University and build a new Council pool instead
 - c) Reconfirm the Council's commitment to the partnership with the University and also plan for an additional city centre pool to meet further identified needs
 - d) Reconfirm the Council's commitment to the partnership with the University whilst also planning for the long-term replacement of Yearsley Pool

The cost and deliverability of these options are summarised in tabular form in Annex C. The main issues with each are as follows:

a) Reconfirm the Council's commitment to the partnership with the University:

36. This option would see Yearsley and a new pool on the York High site providing effective and flexible community pools whilst the new university pool would provide all the functions of a community pool plus much needed club development and short-course competition facilities as part of an integrated and fully accessible leisure complex. Furthermore, if the University pool provides 12, 25m lanes it will meet all the city's current demand.

37. Pros:

- Is affordable within the existing capital available
- Meets the city's identified needs in a timely manner
- Is affordable within existing revenue budgets
- Reduces financial risk to the Council

Cons:

- Does not provide a city centre pool
- Does not provide for future projected need

b) Withdraw from the partnership with the University and build a new Council pool instead:

38. If the Council withdraws from the partnership with the University the University's scheme could be delayed whilst alternative funding is sourced. There would then be two potential scenarios:
- i) the Council would need to find an alternative means of meeting the 12 lanes shortfall through providing a competition standard pool at a cost of around £10m (not including land acquisition costs), or
 - ii) the Council could build a community pool costing around £6m (excluding land acquisition) accepting that the University would meet the demand for a competition pool in due course (provided that any pool built by the Council did not undermine the University's business plan by competing for the same customers).
39. This option would of course require a site to be available within the city centre and this issue is covered below.
40. On the assumption that the sale of Kent Street goes through, and after the Yearsley and York High schemes are accounted for, there would remain only the £2m contribution to the University and the £200k contribution to replacement community facilities that could be redirected from the Barbican receipt. This would leave a shortfall of £4m - £8m in capital funding (not including any land acquisition costs).
41. The plan to build a city centre pool was previously rejected also on the grounds of revenue cost because although a business plan was put together showing a relatively small revenue subsidy requirement for a 5 lane community pool with fitness facility on the Kent Street site, the advent of competition from a much superior University facility further down track would completely undermine that business plan. This would lead to the need for an annual subsidy probably in the region of £200k. If the Council were to compete head to head with the University with a second competition standard pool the annual subsidy could be much higher.
42. **Pros:**
- Provides for a city centre pool
 - May create a long-term route to meet more / all of the 16, 25m lane short-fall
- Cons:**
- Has a shortfall of £4m - £8m in capital funding available
 - Acquisition of the site is likely to incur opportunity costs / revenue implications and significant delay
 - Would create unhelpful competition between Council and University facilities making both unviable
 - Likely to require additional revenue funding of over £100k p.a.
 - Removes the Council's ability to influence the University's plans and the nature of community access to their pool
 - If a community pool were built it would almost certainly delay meeting the city's identified swimming need for a competition pool

c) Reconfirm the Council's commitment to the partnership with the University and also plan for an additional city centre pool to meet further identified needs:

43. A further option is to maintain the previous strategy in order to meet the city's identified needs with the capital available but to consider ways to provide additional city centre swimming over time. To be achievable such a facility:
- i) must be deliverable without major Council capital investment
 - ii) must stimulate new types of demand and create new markets so that it does not compete head on with the planned University facilities and does not require significant revenue subsidy
44. This would require the Council to seek a commercial partner interested in creating publicly accessible facilities in the city centre. The requirement would be to create new products, primarily based around fitness, that will create additional demand particularly amongst city centre workers. In this way the facilities would be complementary to, rather than in competition with, the city's main three swimming pools.
45. Ideally to make the most of a central location it should be close to a employment centre but also able to serve the residential population. The site would be advertised as a commercial opportunity for a developer. Given the city's unsatisfied demand and lack of city centre swimming facilities this should represent a viable commercial proposition. Given the lack of currently available sites referred to above this option would need to be pursued through new development schemes that will be coming on stream for example York Central / York North West.
46. **Pros:**
- Provides for a city centre pool
 - Meets all of the 16, 25m lane short-fall projected for 2015
 - Is affordable within the existing capital available
 - Meets the city's identified needs in a timely manner
 - Is affordable within existing revenue budgets
 - Reduces financial risk to the Council
- Cons:**
- Uncertainty about the ability to find a commercial partner and what they would be able to offer
 - Could divert custom from the University pool undermining its viability

d) Reconfirm the Council's commitment to the partnership with the University whilst also planning for the long-term replacement of Yearsley Pool:

47. The current repairs to Yearsley Pool are designed to take it up to 2012. Whilst the repairs themselves should last well beyond that time it will be necessary to review at the time i) further structural requirement that may need to be addressed ii) whether the pool is still well used once new pools open elsewhere in the city.
48. Yearsley is comparatively expensive to operate with an annual subsidy of approximately £199k. It has limited potential to add further revenue generating services such as fitness. If, once new pools open, user numbers fall back to the levels when the Barbican was open this would give a subsidy per swim of around £1.64.
49. There are further issues to be considered in this part of the city. As stated above the current lease of WaterWorld expires in 2012 and it is not known at this stage whether Cannons will wish to renew it. The Council could be faced with a capital renewal requirement. Furthermore, if a new sports stadium has been built by that time the Council may wish to dispose of the Huntington Stadium site. Also located in this part of the city is New Earswick swimming pool which belongs to the Joseph Rowntree Trust. It caters for club and group bookings. It has no reception area, changing facilities are small and there are no supporting health and fitness or crèche facilities.
50. There may therefore be a case for creating a strategic plan for this part of the city that takes account of Yearsley, WaterWorld and New Earswick pools as well as reflecting the future increased demand for pool space across the city. Such a strategy will need to be flexible and opportunistic, capable of responding to options as they arise. Possible options might be:
 - Adding a pool to the Waterworld site (depending on the future of the stadium)
 - Building a new pool on a school site such as at Joseph Rowntree
 - Finding another partner
 - Building a new pool on a city centre site (see above)
51. **Pros:**
 - The opportunity could be taken to replace Yearsley with a city centre pool
 - Provides the potential to reduce revenue expenditure through the provision of new facilities capable of generating additional income
 - Addresses the strategic needs in the North of the city
 - Reduces financial risk to the Council**Cons:**
 - The 50 yd pool at Yearsley equates to 13, 25m lanes, a significant capacity to replace
 - The Yearsley site has a limited capital value and it is uncertain whether enough capital would be available in 2012 to complete this strategy unless a partner could be found to support this option.

52. Yearsley is clearly very much an essential part of the Council's current provision, particularly at a time when only two pools are available. It is well liked by users. It may therefore be unhelpful to begin a review of this pool at this time particularly as no options are immediately available. Furthermore, this option is unlikely to be able to supply all the capacity needed to meet the identified demand. This option is not therefore recommended at this time.

The City Centre

53. The above analysis Options b) and c) require a city centre site to be identified for an additional pool. In order to understand what sites may be available the Head of Property Services has commissioned Wm Saunders Architects to produce a standard pool design based on the following components:

- 25m pool with teaching pool
- Plant room
- Changing village
- Reception area
- Viewing / vending area
- Gym
- Crèche
- Dance / aerobics studio
- Staff facilities

54. The accommodation could be provided over 2 floors which gives a minimum land take of approximately 1,870 m² for a 6 lane community pool or 2,820 m² for an 8 lane competition pool. (Parking facilities are not included except for disabled parking bays, cycle parking, and drop-off space.

55. The number of sites likely to be available within the centre of York are limited. However, where sites are identified either in council or private ownership the development of those sites will be faced with very similar challenges. With this in mind Saunders were challenged to respond to the brief outlined above and to consider a hypothetical site within the city centre currently in use as a car park. (The largest available land holdings in council ownership within the city are car parks.)

56. Saunders were asked to explore the implications of the design in terms:

- Planning and Archaeology
- Highways, Transport and Access
- Parking
- Structure and Services
- Design and order of cost

57. **The Building:** Saunders have confirmed that a 2 storey building meeting the outlined brief could be accommodated within the target footprint of 1870 m². This is based upon a simple rectangular plan with circulation minimised. An irregular site may require a different solution and is likely to increase the required footprint area.

58. **The site:** would require access to each elevation of the building for maintenance and cleaning etc. The plant room would require vehicular access for deliveries. The front entrance would require an open and accessible approach to the building large enough to accommodate the entrance, ramps, disabled car parking and drop off zones. All of which would increase the size of the development footprint.
59. **Planning and Archaeology:** Any development in the city centre is going to be constrained by the historic nature of the city, adjacencies to listed buildings, conservation areas, English Heritage input, planning requirements etc. all of which add cost to any building. Most of the sites will require a minimum of a watching brief in terms of Archaeology and will have particular challenges when constructing a pool tank below ground levels. The hypothetical solutions examined by Saunders consider the provision of underground car parking to replace any displaced car parking. This will be even more challenging from an archaeological perspective.
60. **Highways, Transport and Access:** Despite the fact that the objective of providing a city centre pool facility is to meet the demand from those that live within the city, it will of course attract use from those using private transport, cars. On any city centre site the public would expect car parking to be available within reasonable walking distance. If not available limited provision may have to be established as part of the development, particularly for disabled provision. If an existing car park was used alternative provision would need to be made for the spaces displaced to meet demand and to maintain revenue income levels for the council. The facility itself would add to the demand for parking. Any new facility should be located adjacent to established public transport routes to encourage travel this way in lieu of car use. Cycle parking would also need to be included.
61. **Structure and Services:** The scale, mass and configuration of the building are very much guided by the internal operation of the building. The pool hall has a significant impact upon the structure, in part it will relate to the changing village, possible viewing gallery and to the external world. A steel framed structure clad in brick, timber, stone and expanses of glass would be the norm. Taking account of the issues above in terms of planning, conservation areas etc. sensitive detailing and use of materials is also likely to impact upon the cost of this building in the centre of York. The building by its very nature will be highly serviced to ensure the environment created within responds to the customer feel and to the climate agenda, BREEAM and our carbon emissions targets. Other schemes are already reporting a financial impact of between 5-15% depending upon the standards and targets set.
62. **Design and order of cost:** The design will need to respond to all of the above, provide a quality that is acceptable within the city and challenged by the financial constraint that is the public purse. The hypothetical scheme considered by Saunders including the re-provision of car parking under the development, sited within the city centre has been estimated at £7-8m, excluding furniture, both statutory and professional fees, risk and contingency. The total cost would be expected to be around £9-10m. This is based upon the provision of a community

pool. Consideration of a competition standard pool would add significantly to those costs.

63. The Head of Property Services has looked at sites that could immediately be available taking account of Saunder's work:

- **Hungate:** The Hungate regeneration scheme has identified within it, a civic / community space within a mixed use building to act as a focal point within the residential, commercial and retail environment that is being created around the new St John's Square. However, with a floor area of only 1,000m² this is nowhere near big enough. The Council could, however, propose to locate a fitness gym within the facility.

Consideration has also been given to whether a pool could be located under the new civic offices. However, space there is already very stretched and a pool, even if it were technically possible to construct it under an office building, would necessitate building an extra 3 storeys. This would not be acceptable on that site in planning terms.

Consideration could be given to going back to the developer to discuss taking over one of the front facing blocks designated for office and residential accommodation. However, even if the developer were interested in this it would require fundamentally redesigning the whole scheme and taking it back through consultation and the full planning process. This would take up to 2 years and the outcome would be highly uncertain. Furthermore, it would require funding the cost of the land acquisition, increasing the capital gap.

- **17 – 21 Piccadilly (Reynard's Garage):** Surplus to council requirements and to be sold for development. That development will be considered alongside the proposals for Castle Piccadilly. Some of those proposals include the use of 17-21 Piccadilly as an important component of that wider development. If progressed this would exclude use of this site for leisure purposes. The timescale for consideration and development of the Piccadilly area is dependent upon a lengthy planning and consultation process. The site in council ownership is narrow and would not, on its own, be big enough to accommodate the brief. Adjacent land not in the council's ownership would have to be acquired in the future to support such a development. However, the irregularity of shape and complexity of the project would no doubt add to the costs of the development.
- **St George's Fields:** Currently in use as a car park and regularly subjected to flooding. The Environment Agency would inevitably oppose such a development on this site. Whilst a planning permission may nonetheless be achievable the cost of building on this site would be prohibitive. It is estimated that the total cost of constructing a building capable of withstanding the flooding experienced on the site would be around 50% more than on a normal site. Re-provision of car parking as part of the development would be particularly challenging because of the water levels and flooding issues. This would give a cost of around £15m.

Development of this site would have an impact upon income streams as the car park currently generates £460k per annum. The exact loss of income from having a pool on this site will depend on the configuration of the site and the number of cars displaced to other council owned car parks.

- **Other car park / sites in council ownership:** Both Marygate and Union Terrace car parks generate approximately £500k per annum and building on them would impact upon car parking policy in York . Alternative provision would be required as part of the development. Practically this could be achievable, particularly on the Union Terrace site. The Marygate site would be more challenging because of access, particularly vehicular for users and deliveries and because of its proximity to the river and flooding.

Longer term development sites:

64. The above analysis demonstrates that there are no city centre sites where a pool could be progressed in the short term, and certainly not ahead of the timeframe within which the University intend to develop their pool. However, it does point to the potential to consider development sites as they come forward over the longer term. An example would be the York Central and York North-West sites. We know that we will have to reprovide the York RI facilities that are strategically important to the city so it would make every sense to reprovide them along with a pool/leisure facility possibly as part of some other community facilities, but perhaps more as a direct benefit to potential businesses relocating. The council could look for businesses and employers to sign up from the outset in order to support a commercial business model similar to that provided by the Civil Service Sports Association.
65. If members wish to pursue a longer-term development of this nature they need to make a firm policy decision now so that:
 - further work can be done to identify potential sites
 - the desire for a pool can be reflected in future planning documents, both site development briefs and the Local Development Framework
 - development partners can be sought
 - development gain can be channelled specifically for this use

Financing - Capital

66. Saunder's have estimated that a community pool would require £9m - £10m and a competition pool would cost around £2m more. All of the options above except a) show a capital shortfall. What other sources of funding could there be?
 - a) The Capital Programme: The capital programme has been set for 2007/08 to 2010/11. Based on the estimated capital receipts there is a small £0.7m surplus, but this is assuming that £13m of high value, high risk capital receipts are achieved. The programme is reviewed annually as part of the budget process, but the majority of schemes requiring capital receipts funding do so as match funding to secure external capital funding.
 - b) Capital disposals: There is a limited number of sites available for sale. Most sales are as part of a rationalisation of existing facilities with the receipt often required to contribute to the capital cost of improved asset provision.
 - c) External Funding: There is no longer a sports lottery fund and it is unlikely that there will be any new capital grants available for a pool.
 - d) Private Sector Finance: There may be potential for PFI funding in the future although there is no certainty that credits will become available. Private

sector partnership may be a possibility to develop a fully commercial proposal. This is not likely to be suitable for a competition standard pool, however.

- e) Development Gain: Opportunities may exist as part of major developments within York, most notably York North West and Castle Piccadilly.
- f) Partnership: To approach another major organisation or institution in York willing to contribute to such a development (though discussions to date have shown no indication of capital being available).
- g) Create the revenue stream necessary to support the required level of borrowing for a major development. Typically this would require a revenue stream of approximately 9% of the capital build, or £90k per £1m. For example, replacement of Yearsley with a facility capable of generating income through fitness provision sufficient to break even would generate borrowing potential of £2m. Provide sector partners are available to manage schemes that exploit such prudential borrowing potential. To fund the £10m pool costed above would require a revenue stream of around £900k p.a. This equates to around a 2% increase on Council Tax.

Financing - Revenue

67. The previous strategy also recognised the importance of creating arrangements that are financially sustainable. It provided for:
- York High Pool – aims for no subsidy requirement
 - University partnership – aims for no subsidy requirement
 - Yearsley – ongoing annual subsidy requirement of approximately £180k
- (It is worth remembering that the Barbican complex previously cost around £650k to run plus TLM's operating loss).
68. Since the Council's revenue budget will come under increasing pressure over the forthcoming financial years it will be important that this financial performance is improved upon. It will be important to avoid incurring additional cost such as the loss of revenue income from building a pool on existing car park sites of up to £500k per annum and looking at ways to reduce the ongoing revenue subsidy at Yearsley Pool.

Conclusion

69. The analysis points to the need for a facilities strategy that can:
- Deliver the vision for swimming set out in paragraph 9 above
 - Provide effectively for all the city's needs in a coherent way avoiding head on competition that could leave both the Council and the University with pools that are not financially viable
 - Be deliverable within the capital resources currently available to the Council
 - Maximise the potential of partnership working in order to achieve best value for money for Council Tax payers
 - Aim to reduce the current revenue subsidy requirement

- Recognise that further development of the strategy may be required beyond 2012 to address the additional demand that will arise from increased population
70. It is clear that:
- We have the opportunity and the resources to deliver the above through the partnership with the University of York together with the schemes at Yearsley and York High
 - There is currently no city centre site available capable of siting a swimming pool as an alternative to going ahead with the University and certainly not in a timescale ahead of that in which the University intend to progress their pool
 - Furthermore, the Council does not have the capital to build its own city centre pool. To borrow the additional capital would cost up to £900k p.a.
 - Plus, significant running costs would need to be funded
 - The best potential to deliver a city centre pool lies in developing partnerships that will generate both capital and a customer base from which a feasible business plan can emerge
 - In the meanwhile, to withhold the £2m from the University whilst waiting for a site to become available risks delaying the completion of an important competition facility that will meet the city's current identified need. It would also remove the Council's ability to influence the project
71. The most sensible course of action therefore will be to pursue Option c) now:
- Reconfirming the Council's commitment to the partnership with the University so that a network of excellent swimming pools is put in place by the earliest possible date, i.e. 2011
 - Pursuing options to develop a city centre pool beyond 2012 that:
 - o provides for increased demand anticipated by 2015
 - o is commercially viable and does not require revenue subsidy
 - o draws in capital from development gain and other commercial sources
 - o does not compete with or jeopardise the University of York pool
 - Committing to the requirement for a further pool in planning future development sites
72. Members may wish to consider establishing a cross-party working group in order to provide a sounding board for:
- development of the city centre pool options
 - consideration of longer-term options for the north east of the city (as covered in option d) above
73. A final decision to commit the £2m contribution to the University scheme will be subject to a further report to the Executive in the new year once the University has made a decision about how it will proceed with the scheme. This decision will lead in turn to a project plan for the scheme and timescales in which the facility is to be delivered. It is recommended that the Council's contribution to

the project is made subject to the University adopting a project plan which will deliver the pool by 2011. The Council's contribution would also be subject to satisfactory arrangements being set out regarding location of and public access to the pool.

Implications

Finance

74. The Council's approved capital programme reflects the following financial framework:

Funding	£,000s
Barbican site receipt	6,385
Legal Fees	12
Kent Street site receipt *	1,000
Auditorium receipt	765
Barbican claims provision	148
less Leisure section 106 contribution	-170
Prudential borrowing	1,424
Total available funding	9,564
Budget Breakdown	£,000s
Pre-2006/7 spend including customer relocation	249
Oaklands Pool	5,424
Third Pool Contribution	2,000
Yearsley Pool	880
Procurement costs	297
Contribution to replacement community facilities in the area around the Barbican	200
Contingency	514
Total	9,564

* dependent on the sale of Kent Street Coach Park which is subject to planning approval

75. The £297k Procurement costs budget has £240k left unallocated. None has yet been allocated to the York High scheme and members are now asked to allocate the £240k to this scheme.
76. The contingency was previously being held against the risk of having to cover the demolition cost of Edmund Wilson pool. However, further investigation by the Corporate Landlord has established that it will be possible to dispose of the site and that an alternative building of similar scale would in principle be

acceptable in planning terms. It has also been established that there is commercial interest in the site. Under the circumstances therefore it is reasonable to proceed on the basis that the sale of that site will fund the demolition of Edmund Wilson Pool.

77. Members are asked to approve the use of the contingency on the York High Pool and Yearsley Pool projects.
78. With regard to prudential borrowing, members have already agreed to borrow £1.424m over 17 years to fund the overall project at a cost of £121k per annum. This will be funded by the £130k annual savings to be generated by the improved business plan. The equipment proposed can be expected to generate additional savings. However, it is too early to be able to produce a reliable calculation of these savings at this stage. It is therefore proposed to keep to the current projection of £130k per annum savings which, if fully utilised, would fund a further £105k of borrowing.
79. The table below summarises the proposed changes to the capital programme as set out above.

Available Resources	Reference	£,000s
Contingency	Para 74-5	514
Unspent Procurement Fees	Para 73	240
Additional Prudential Borrowing	Para 76	105
		859
Cost Pressures		
Yearsley Pool	Para 19	200
York High Pool unforeseen costs	Para 22	220
York High Pool external works	Para 24	170
York High Pool environmental works	Para 24	170
		760
Remaining Contingency		99

Other Implications

80. It will also be important to keep under review the means by which facilities are provided. The partnerships with York High School and the University aim to deliver swimming without a requirement for subsidy. It will be important that any additional / replacement provision is delivered through the most effective vehicle. This is likely to be a partnership or commercial arrangements. A review of procurement arrangements in December 2003 showed potential advantages at that time for establishing a leisure trust. Those advantages have now reduced because:
- Most of the potential savings came from 80% mandatory rate relief. The rates bill for the Barbican alone was £355k producing a significant saving. The liability on the remaining facilities, however, is far lower, only £7k p.a. in the case of Yearsley

- There were potential savings from a trust compared to the infrastructure maintained by TLM. Within Learning, Culture and Children's Services on the other hand the management capacity retained to manage the facilities is less than 1 f.t.e. A trust would therefore increase management costs. This would be exacerbated by extra costs that the Council would incur from central overheads that could no longer be recovered from an external organisation. In 2003 this was estimated at £35k p.a.

There may, however, be a case for keeping the position under review and considering the potential benefits of a trust for other reasons, for example to create concerted partnership working around a healthy lifestyles agenda.

81. In the light of the option selected by members the fully developed strategy may have further detailed implications, notably legal, human resources, and / or property related. These will be covered in any future report dealing with more detailed proposals.

Sport and Fitness

82. This paper necessarily concentrates on swimming. Other aspects of sport and leisure facility provision warrant more detailed consideration in their own right and members may wish to return to this in a future paper.
83. Broadly we need to continue looking at the potential of all development sites for delivering the sports facilities the city needs. Where the sites are inappropriate we must continue to get investment to fund facilities off-site. We will continue to work with schools to create facilities that are appropriate for mixed school and community use, use community sports funding as a lever to bring in external funding, and to influence design and operation of facilities to best meet the needs of the local community. There is an ongoing need to improve city centre sports facilities and to secure what we have already. For example, the future of the York RI facilities at Queen St is in doubt because of the potential redevelopment of that site and it will be important to reprovide these on a comparable scale.

Consultation

84. Three major consultation exercises have been undertaken since 2000 on the swimming strategy. The results of these exercises has been reflected in the analysis above.

Corporate Priorities

85. This issue contributes to a number of corporate objectives including:
- Work with others to improve the health, well-being and independence of York residents
 - Work with others to develop opportunities for residents and visitors to experience York as a vibrant and eventful city.

Risk Management

86. Key issues around risk highlighted in the body of the report above are:
- The need to create arrangements that can be delivered within the capital available recognising that £1m of the capital to be raised from the Kent Street site is still subject to a planning approval
 - The need to create financially sustainable arrangements in revenue terms which reduce the on-going cost to the Council tax payer

Recommendations

87. Members are recommended to:
- i) agree option c) *Reconfirm the Council's commitment to the partnership with the University and also plan for an additional city centre pool to meet further identified needs*, subject to detailed agreement on the terms of the Council's contribution and in particular:
 - o the University adopting a project plan which will deliver the pool by 2011
 - o satisfactory arrangements being set out regarding location of and public access to the pool
 - ii) agree to revise the respective schemes within the capital programme to take account of:
 - o allocating the pools programme contingency budget as set out in paragraph 75
 - o the additional prudential borrowing set out in paragraph 76
 - o allocating the overall procurement budget as set out in paragraph 73

Reason: So that a clear and agreed strategy can be taken forward with immediate progress to create excellent swimming facilities in York and options developed for a central location for a further pool.

Annexes

- A. Non-Council pools in the city
- B. Statement of Intent between the Council and the University of York
- C. Cost / deliverability comparison of the options
- D. Swimming and fitness pricing information
- E. York High Pool capital scheme option details
- F. University development Section 106 agreement (cover page and page relevant to sports facilities)

Contact Details

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Report Approved ✓ **Date** 11.10.07

Charlie Croft
Assistant Director (Lifelong Learning and Culture)

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Corporate Finance Manager

Richard Hartle
LCCS Finance Manager

Wards Affected:

All ✓

For further information please contact the author of the report

Background Papers:

Leisure Facilities Strategy: Report to the Executive, 7 February, 2006

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					ANNEX A
Name	Management	Community Access	Pool Length	Pool Width	Status in analysis model
New Earswick Swimming Pool	Charitable Site	Club Use	20	10	Included for club bookings
Archbishop Holgate's School	School Site	Club Use	25	13	Included for club bookings
Bootham School	School Site	Private	23	8	excluded from analysis
Edmund Wilson Pool	Public	Public	25	12	Included in supply analysis
Kilma Hotel	Private	Private	10	5	excluded from analysis
Knavesmire Manor Hotel	Private	Private	15	7	excluded from analysis
Marriott Health Club	Private	Private	13	6	excluded from analysis
Middlethorpe Hall Hotel and Spa	Private	Private	12	6	excluded from analysis
Mount School Sports Centre	School Site	Club Use	25	8	Included for club bookings
Next Generation Health Club	Private	Private	25	10	excluded from analysis
St Peter's School	School Site	Club Use	23	9	Included for club bookings
Water World and Huntingdon Stadium	Public ownership, private operator	Public	18	8	Included in supply analysis
Yearsley Swimming Pool	Public	Public	46	16	Included in supply analysis
The Royal York Hotel	Private	Private	13	5	excluded from analysis
Banatynes Fitness	Private	Private	20	10	excluded from analysis
Robert Wilkinson Primary school	School site	Private	15	5	Included for club bookings
Novotel	Private	Private	15	5	excluded from analysis

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University of York and City of York Council

Statement of intent with regard to the development of a swimming pool and fitness facilities

1. Both signatories to this document wish to expand the range of sports provision availability in York. The University does not currently have a swimming pool and needs to expand its fitness provision. The City has ambitious plans for swimming provision within the city and a new pool on the eastern side will ensure that the already announced provision on the western side is complemented.
2. The University of York and the City of York Council agree to work in partnership to bring forward plans for the development and implementation of a swimming pool and fitness complex.
3. A Steering Group will be established, encompassing a range of interest groups, to take this project forward, including consideration of the capital cost and revenue, the management and access arrangements, the funding contributions and responsibilities and the likely timescale.
4. A number of key principles will guide this development:
 - The facilities will be open to all, and community access will be encouraged
 - The provision should be of competition standard
 - The facilities should be environmentally, socially and economically sustainable
 - Responsibility for the funding of the project will be a joint responsibility
5. Dependent on the outcome of the public inquiry into University expansion onto the Heslington East site, the preferred location for the facilities is Heslington East. In this event, the development will be in accordance with the planning conditions imposed by the Secretary of State.

Note: This Statement of Intent has been signed by both parties

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Leisure Facilities Strategy: Comparison of Options

	Option a)	Option b)	Option c)	Options d)
Summary of Option	Reconfirm the Council's commitment to the partnership with the University to deliver 8 – 12, 25m lanes in a competition standard pool	Withdraw from the partnership with the University and build a new Council pool instead: i) A 25m competition pool ii) A 6 lane community pool	Reconfirm the Council's commitment to the partnership with the University and plan for an additional pool to meet further identified needs	Reconfirm the Council's commitment to the partnership with the University whilst also planning for the long-term replacement of Yearsley Pool
What it delivers	Likely to supply all of the city's current unmet demand but leaves a shortfall in supply of 4 x 25m lanes in 5 years time	i) Would create over-supply of competing facilities ii) Likely to supply all of the city's unmet demand for the foreseeable future	Likely to supply all of the city's unmet demand for the foreseeable future	Unlikely to be able to supply all of the city's current unmet demand
Further Capital Cost *	£2m	i) £10m ii) £6m - £10m plus any land acquisition costs	£2m plus potential future contribution to private sector led scheme – to be further investigated	£2m plus further £6m to £10m
Capital Shortfall *	Nil	£4m - £8m plus cost of land	to be further investigated	£6m - £10m

	Option a)	Option b)	Option c)	Options d)
Additional Revenue Cost ^Ψ	Nil – the business case is planned to breakeven	i) Approx £100k - £200k ii) Approx £100k - £200k plus loss of income from any land used e.g. a current car park up to a maximum of £500k p.a.	Nil - The business case aim for a break even position.	Potential saving compared to current cost of Yearsley but depending on location and nature of fitness provision
Deliverability	First quarter 2011 – Potential date for completion of University Pool	Uncertain	First phase as Option a) then 2012 – 2015 for full implementation	Uncertain
Comments		Revenue projections assume inclusion of fitness provision. Otherwise cost will be increased.		

* i.e. excluding expenditure on Yearsley and York High Pool already agreed. Also excludes £200k proposed for replacement community facilities in the area of the Barbican

* compared to current agreed capital programme

^Ψ compared to existing revenue budgets

Annex D

Fitness / Swimming Pricing

Next Generation	£62 per month
Bannatynes	£55 per month
Courtneys	£39 per month
	£22 per month – swim only
National average	£46 per month
Sportspark in Norwich	£26 per month
Edmund Wilson	£29 per month

Sportspark casual swimming price:

For a Norwich resident £2.40 off-peak
 £3.10 peak
 plus 50p entrance charge to the complex (which can
 be avoided through a £4 per month membership
 scheme)

(Compares to £3.00 in York)

Sportspark Fitness prices:

For a Norwich resident £2.10 off-peak
 £4.50 peak
 plus 50p entrance charge to the complex (which can
 be avoided through the £4 per month membership
 scheme as above)

(Compares to £4.00 at Edmund Wilson)

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Property Services

Carbon Statement

Project Name

York High Pool Draft Carbon Statement

Description of Works

The new pool to be constructed on the York High and Oaklands Sports Centre site will be an extension to the existing Oaklands Sports Centre and will replace the nearby Edmund Wilson Pool. At present finalised design calculations are pending therefore this carbon statement has been formulated to give an indication only of the carbon savings that will be achieved through operation of the new pool.



Floor Area Proposed

1792



Existing Building CO² produced per annum

Heating	319.35	Tonne
Electricity	177.3	Tonne
TOTAL	496.65	Tonne

Post works CO² produced per annum

Heating	0	Tonne
Electricity	117.13	Tonne
TOTAL	117.13	Tonne

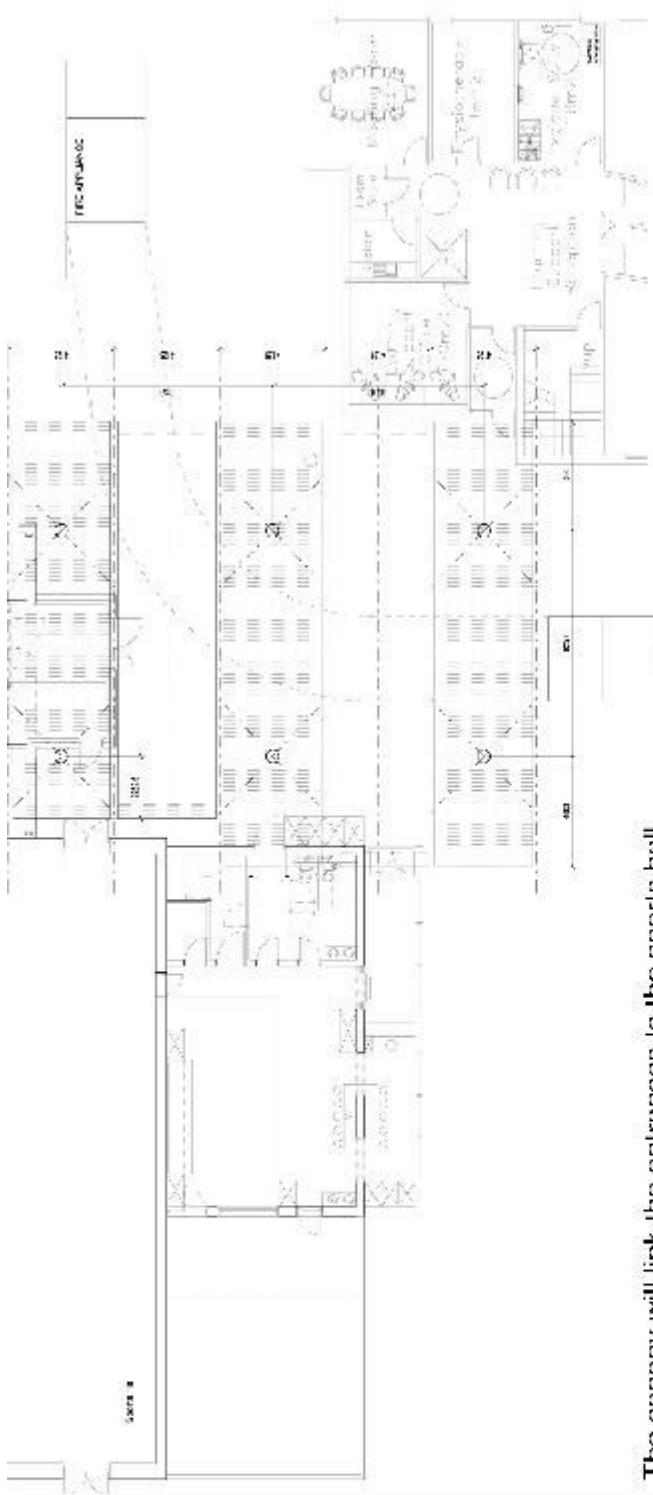
-76.42% Reduction

CO² Savings over the life of the building

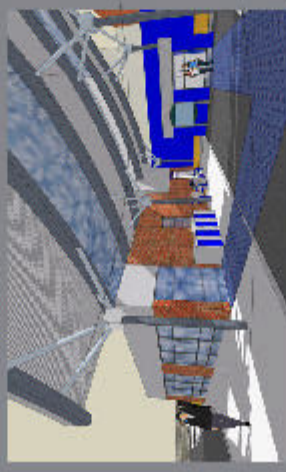
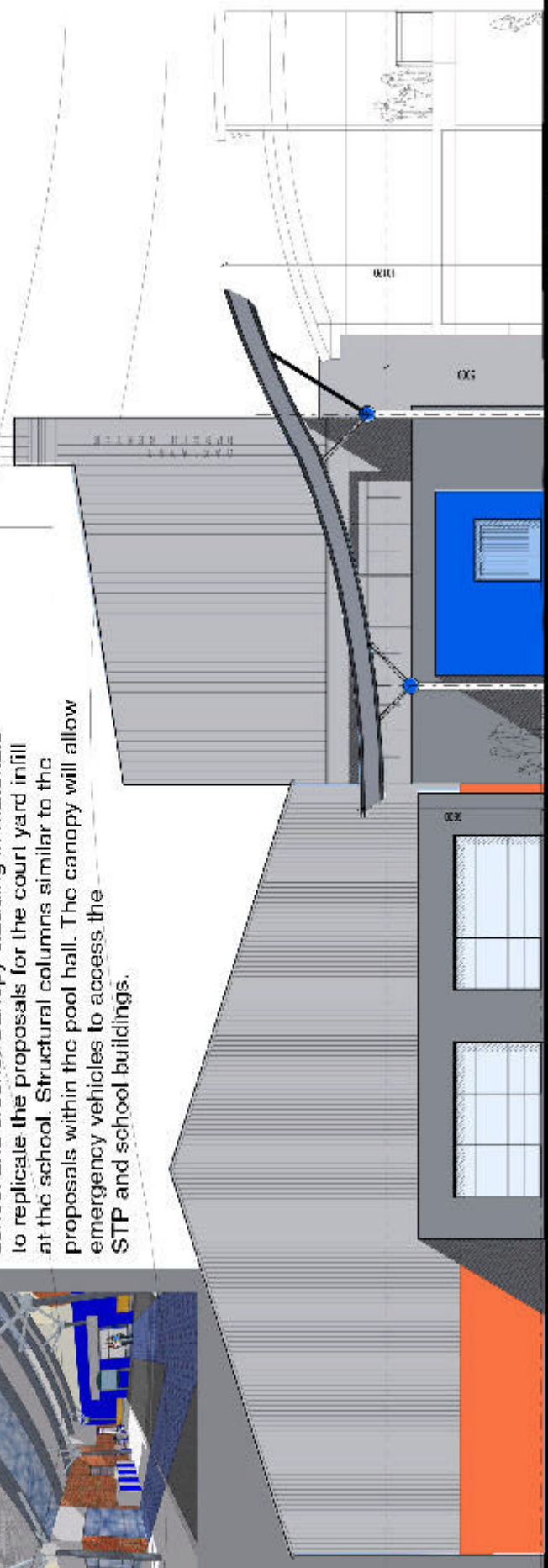
No of years:
25

Heating	7983.75	Tonne
Electricity	1504.25	Tonne
TOTAL	9488	Tonne

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The canopy will link the entrances to the sports hall, school and creche. Canopy cladding in materials to replicate the proposals for the court yard infill at the school. Structural columns similar to the proposals within the pool hall. The canopy will allow emergency vehicles to access the STP and school buildings.



Oakland's Pool
Entrance Elevation and Plan Design



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Dated 30th November 2006

- (1) City of York Council
- (2) Ian Hamish Leslie Melville and Richard Manners Sutton acting as trustees of The Third Earl of Halifax 2004 Discretionary Trust
- (3) William Matthew Wrigley and Richard Manners Sutton acting as trustees of The Halifax 2004 Life Interest Trust
- (4) Landmatch Limited
- (5) The University of York

Agreement

under section 106 of the Town and Country Planning Act 1990 relating to the land south of Field Lane, Heslington, York
(proposed Heslington East Campus)

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We certify that this is a true copy of the original

Eversheds LLP

Dated 30th November 2006

5. **Public Access to external areas**

- 5.1 On completion of the Development the public shall be granted permissive access to the footpaths, cycleways and landscaped areas outside building curtilages within the Site provided that the Landowners or the Developer shall be entitled to exclude from these areas any member of the public who is likely to cause nuisance or annoyance or injury to other members of the public or occupiers of the Development or likely to cause injury or damage to the Development or the Site or any part thereof or any member of the public who is or is likely to be in breach of any byelaw relating to the Site which is now or hereafter comes into force.

6. **Sports Facilities**

- 6.1 In order to secure public access to indoor and outdoor sports facilities to be provided by the Developer on the Site (which sports facilities shall include a competition standard swimming pool (i.e. 8 lane 25 metre pool) and indoor sports hall provision equivalent to 12 badminton courts and 3 tennis courts) the Developer shall, as part of the application for approval of reserved matters for each phase of the Development, prepare and submit to the Council for approval a scheme for the provision of public access to those sports facilities to be provided as part of that phase, such scheme to include a programme of works.
- 6.2 The Developer will implement the approved scheme referred to in paragraph 6.1 above in accordance with the agreed programme of works.
- 6.3 The Developer shall provide and maintain on the land shown edged red and shown edged blue on Plan B outdoor sports facilities in accordance with Sport England standards.

Education Contribution

- 7.1 The Developer shall pay to the Council prior to the first occupation of any Family Unit a sum or sums to be used by the Council for educational purposes, such sum or sums to be calculated separately for primary school and secondary school places in accordance with the following formula:



Executive

23 October 2007

Report of the Director of City Strategy

SUSTAINABLE STREET LIGHTING STRATEGY

Summary

1. The use of street lights and illuminated signs can be of considerable benefit for safety, preventing night time injury accidents, reducing street crime and the fear of crime, promoting sustainable transport such as walking and cycling, and facilitating social inclusion.
2. This proposed Sustainable Street Lighting Strategy has been prepared to ensure that the effects of street lighting are minimised in terms of the use of natural resources for the supply of equipment and services, the use of energy to power the lights and the light pollution produced.
3. The proposed strategy (Annex A) sets out, in a series of policy statements, the way in which the Council will deliver a sustainable street lighting service. An Action Plan is included covering:
 - Procurement of services and energy
 - Asset management
 - Waste management
 - Design and installation of new lighting schemes
 - Consideration and use of new technology
 - Seeking improvement in Supplementary Planning Guidance to incorporate sustainable street lighting where possible
 - Investigating new sources of funding

Background

Sustainability

4. Sustainability has a number of definitions but for the purposes of this strategy it is the ability to provide for the needs of the world's current population without damaging the ability of future generations to provide for themselves. When a process is sustainable, it can be carried out over and over without negative environmental effects or impossibly high costs to anyone involved.

Scope

5. The service covered in this strategy are street lighting, illuminated signs and flood lighting for which the Council has responsibility. It covers:
 - the supply of energy
 - the maintenance of existing assets
 - the design and installation of new assets

Current Stock

6. The Council's street lighting and illuminated sign assets are as follows:
 - 17335 street lights
 - 1856 illuminated signs and bollards
 - 286 other lighting units

Standards

7. There is no statutory duty to provide street lighting but where the Council has provided street lighting there is a duty to maintain it. The majority of traffic signs do, however, require direct illumination in locations where street lighting is present.
8. The standards used are in accordance with general legislation and more specifically street lighting industry standards and codes of practice.

Current Practice

- For approximately three years all new installations of a standard, non-ornate nature, utilize flat glass/full cut off lanterns which are dark skies compliant. The lantern currently being used is the Holophane QSM.
 - The modern lanterns used incorporate full electronic control gear giving maximum energy efficiency and, where possible, white sources of light are used. Again for the last three years, about 600 new or replacement lanterns have been installed each year to gradually improve the stock.
 - Design of street lighting schemes is in accordance with the current BS5489 CEN13201 specifications and incorporates all guidance from the Institution of Lighting Engineers, including those relating to the reduction of light pollution.
 - Schemes are designed to the minimum applicable levels.
 - Column heights are kept to a minimum
9. The current arrangements for reuse and recycling are extensive:
 - Lamps and lanterns are sent to specialist companies to strip out the components (ballasts, capacitors etc), to remove sodium, mercury and PCBs. Quartz glass is recycled, as is steel, copper and aluminium.
 - Concrete columns are crushed and the reinforcing removed allowing all the material to be reused or recycled.
 - Steel columns are fully recycled.

- Old and damaged bollard shells are recycled and we buy recycled bollards when possible.
10. The power, supplied by npower as part of a consortium arrangement through YPO, comes from combined heat and power sources and does not attract the climate change levy as it is regarded as being 'green'. It is, however, not as green as power from true renewable sources, but this source of power is not readily accessible due to limited availability.
 11. Whilst the use of solar power for street lighting is still being developed, so that it meets the necessary standards, its introduction is seen as inevitable within a relatively short time as the technology improves. We are, however, at the stage of being able to install illuminated bollards with LED lights using solar power.

Why the need for a strategy?

Light Pollution

12. Light pollution is defined as the wasted light reflected or shone directly into the night sky from artificial sources resulting in sky glow and a reduction in the ability to view the natural night sky.
13. The increasing awareness of light pollution was highlighted by the campaign for dark skies, initially by the Campaign for the Protection of Rural England. Light pollution is an important issue that needs to be considered in new lighting designs and also in terms of how emerging technology could impact on existing street lighting assets to reduce lighting levels and light pollution.

Energy Use

14. There are increasing opportunities, as technology develops, to take advantage of energy from renewable sources, particularly solar energy. The use of appropriate energy saving technology also needs to be factored into the sustainable street lighting strategy, for example lights can last longer when power is reduced.

New Technology

15. Street lighting has seen considerable advances in technology in recent years to produce better quality light that is more directional and controllable. The technology is now starting to be introduced in such a way that street lights are capable of being controlled remotely and we are probably at the start of a new era for street lighting, for example remote monitoring can detect when a light is about to fail, removing the need for night scouting. This needs to be recognised in the strategy so that there is sufficient flexibility to take advantage of trialling emerging new technology, particularly if grants can be obtained to assist with this, and, of course, to take advantage of proven technology.

Use of natural resources

16. The street lighting service consumes raw materials in the manufacture of equipment, its installation and ongoing maintenance. Whilst this is unavoidable it should be controlled through consideration of whole life costs and through the purchase of recycled products.

Reduction in waste

17. The street lighting service produces waste materials and in accordance with the waste hierarchy these materials should be properly managed to reduce their output, through whole life costing, to reuse materials where possible and to recycle material. Only the absolute minimum quantity of waste should be sent away to authorised disposal sites.

Current trends

Possible Effects of Climate Change

18. Climate change will impact on all the different assets that make up the highway network and this could affect street lighting and illuminated signs through:
 - 1 Increased water damage due to flooding from watercourses or inadequate/blocked drainage systems
 - 2 Accelerated riverbank or drainage ditch erosion alongside carriageways and footways affecting the stability of lighting columns
 - 3 Fast-flowing and intense water run-off (surface and sub-surface effects)
 - 4 Changes in water tables affecting highway foundations and the stability of columns
 - 5 Impact from falling objects due to high winds (trees and high-sided vehicles)
 - 6 Uprooting of road surfaces attached to vegetation which is blown over
 - 7 Damage from drought, causing subsidence, cracking etc affecting column foundations
 - 8 Weather dependant windows for maintenance activities shrinking due to the changes in weather patterns
 - 9 Increased incidence of fires adjacent to the highway

Emerging Technology

19. Emerging technologies are focussing on energy efficiencies and heat dissipation of equipment. There are some advances in remote monitoring and controls, helping to reduce burning hours and allowing the ability to vary lighting levels. Progress has been made in lamp technologies and the Philips Cosmopolis system is seen as a market leader but this remains limited in availability due to it being heavily used on PFI schemes. However, when detailed comparisons are made it actually has a lower efficacy than 'high pressure sodium plus', despite the increased publicity.

20. Regarding the use of monitoring systems, we are already utilising a trial site at the Rawcliffe Bar P&R site, using our private cable network for the transmitting of signals. We are also looking at others elsewhere in the country to compare the main systems on the market. This gives us the advantage of finding the best systems for use within York before contemplating any citywide rollouts.
21. Certain local authorities have taken a lead, for example Milton Keynes and Kirklees but they are happy to share information at forums such as the Yorkshire Lighting Group and the YPO Lighting Group. This Council is an active participant in both forums.
22. As an example of this emerging technology, Milton Keynes has a city wide remote monitoring and switching/dimming regime. It is one of the largest trial sites in the UK, done in partnership with two manufacturers, where street lights are electronically linked to a central computer that records the status and fault information. This removes the need for regular lighting inspections and reduces repair and response times. Also it allows variable light control for different times of the night and helps to increase equipment longevity. This is the same system being promoted by the City of Oslo and currently on trial at the Rawcliffe Bar park and ride site. It cannot however interface with other manufacturer's equipment or systems.
23. Kirklees have recently been given funding for "green" technologies. These vary from mains connected solar lighting through to electronic control and monitoring and this is then coupled with green technology in houses and businesses for a "whole" community approach. Some of the equipment installed cannot be used in conjunction with an adopted public highway as it cannot be guaranteed to stay lit, as battery technology isn't sufficient developed.
24. The possibility of further utilising the Council's WIFI mesh community system, currently being developed for the CCTV system is of interest, to see if this technology could be better utilised than GPRS for switching off or lowering lighting levels. This is in the initial stages of investigation.

Variable Light Control

25. A highway authority has the power, not a duty, under the Highways Act 1980 to provide and maintain road lighting.
26. Recent increases in the cost of energy have caused some local authorities to review their policy on the provision, operation and maintenance of street lighting to try to minimize these increases. The initial view of a number of local authorities is to reduce energy cost by a partial switching off, operating street lighting for shorter periods, or lowering light levels.

Partial Switching Off

27. A small number of councils, notably Essex, have taken the radical step to reduce CO2 emissions and light pollution, and to conserve energy by attempting to change the normal practice of keeping street lighting on all night long. In certain types of locations street lighting is turned off, usually from midnight or 1.00 am until 5.00 am. The use of a specialist type of photo electric cell enables this to happen and this is then reflected in the energy usage.
28. Measures such as this have a number of implications outlined later in the report and should Members be interested in investigating this further then a protocol would need to be developed for identification of sites and consultation on the proposals, in conjunction with the police and Safer York Partnership

The Essex County Council experience

29. The County Council's normal practice has been for streetlights to be kept on throughout the hours of darkness, regardless of where they are located. But in the face of increasing concern about the disadvantages of light pollution and the need to conserve energy, the Council has revised its approach.
30. In July 2006 the Council determined that street lights would be automatically switched off between midnight and 5am (GMT) where it is appropriate to do so.
31. The Council did this as a responsible approach to tackle global environmental issues at a local level. Being a large and diverse county, Essex County Council took the view that it was sensible to work in ways that are flexible enough to recognise that whilst it will clearly be appropriate for all night lighting to remain in certain areas, it is wasteful for this practice to be generally applied across the county.
32. The partial switching off of lights will only be done with full consultation, including the Police, before taking this forward and the council intends to progressively introduce its new policy across Essex.
33. Whilst this action has been criticised by many lighting professionals, as well as the ILE and the UK Lighting board, it does appear, following discussions with the street lighting engineer for Essex County Council, that this criticism was not fully informed.

Lowering the lighting levels of newly installed systems

34. Newly installed lighting systems produce more light in the initial stages of their lives than when they have settled down to their normal light outputs in 2 or 3 years. Lighting designs are based on the light outputs achieved once the levels have settled down to normal tolerances. It would be much better, from an energy saving and light pollution point of view, if the lighting levels of these new systems could be lowered in the first two or three years to 'normal' output

levels but the technology has not been fully available to do this. However things are changing rapidly and the technology is almost ready to be used.

35. This form light reduction will have no noticeable impact in terms of customers expectations of a new lighting system, other than perhaps an acceptance that lighting levels are normal and not too bright.

Lowering the lighting levels of existing systems

36. Following the same sort of reasoning as with switching lights off for certain periods of the night, it is now possible if modern technology is used, to street lighting levels and to therefore reduce energy and light pollution. As with switching off this needs to be used with care and if pursued a protocol for any introduction would need to be approved by Members.

Benefits and drawbacks of partial switching off lights and lowering lighting levels of existing systems

37. The obvious benefit is a saving in the use of energy, but when looked at in wider terms the benefits are:
- Reduced energy means reduced costs
 - Reductions in the Council's carbon emissions and therefore its carbon footprint
 - Reduced light emissions
 - Demonstration of social and civic responsibility in response to global issues such as climate change
 - Demonstration of environmental awareness
38. The drawbacks to switching off or dimming lights are essentially the loss of having a normal lighting system in place and the loss of the benefits it provides, as set out in the next section.

Benefits of retaining existing systems

39. Modern street lighting provides many community benefits by
- Preventing night time personal injury accidents
 - Reducing street crime – the use of CCTV systems, for example is only feasible at night by the provision and maintenance of modern street lighting
 - Reducing the fear of crime
 - Promoting sustainable transport, including walking and cycling
 - Facilitating social inclusion by providing the freedom to walk along and use our streets after dark
 - Promoting economic development by supporting 24 hour leisure economy and distribution
 - Facilitate lifelong learning by providing after dark access to educational facilities
 - Assisting with emergency services to identify locations and carry out their duties.

40. Unless provided by separate order, restricted roads and their associated 30mph speed limits are established by the presence of a 'system of lighting furnished by lamps placed not more than 200 yards apart'. It may well be that the presence of lights, even though they are not switched on as fully, or lit to the same level as would normally be the case at night, is sufficient to continue to make the speed limit legal, but further advice on this would be sought as required.

Alternatives to partial switching off and lowering lighting levels of existing systems

41. As an alternative to partial switching lights off or lowering lighting levels, there are other ways to keep street lighting lit whilst helping to reduce costs. These alternatives will also help to reduce the impact of street lighting on the environment by reducing the discharge of greenhouse gasses and reducing the effects of light pollution. Many of the proposals, listed below, can be incorporated into existing street lighting in an invest to save approach, whereas others can only sensibly be installed into new or replacement street lighting.
- Re-adjustment of the lighting levels at which photo-cells switch street lighting – *suitable for high pressure sodium lamps on modern control gear*
 - Selective reductions in residential lighting – *in rural or purely residential locations, with low crime, it may be possible to consider switching off, or preferably, dimming street lighting during the after midnight hours.*
 - Reduced traffic route lighting – *many traffic routes have peak flows for relatively short periods and low level at night. The use of electronic dimming technology could lead to energy reductions.*
 - Design to the lowest feasible lighting classification – *giving careful consideration to type, use and location of the road (already in place but procedures need to be more robust).*
 - Adoption of 'white light' sources – *particularly in residential locations, resulting in lower energy consumption and better visual ambience (already in place).*
 - Conversion of older lighting equipment – *modern road lanterns, with improved lamps, reflectors and electronic control gear, offer much greater energy efficiency (already being done where possible).*
 - Photo-cell control of illuminated traffic signs and bollards – *signs and bollards of often lit 24 hours per day. The introduction of small, electronic photo-cells could provide a simple, economic means of ensuring these units are only switched on when required after dark. The use of high reflective signs should be considered as an alternative to illuminated signs where legally permitted (already in place where possible).*

- Reactive lighting, reacting to movement and going from dim to full brightness. Whilst this is something that will continue to be kept under review, particularly for footway lighting, its implementation would result in fluctuating light levels which can cause problems and nuisance.
42. The above measures may only result in energy cost savings by moving onto a different type of tariff to that currently used i.e. half hourly rates. However, altering the consumption energy pattern may result in the energy suppliers adjusting their unit costs to reflect this different pattern of use.

Key issues within York

43. There are opportunities each year, mainly as part of the highway improvement and highway safety programme, to introduce new street lighting schemes. It is important that the design of these schemes complies with the relevant design standards but not in a slavish way that is out of step with the surroundings, the wishes of the community and the desire to be sustainable. The strategy is a way of making sure that these issues are properly considered and that street lighting scheme designs are challenged to ensure that they meet the aims and objectives of the strategy.
44. Due to recent advances in street lighting technology, this is also an appropriate time to consider the direction in which the Council should proceed as it is highly likely that as this technology develops, prices will gradually become more affordable, whilst at the same time, environmental factors become even more important.
45. As part of the Action Plan, contained in Annex A, a number of street lighting trials are proposed, covered in more detail in Policy SSL4: Energy use will be kept to a minimum. These trials are relatively inexpensive and the aim is to obtain a better understanding of customer opinion to different lighting levels, allowing energy consumption to be considered in a more informed manner.

Options

46. Members have the option to approve, amend or reject the strategy in its present form. Putting forward some form of alternative strategy has not been pursued as a radically different alternative is not available.
47. The strategy proposed does not attempt to prescribe detailed specifications, it is pitched at a level to allow a flexible approach that is capable of natural change and development as new technology and circumstances develop. The strategy requires regular reports to be provided to Members and as part of this reporting procedure, Members will be updated on progress with the Action Plan.

Consultation

48. This report has not been used for consultation purposes. It is, however, based on information obtained from a number of professional bodies, other local authorities and a cross section of officers within the Council.

Corporate Priorities

49. Maintenance of the street lighting, illuminated signs and flood lighting has a direct impact on several of the Council's corporate aims and priorities:

Corporate Aim 1: (Environment)

Take pride in the City by improving quality and sustainability, creating a clean and safe environment.

Specific priorities:

- 1.1 Increase resident satisfaction and pride with their local neighbourhoods.
- 1.2 Protect and enhance the built and green environment that makes York unique.
- 1.3 Make getting around York easier, more reliable and less damaging to the environment.

Corporate Aim 3: (Economy)

Strengthen and diversify York's economy and improve employment opportunities for residents.

Not directly relevant to any of the specific priorities, but good quality highway infrastructure is vital to the local economy.

Corporate Aim 4: (Safer City)

Create a safe City through transparent partnership working with other agencies and the local community.

Specific priority:

- 4.7 Make York's roads safer for all types of user.

Corporate Aim 8: (Corporate Health)

Transform City of York Council into an excellent customer-focused "can do" authority.

Specific priority:

- 8.9 Manage the Council's property, IT and other assets on behalf of York residents.

Implications

Human Resources

50. There are no Human Resources implications in this report.

Equalities

51. There are no equality implications in this report.

Legal

52. The Council, as highway authority, has the power, not a duty, under the Highways Act 1980 to provide road lighting but it has a duty to maintain the lighting for which it responsible. The Council also has a statutory duty to carry out highway maintenance under the same Act.

Crime and Disorder

53. There are no crime and disorder implications in this report and the street lighting service aims to have a positive effect on crime. However, should Members at some point wish to pursue the partial switching off or dimming of existing lighting systems then the potential effect of this on crime and disorder issues would need to be considered at that time.

Information Technology

54. There are no information technology implications in this report.

Property

55. There are property implications in this report but, as with crime and disorder, this would need to be reassessed should partial switching off or dimming be considered at some point.

Other

56. There are no other implications in this report.

Financial Implications

57. There only financial implications arising from this report relate to the proposals to introduce a number of trails. The estimated cost, to include transferring lighting levels back to those previously existing prior to the trail, is £11,500. This cost will be found from within existing budgets. Any permanent introduction of new technology will have a financial impact but this will be assessed in whole life terms and will be subject to approval by Members as part of a detailed report. An indication of the current costs associated with switching off lights and lowering lighting levels is outlined below.

Current costs associated with switching off lights and lowering lighting levels

58. To provide reduced energy costs, by switching lights off (having them lit for shorter periods) or by variation of lighting levels, extra equipment would be needed.
59. Large scale supply of new equipment is best introduced as part of new schemes, the larger the better, such as PFI.
60. At present this extra equipment requirement, and typical costs, is as follows:
 - The cost of the Node for the Lantern is around £150.00 – (the Node controls the light and 'talks' to the central controller)
 - The cost of the central controller (one for around every 250 lights at present, although development is in place to increase this number) is £400.00.
 - The cost of the software and management is over £10,000 per annum
61. As mentioned earlier, possible alternative solutions, such as the extended use of the developing WIFI network, will also be considered.
62. The costs are expected to reduce as the technology becomes more accepted. However, based on these costs, it would be extremely expensive to carry out anything approaching a citywide roll out although a phased approach may be possible. If proposals could be examined properly in whole life terms, taking into account environmental and social factors as well as costs, then the savings in energy and night scouting may not, at present, outweigh the capital costs. There is, however, no recognized evaluation technique currently available to allow this complex assessment to be made.
63. The electricity companies seem to be unwilling to allow remote monitoring systems to be used as an alternative for metering as they do not have full control over them, however, in some locations they have been forced to accept this situation by OFGEM.
64. If complete wholesale shutdown of lighting systems for periods of the night is considered, the reduction in energy usage will result in previous price agreements being re-negotiated. Whether this would result in a rise in the units costs due to the lower use remains to be seen.
65. At the present time, until this emerging technology is more developed, the approach being taken by this Council is to replace lanterns with units having full electronic control gear, offering lower wattage and less power consumption. This has been reflected in the street lighting inventory and is providing the best deal we can obtain on energy supply.

Risk Management

66. In compliance with the Council's risk management strategy, the main risks that have been identified in this report are:

- Strategic Risks, arising from judgements in relation to medium term goals for the service
- Physical Risks, arising from potential underinvestment in assets
- Financial Risks, from pressures on budgets
- People Risks, affecting staff if budgets decline

67. Measured in terms of impact and likelihood the risk score for all of the above has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.

Recommendation

68. The Executive is recommended to approve the sustainable street lighting strategy in Annex A.

Reason: To demonstrate the strategic importance of the service and to enable it to develop and improve within set parameters to deliver the most sustainable outcome.

Contact Details

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Report Approved **Date**

Chief Officer : Bill Woolley
Director of City Strategy

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Annexes

- Annex A – Sustainable Street Lighting Strategy
- Annex B – Street Lighting and Illuminated Signs – Specification and Notes for Guidance to Consultants, Developers and Contractors

SUSTAINABLE STREET LIGHTING STRATEGY

FOREWORD

1. It is the intension of this strategy to promote the benefits that sustainable street lighting brings. The strategy can play a major part in many of the other strategies documented in LTP2, such as accessibility, walking, cycling, the use of buses and road safety.

POLICY CONTEXT

2. The strategy has been developed within the National and LTP policy environment and aims to be consistent with the wider policy framework.
3. The strategy is also aligned to the approved recommendations of the Sustainable Street Lighting Scrutiny Sub-Committee, dated November 2006 and the approved motion to full Council in November 2004, requesting the Executive to consider and report on the options for reducing the amount of light pollution generated in the City.
4. The policy standards used are line with the following legislation, the more specific street lighting industry standards and codes of practice:
 - Highways Act 1980
 - Local Authorities (Goods and Services) Act 1970
 - The Local Government (Contracts) Act 1997
 - The Management of Health and Safety at Work Regulations 1982
 - Electricity at Work Regulations 1989
 - Traffic Signs Regulations and General Directions 2002
 - Disabled Persons Act 1981
 - Road Hump Regulations 1990
 - New Roads and Street Works Act 1991
 - BS 7671: Regulations for Electrical Installations 1992
 - BS 5489: CEN13201 2003
 - BS EN 60529: Specification for Clarification of Degrees of Protection provided by Enclosures
 - BS EN 605589-2-3: 1994 Luminaires for Road and Street Lighting
 - BS 5649: Lighting Columns
 - BS EN 40: Lighting Columns 1992
 - Department of Environment Transport and Regions Departmental Standard BD26-94 – Design of Lighting Columns
 - Well-lit Highways, 'Code of Practice for Highway Lighting Management'

AIMS AND OBJECTIVES

Vision

5. In short, this can be summarised as York as a sustainable community, flourishing within economic, social and environmental limits.
6. This strategy can contribute to the Local Strategic Partnership, Without Walls, vision of a York community:
 - With a thriving, vibrant community where people want to live and work and where businesses are able to develop and grow;
 - Where traffic will be less congested and there will be cleaner air;
 - That can function with a reduced reliance on non-renewable resources;
 - Where everyone can access services and enjoy a better quality of life, without dependence on the availability of a car; and
 - With communities with no casualties and where people feel safe and secure

Aims

7. The overall aim is to strive to work within the environmental limits of one planet by putting sustainability, and a reduction in its impact on climate change, at the heart of everything.
8. Specifically, the street lighting service meets the corporate aims of 'Take Pride in the City by improving quality and sustainability, creating a clean and safe environment'. It also supports the priority to 'Increase the use of public and other environmental modes of transport' by providing a safe environment for all users of the highway.
9. Adopting the 'Well-maintained Highways' code of practice approach to sustainability, serviceability and safety, the broad aims of the sustainable street lighting strategy are set out in the table below:

Sustainability Aims	Contribution through Serviceability	Contribution through Safety
Energy source – aim for true renewable energy	Based on equipment design and specification	Increased safety with solar power
Energy usage should be kept to a minimum	Aim for lowest overall consumption through equipment design and specification	Increase safety through high quality equipment specification and installation
The use of natural resources for	Adopt a whole life cost approach whenever	Aim to protect the environment though high

equipment should be kept to a minimum	possible, taking into account 'end of life' issues	levels of reduction in waste, reuse and recycling
Light pollution should be fully considered and kept to the minimum possible	New scheme designs to properly consider the issues. Appropriate use of emerging technology.	Any reductions in lighting levels should not impact adversely on crime statistics and accident statistics
Efficient and effective maintenance	Appropriate use of existing and emerging technology to increase life expectancy and reduce maintenance costs, using equipment that is appropriate to its surroundings	Ease of access to maintain the assets safely
Appropriate criteria for design and installation of new schemes and assets	Appropriate use of design criteria and emerging technology	Increase safety through high quality equipment specification and installation

Objectives

10. Appropriate street lighting can contribute to our global responsibilities for climate protection through the following sustainability objectives:

Social

- 1 Preserve and enhance York's urban and rural landscapes and public open spaces
- 2 Improve the health and well being of the York population
- 3 Improve safety and security for people and property
- 4 Increase accessibility to public recreational areas and leisure facilities for all
- 5 Reduce the need to travel by car
- 6 Provide good access to encourage use of public transport, walking and cycling
- 7 Provide a transport network that integrates all modes for effective none car based movements

Economic

- 1 The procurement ensures that local needs are met locally as much as possible
- 2 Minimising cost by taking a whole life cost approach

Environmental

- 1 Preserve and enhance the cultural heritage of York and the quality of its built environment
- 2 Conserve and enhance a bio-diverse, attractive and accessible natural environment
- 3 Minimise greenhouse gas emissions and develop a managed response to the effects of climate change
- 4 Ensure the prudent and efficient use of energy, water and other natural resources

- 5 Reduce pollution and waste generation and increase levels of reuse and recycling

POLICY FRAMEWORK

11. The following policy framework is proposed as an appropriate basis for achieving the aims and objectives associated with sustainable street lighting (SSL). These policies have been designed to make better use of energy, materials and equipment through improvements in the designs of schemes and through the appropriate use of new technology.
12. The policy framework forms the linkage between the strategic objectives of the authority at the highest level and the material, practices and processes used in an ongoing way.

Policy SSL1: Provision of the street lighting service through the procurement of a term maintenance contract, or other procurement as approved by the Council

13. The current street lighting term maintenance contract extends to April 2010 with opportunities to extend this. The end date will, to a large extent be determined by the procurement strategy adopted by Members for a range of highway maintenance services. This will be influenced by the outcome of the highway maintenance PFI Expression of Interest. If the PFI does not proceed then a strategy report on procurement options will be brought to Members during 2008.

Policy SSL2: As much energy as possible will be obtained from renewable 'green' sources

14. The current energy contract supplies green energy from combined heat and power sources and runs to October 2008. The Council has obtained a much better arrangement for the supply of energy by joining with other local authorities in the YPO and this arrangement will be pursued in 2008 to seek favourable rates in the future for energy from combined heat and power sources as well as truly renewable green sources. The latter is often in greater demand than can be supplied and is therefore subject to availability. The aim, however, in line with the Sustainable Street Lighting Scrutiny Sub-Committee recommendation will be to include within any supply contract upwards of 20% renewable sourcing to be increased to a target of 100%.
15. The procurement of energy for street lighting purposes will be linked to similar bulk energy procurements across the Council.
16. Carbon dioxide emissions from energy use in street lighting will be reported annually under the environmental management system. Greater use of green energy and less use of energy, through measures

such as varying lighting levels or having lights lit for shorter periods, will assist in reducing these emissions.

17. Improvements in technology are considered in SSL7; these advances are improving photovoltaic systems as well as the opportunities to introduce the option to vary street lighting levels or to turn them off at certain times.

Policy SSL3: Switching to a metered electricity supply

18. The current unmetered supply of electricity will not properly recognise reductions in energy consumption as a result of improvement in equipment technology and a critical action for the Council will be to review the use of the unmetered supply and in due course, subject to the benefits and drawbacks of this being fully understood and decide on a possible move onto a different tariff.
19. Only by committing to the goal of switching to a metered supply will the Council be able to quantify energy use and CO2 emissions, and to ensure that it is billed for what is used. It is not possible to run a system based on 'whole-life' costing without being able to accurately quantify both use and cost. EU legislation should ensure that the power companies are obliged to assist customers in this regard and OFGEM is already forcing electricity companies to comply on this issue.
20. Remote monitoring and control systems have the capability to enable the electricity used to be accurately determined. This type of system, whilst very sophisticated, is also very expensive at present and not economic.
21. Pseudo monitoring systems are available based on electrical pulses to measure energy used, but they are not reliable or cost effective. At present there is no system currently approved under BSCP520 (Unmetered Supply Arrangements).
22. In theory each light could have its own meter, but fitting 17,500 meters in this authority alone, is a daunting prospect and not one that the energy distributors and suppliers are willing to consider, due to the costs and the levels of administration. Each meter would have a unique number and would generate a separate bill.

The likely costs to the Council per meter would be:

- up to £150 for works done by the supplier for meter installation
- £40 for connections into the meter
- typically £30 per year per bill for bill administration (including reading meters) charged by the supplier
- CYC costs in administering and paying 17500 bills each year

The costs in providing individual meters to street lights is more than moving to remote monitoring.

23. The way forward appears to rest with OFGEM. It has formed a group that is attempting to create an agreed system that enables remote monitoring to be used as a virtual meter. This approach is supported by the EU in their approach to intelligent lighting systems.
24. Members may wish to support the view that the Council is committed to switching to a metered supply once the OFGEM working group has created an agreed system and once the system is affordable in whole life terms.

Policy SSL4: Energy use will be kept to a minimum

25. The ongoing maintenance of the recently completed up-to-date inventory of all items of illuminated street furniture will enable accurate assessment of the electrical energy consumed.
26. Through implementation and management of the maintenance regime the asset can be maintained to the highest possible standard, allowing minimum use of energy. This process ensures that the most appropriate luminaires and lamps and ballasts are used in line with power factor requirements.
27. Arrangements will be made, where possible, for architectural and flood lighting to be switched off at midnight

Lighting Levels

28. Ideally, lighting levels need to be capable of being adjusted to suit the environment, whilst also complying with the minimum standards. There are areas in the city that will always require a high standard of lighting and the use of some form of an adaptive lighting system could vary lighting levels, including an increase above the normal minimum acceptable levels, as and when required. The technology that can provide the greatest level of sophistication is remote monitoring and control. It is capable of being remotely adapted and changed, perhaps linked to CCTV operations, where it can brighten up parts of the city at certain times, or to be lowered in snow conditions when there is far more reflected light.
29. At a lower level of sophistication it is possible to introduce more advanced photo-electric cells, for example, in certain city centre locations to raise lighting levels above normal to discourage anti-social behaviour at night. The lighting levels can then return to normal at a preset time. This technology is, however, based on preset switching times and preset light intensities and the change from one level of intensity to another takes about 5 minutes to take effect.

30. The costs of a wide scale remote monitoring and control system are high. For a city wide coverage the cost would be in the region of £2.5million based on current costs. This is expected to reduce, as the technology becomes more common place. The greatest opportunity for the Council to try to introduce this sort of technology on a wide scale basis would be as part of the Highway Maintenance PFI project, should DfT approval be forthcoming to the Expression of Interest and should Members wish to proceed.
31. Savings are available through the use of this technology and Tameside MBC, is currently trialling dimmable street lighting to 1,000 lights. It has a very similar street lighting stock, with 18,000 street lights compared to 17,500 in this Council. Tameside MBC has estimated the following savings based on rolling out the trial to all 18,000 lights:
- CO2 savings of 648 tonnes
 - potential cost savings of £555k on both energy and maintenance over 18 years, assuming 10% energy and 2.5% maintenance cost increases year on year.
32. This overall cost saving equates to an annual saving of £31k, which is in line with initial calculations made by officers at this Council. At present it is very difficult to recover the initial capital investment over the design life and the key savings are therefore mainly environmental. It is expected that the economics will change for the better in the short to medium term.

Trial schemes

33. Trial schemes are proposed to evaluate and demonstrate different methods of reducing power to street lights using the developing technology that allows remote monitoring and control.

Trial 1

34. Bearing in mind that the Council already has in place a small scale remote monitoring and control street lighting system (Selc system) at the Rawcliffe Park and Ride site, then this represents a significant opportunity to trail 'adaptive' lighting.
35. A trial is proposed that will lower the level of lighting in the car park from that currently used. Whilst this trial is being announced in this report, the timing of it and the way in which it will be conducted will not be public knowledge, to ensure that the most accurate feedback on the operation of the trial can be obtained. The method for assessing the impact of this is outlined later in the report.
36. There are no significant costs associated with this trial as the alterations to the software can be carried out in-house. A sum of £800 has been estimated to cover consultation and research.

Trial 2

37. It is proposed to carry out a well publicised trial with a small number of street lights in Museum Street, close to the library, again using the Zodian Vizion System. Some street lights will be fitted with brand new electronic switchgear and lamps and will burn at normal light intensities for new street lights. Others will be fitted with the correct type of electronic ballast to step the lighting levels down by 25%. Lamps initially burn about 25% brighter than their design level of brightness, which is normally reached after about 3 years.
38. This trial will allow customers to visualize the perceived differences, if any, in brightness levels between new lamps, new lamps that are stepped down to normal levels, therefore saving energy, and existing 3 year old lamps. By stepping down the brightness levels, less energy is used, with financial and environmental savings.
39. It is proposed to work with the library and to have some literature available to raise awareness of this trial and to encourage feedback. Again, the method for assessing the impact is discussed later in the report.

The estimated cost of this trial is £1,500.

Trial 3

40. The largest numbers of street lights are in residential areas, so it is important to carry trials in streets in these locations, details of which are still being determined. The trial sites will incorporate streets that are representative of the different types of architecture in residential areas across the city.
41. A range of light intensities will be trialled and customer opinion obtained. The estimated cost of the trial is £9,200.

Timescale:

42. In terms of the time required to set up the trials, Amey have been very helpful in the preparatory works and it is expected that these trials can be in operation within two months of approval. To obtain adequate feedback from the trials it is suggested that they should run for at least 3 months, through some of the darkest months of the winter (January, February, March). A further report on the outcome could then be brought to Members in May 2008.

Outcome from Trials

43. The trials will seek information on customer perceptions and opinions to variations to current lighting levels:

- where new lights are installed at the ‘normal’ initial higher level of light intensity
 - where new lights are installed and the light intensity is lowered to the ‘normal’ level
 - where existing lighting levels are lowered
 - where existing lighting levels are lowered for part of the night
44. The outcome from the different types of trails will be a better understanding of customer opinion to different lighting levels, allowing energy consumption options to be considered in a more informed manner.
45. The option will exist, on completion of these trials, to continue with them to obtain further information if appropriate, or to discontinue the trails and reinstall normal lighting levels.
46. Assessment of Public Opinion

Trial Site	Proposal and methodology for gauging public opinion
Trial 1 Rawcliffe Bar Park & Ride site	Lighting levels will be set at lower levels than normal (25% lower and 35% lower) for two out of the 3 months in the trial Public opinion gauged from: <ul style="list-style-type: none"> • Comments received from customers if they contact the York Customer Centre (YCC) and/or when they comment to the site operator at the site office. The type of comment and the timing of it will be recorded. • Comments received from a focus group site inspection
Trail 2 Museum Street	Several lights on Museum Street, near the library, will have new equipment installed and then dimmed to 25% of the brand new lighting level. An explanation of the trail will be on display in the foyer of the library, together with feedback cards. Public opinion will be gauged from: <ul style="list-style-type: none"> • The comments received from the feedback card system • Comments received from customers if they contact the YCC. The type of comment and the timing of it will be recorded.
Trial 3	Variable lighting levels at a number of sites will be trialled.

<p>Location(s) to be determined</p>	<p>Public opinion gauged from:</p> <ul style="list-style-type: none"> • Comments received from customers if they contact the YCC. The type of comment and the timing of it will be recorded • Comments received from a focus group site inspection • Comments received from a survey of residents.
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Focus Groups

47. Focus group meetings would take place, one to assess the trials. The groups will include, if possible, representatives from the Disabled Forum, the Blind and Partially Sighted and the Social Inclusion Working Group.

Crime Statistics

48. The Safer York Partnership is keen to be involved with the trials and will assist with the provision of crime statistics so that and any changes in trends can be determined and reported.

Policy SSL5: Materials and equipment used will be as sustainable as possible

49. All procurement activities will be undertaken with regard to the need to ensure integrated, sustainable development and the use of assets. Procurement decisions must be made with regard to 'whole life' value for money considerations and environmental impacts. The Council will implement the actions recommended by the Sustainable Procurement Taskforce (May 2007) to support the shared national goal for the UK to become a leader in the EU on sustainable procurement by 2009"

50. The policy framework itself states:

"Goods, services and works will be procured wherever possible and within known financial constraints in such a way as to maximise the whole life value to the organisation, its partners and the wider community whilst seeking to minimise any adverse environmental impacts of any given supply. Thought must be given to any relevant environmental sustainability issues. Equally, consideration should be given to the sustainability of the supply within the market place and how contracted goods, services or works will contribute to the sustainability of the Council and its services to the community."

51. Equipment and services will be purchased taking into account whole life costs both in financial terms but also taking into consideration, where practical, the social and environmental factors.

52. End of life equipment will be retained or reused on site, if possible, to avoid the environmental implications of transport and disposal.
53. Any material that cannot be re-used or recycled is disposed of to licensed sites in accordance with statutory requirements.

Policy SSL6: New street lighting schemes will be designed to minimise visual impact in terms of the equipment used and the light pollution generated

54. New lighting schemes will be designed on the basis of preserving the natural and built environment through sympathetic use of street lighting, taking into account appropriate lighting fittings, materials, colours etc for conservation and other areas. This will minimise the adverse effect on the environment whilst enhancing the nighttime ambience.
55. This approach is in line with the new Manual for Streets (2007) prepared by Communities and Local Government and Department for Transport. It comprises technical guidance and does not set any new policy or legal requirements. It supports the Sustainable Street Lighting Strategy in many ways, for example:
 - *Lighting levels do not have to be constant during the hours of darkness. Increasing equipment is available which will allow street lighting to be varied or switched off based on timing and ambient levels. This offers opportunities to design variable lighting to maximise the benefits while reducing negative impacts at times when lower lighting levels may be adequate.*
 - *Continuity of lighting is important to pedestrians. Sudden changes in lighting level can be particularly problematic for partially sighted people.*
56. Street lighting designs will be based on the following procedure:
 - Is there a need for street lighting as determined in accordance with standards and codes of practice?
 - If there is a need then the appropriate minimum design category in accordance with all relevant standards, codes of practice and legislation, must be established, to avoid any inability on the part of the Council to defend its actions
 -
 - A design to this minimum category will be carried out to:
 - Limit the extent of the scheme to the minimum
 - Provide the minimum number of lights with the lowest column heights and the lowest lamp wattage applicable
 - Maximise use of dark sky compliant luminaries using the latest technology (currently full cut off lanterns)

- Determine the most appropriate equipment to enable future developments in technology to be most easily incorporated, such as the use of electronic switchgear
 - Provide where appropriate, especially on larger schemes, design options to enable the Council to provide installations that are more in keeping with their surroundings than would be the case if based purely on normal design standards. Where an option is chosen that deviates from normal standards then the decision to allow this will be made by the Council on a scheme by scheme basis
 - The specification document for illuminated street furniture will provide the details of columns, luminaries etc
57. This procedure was followed with the A1237 Moor Lane Roundabout scheme and a note on the street lighting design is included as Annex C.
58. The existing Notes for guidance to Consultants, Developers and Contractors covering the specification of equipment and installation requirements for adoption of illuminated street furniture has been updated to take into account the Sustainable Street Lighting Strategy and a copy is attached in Annex 2.

Policy SSL7: Sustainable approach to the maintenance of existing assets

59. The maintenance regime exists to ensure that there is a safe illuminated street lighting infrastructure. This will be maintained so as to prevent premature structural failures and to ensure that streets are lit at all times to the minimum national standard.
60. It is proposed that Ward Committees, Parish Councils, Residents Associations and Community Associations will be consulted on the type of replacement columns and lanterns they would prefer in their community. This information would cover either small scale replacements due to a knock down, or replacement due to age. Once these views are established, and they are already known in many instances, suitable replacement equipment will be provided where feasible but with the aim being to work within the approved strategy and provide electronic switchgear to the preferred type of luminaire and lighting column. If there are cost or technical difficulties in meeting the wishes of the community, then these issues will be raised on completion of the information gathering exercise to enable better understanding of the situation by all parties and so that possible solutions can be explored. This is seen as an ongoing process.
61. Existing assets will be maintained on the basis of:
- routine clean and change

- night scouting to identify faults until such time as the need for this is replaced by new technology, such as remote monitoring
 - replacement equipment, shall, where feasible, match the existing, particularly if the forthcoming consultation with Ward Committees and Parish Councils identifies this as the preferred option
 - structural testing of columns
 - electrical testing of columns
 - electrical testing of equipment
 - routine painting of existing painted columns
 - new columns to retain their galvanised finish without the requirement for painting other than in conservation areas
 - repair or make safe within pre-determined response times
 - the Distribution Network Operator will conform with the response times in the service level agreement
62. Systems for reporting of faults will be maintained, including the reporting of emergencies on a 24/7 basis. Whenever possible attempts will be made to recover third party costs for damage to existing assets to keep maintenance costs to a minimum.
63. Excessive and redundant signing 'clutter' can contribute to environmental intrusion and adversely affect the overall streetscape. Opportunities will be taken to remove or simplify redundant signing wherever possible.
64. Fly posting and graffiti are removed within set timescales of receipt of information.
65. A range of performance indicators will be used to demonstrate the effectiveness of the service.

Policy SSL8: Improvements in technology will be closely monitored and assessed for future use

66. Developments in street lighting technology are increasing rapidly and some of these can potentially provide savings, in whole life terms, in energy use, as well as improvements in maintenance techniques. These technological developments will continue to be monitored to determine the appropriateness of their introduction and this will be done mainly via the Institution of Lighting Engineers and the Yorkshire Lighting Group. The outcome of this monitoring will be reported, at least annually, through Highway Maintenance report.

An example of continuously developing technology is the improvements in luminaires.

Luminaires come in three main types:

- high pressure sodium
 - metal halides
 - compact fluorescent
67. High pressure sodium and metal halide luminaires can be fitted with full electronic switchgear that is wireless enabled and will be compatible with remote monitoring systems and can therefore be used at some point in the future to reduce energy by lowering lighting levels.
68. Compact fluorescent luminaires cannot operate at lower energy levels than those for which they are designed but this is compensated for by the fact that the energy use is already significantly lower, often running at 50 watts rather than 100 watts. Compact fluorescent fittings also have good longevity and produce a true white light source.
69. The installation of modern photocells allows lighting times to be trimmed back, so that they come on later because modern control gear eliminates the long warm-up times required to get luminaires up to their normal operating temperature.
70. For over 3 years this Council has been specifying and fitting luminaires with full electronic switchgear and was amongst the first to do so. Wireless enabled ballasts also became an economic prospect 6 months ago and these are also now fitted as standard.
71. The cost difference, to provide this enhanced standard of equipment, is about £30 per street light but this is economic from a number of points of view, including whole life costs. The extra cost is being absorbed in the existing street lighting budgets.
72. It is proposed that all new luminaires, fitted either as part of Council promoted works, Ward Committees promoted works or developer works, will either be fitted with full electronic switching gear and wireless enabled, or with compact fluorescent fittings.
73. The introduction of new technology will inevitably be a balance of standards and sustainability. Subject to risk assessment, the Council will encourage the relaxation of technical standards where this would bring significant benefits of sustainability. Assessments will be made in the first instance on the basis of whole life costs of installation, including offsetting the installation costs against savings made from energy charges during the systems life.
74. The sort of technological developments under review are:
- Consider introducing a full switch off or a partial reduction, through stepless dimming of lighting in selected locations, subject to a protocol being developed for identification of sites and consultation on the proposals

- To examine the potential benefits of WIFI and GPRS technologies for remote monitoring and control of street lights, including the sourcing of potential external funding to introduce experimental trials via a consortium of interested parties
- The continued development of LED technology
- The continued development and use of photovoltaic (PV) powered stand alone systems, commonly known as solar power, and other sustainable technologies, leading to community netted systems installations for areas of the authority without grid netting but requiring lighting.

Policy SSL9: Improve York's natural and built environment and to improve the appearance of the city at night

75. CYC will ensure that materials, products and designs are consistent with the character of the area, for example conservation areas, and do not contribute to the urbanisation of rural areas.
76. Supplementary Planning Guidance (SPG) requires that large scale new developments include measures to reduce the occurrence of light pollution. However, as this refers to new developments only it will have little overall effect, as for example, the new highway adoptions account for a 0.2% to 0.3% increase in the size of the highway network and the extent of the street lighting each year.
77. The Draft SPG on Sustainable Design and Construction, currently out to consultation, does include minimum standards for large scale development relating to light pollution.
78. Where possible, there will be an amendment to the Supplementary Planning Guidance – that all new or significantly refurbished developments should give consideration to incorporating sustainable street lighting. Council officers also will research and investigate the inclusion of a more detailed policy to address this issue as part of the development of the 'Local Development Framework'.
79. Members of the Council will be asked to determine a more rigorous approach to evaluating whether or not new streetlights are required in new developments as a matter of course, especially if there is no requirement for these in the interests of road safety. Developers or other organisations such as Ward or Parish Councils could elect to provide such lighting at their own cost. However, the approach ultimately taken will need to consider the fact that street lighting will improve the night-time safety for members of the community, helping to reduce crime and the fear of crime as well as creating a feeling of well being.
80. Street lighting, including decorative lighting, is known to assist in the promotion of the evening economy and in these situations its use will be promoted.

ACTION PLAN81. **Overall strategy**

ITEM	ACTION	TIMESCALE
1	Carry out the consultation with Ward Committees, Parish Councils and other representative bodies, to identify their preferred street lighting equipment for replacement of existing.	Initial consultation to be completed by February 2008 Any issues this raises will be followed up and discussed before the end of March 2008 but this also seen as an ongoing process.
2	Bring a procurement report to Members on a range of highway maintenance services, including street lighting so that the procurement strategy can be determined and then implemented.	Report to Members in 2008 to allow procurement to be finalised by 2010/11
3	Arrangement will be pursued to seek favourable rates in the future for energy from CHP and truly renewable green sources, linked to similar bulk energy procurements across the Council.	New energy arrangements will commence in October 2008
4	Continue to review the use of the unmetered electricity supply arrangements compared to other tariffs with a commitment to switch to a metered supply once the OFGEM working group has created an agreed system that enables remote monitoring to be used as a virtual meter and once this is affordable in whole life terms.	This review will be done at least on an annual basis but also in association with any proposals to introduce adaptive intelligent lighting systems
5	Continue to update and maintain an accurate inventory of all items of illuminated street furniture to enable detailed assessment of the electrical energy consumed.	Ongoing
6	Implementation and management of an effective maintenance programme for the street lighting asset	Ongoing with the present term maintenance contract to at least 2010, but with the possibility of extensions

7	New installations will be designed to meet the minimum lighting requirements and a revised procedure for the design of new schemes will be adopted	Ongoing from the adoption of this strategy
8	New technology will continue to be monitored and investigated, concentrating on varying lighting levels, remote monitoring and the use of photo-voltaic equipment	Ongoing with at least an annual report back to Members
9	All new luminaires will be either fitted with switching mechanisms that are capable of reducing energy to the lamp or will be low energy, long life equipment	With immediate effect
10	The purchasing of equipment and services will take into account all the factors necessary to produce the whole life costs so that the most informed decisions can be made	Ongoing
11	The extent of recycling achieved with the term maintenance contract will be monitored against agreed targets	Ongoing from the adoption of this strategy
12	Where possible, there will be an amendment to the Supplementary Planning Guidance – that all new or significantly refurbished developments should give consideration to incorporating sustainable street lighting	To be introduced as and when an amendment is possible
13	Council officers will research and investigate the inclusion of a more detailed policy on sustainable street as part of the development of the 'Local Development Framework'	Ongoing
14	The trials outlined in Policy SSL4 will be implemented and the results brought back to Members	Trial to be in place for January 2008 and will run for 3 months. Results to be brought back to Members in May 2008
15	The different types of funding that may be available will be determined so that trial schemes, to introduce new technology, can be aligned to these	Initial investigation to be completed by January 2008 and then reviewed in the light of any forthcoming

	funding streams from the outset	proposals
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Engagement

- 82. Engagement will mainly take place with other local authorities taking a lead on developing and introducing new technology and with technical bodies such as the Institution of Lighting Engineers and the Yorkshire Lighting Group.

Funding

- 83. Sources of funding, possibly European funding, may exist for the further development of new technology through the use of trial systems and the different types of funding that may be available will be determined.

Monitoring

- 84. The items in the Action Plan will be incorporated into the appropriate Business Plans and Work Plans for this year and future years. The Annual Highway Maintenance report will include an update on the Action Plan.

**STREET LIGHTING
AND ILLUMINATED SIGNS**

**SPECIFICATION AND NOTES FOR GUIDANCE TO CONSULTANTS,
DEVELOPERS AND CONTRACTORS
August 2007**

Contents

1. This Document is split into sections and covers the following service delivery areas: -

Section A - Lighting of Public Highways, covering carriageways, footway, footpaths not adjacent to carriageways, and cycle ways

Section B - Illuminated signs

Section C- Lighting on new Developments

This document is not exhaustive of the requirements of City of York Council and should be read in conjunction with the current Street Lighting Specification. Any inaccuracies are to be reported to the Engineer. The Councils decision is final.

Section A

LIGHTING OF PUBLIC HIGHWAYS, FOOTPATHS AND CYCLEWAYS

Objectives of the service

2. When installed, public lighting shall contribute to the safe use of the public highway concerned by those on foot and in vehicles and shall not, by its presence, create or contribute in any manner to any pre-existing or new safety hazard on that highway.
3. Lighting equipment shall enhance the streetscape both during the hours of darkness and during the day. Care will be taken to minimise lighting pollution and energy efficient light sources shall be used.

General Principles

4. Luminaires are to be mounted on lighting columns. These are to be circular in section and manufactured from steel to BS EN 40, hot dipped galvanised to BS 729 and painted in accordance with paragraphs 20 to 23. Roots shall be bitumen coated.
5. If practicable and approval is granted by the adopting authority, lighting may be provided by the attachment of luminaires to buildings. In this instance, the necessary agreement(s) shall be sought from the owner and tenant(s).

6. When lighting equipment is installed on buildings care shall be taken when selecting and erecting equipment so as to minimise the visual impact caused.
7. Columns and lantern fixings shall be sized to the minimum dimensions required to support the forces generated by the lantern and to resist wind factors, as shown in the table below.

Column Height	Exposure Class	K Factor
5 m	1	2.2
6 m	1	2.2
8 m	1	2.2
10 m	1	2.2
12 m	1	2.2

8. Columns shall be sited in accordance with BS 5489.
9. Where a lighting column is located in a footway the clear width between it and the furthest edge of the footway shall not be less than 1.2m.
10. Columns shall be painted (as specified hereafter) and individually numbered within each street at a height above road level of not less than 1.6 m. Numbers shall be visible to oncoming traffic.
11. Numbers shall be black on a white rectangular patch.
12. Optical compartments of luminaires shall be sealed to IP65 minimum and gear compartments shall be sealed to IP54 minimum.
13. All equipment and work shall be supplied and undertaken in accordance with the current Specification, Codes of Practice and British Standards/European Norms where applicable.
14. Where it is proposed to install new or substantially alter existing lighting the view of the Parish Council and Ward Committee shall be obtained prior to any commitment to a scheme being installed. In the case that the Parish Council or Ward Committee feel that lighting should not be provided, the matter shall be referred to The Executive for resolution.

Road lighting – illumination requirements

15. Generally, lighting shall be operational throughout the hours of darkness (dusk to dawn/70 lux on, 35 lux off).
16. Lantern control shall be by means of photo electronic control units. Where lighting is group controlled a suitable time clock shall be selected to comply with paragraph 15 and be capable of automatically adjusting for British summertime variations and leap years.

Level of illumination

17. New lighting schemes are to comply with BS 5489 and BS EN 13201. Further guidance is given in Appendix 1.

Illumination source

18. Generally, light sources shall be High Pressure Sodium (SON/T+) except where a unit is being replaced in a system of existing units in which event the same type of light source as the rest of the system is to be used. If the existing units are MBFU the replacement luminaire shall be SON/T+ type. The use of sources with a high colour rendering (Ra) are permissible and should be used in accordance with BS5489.

Inspection of Units

19. Inspections shall be undertaken as follows: -
 - The lanterns and base compartments shall be cleaned as described in the current maintenance contract
 - A visual inspection of the condition of all columns, brackets and lanterns, fixings and associated wiring shall be undertaken at each maintenance visit (reactive or routine)
 - A full structural condition survey of all columns shall be undertaken upon the instruction from the Street Lighting Engineer
 - A full electrical test of all equipment shall be undertaken at least every 6 years.

Painting of road lighting units

20. Columns and brackets shall be painted and the following is a general guide to painting. The Street Lighting Engineer will be able to issue instructions relating to specific locations.
21. With decorative units, or with units in conservation areas, painting will be undertaken within 10 working days of erection. In other locations, where newly galvanised units are used, painting will be carried out 5 years from the time of installation. This will enable full use of the benefits of the galvanised process and will also allow the galvanising to 'weather' sufficiently to accept the paint.
22. Where, due to maintenance works or a vehicle knockdown replacement a single column is replaced in a system of street lighting, that column will be painted to match those in the rest of the street. Alternatively, where those columns are not painted then the replacement column will be left unpainted.
23. Paint shall have a required durability of: -

- No maintenance up to eight years
- Minor maintenance after eight years
- Major maintenance after fifteen years

Road lighting units – electrical supply

24. It is assumed that most road lighting equipment is sited in low risk areas; therefore, a Regional Electricity Company supply shall be necessary. For further guidance contact the Street Lighting Engineer.

Section B

ILLUMINATED SIGNS

Objectives of the service

25. This policy is not exhaustive of the requirements of City of York Council and is to be read in conjunction with the current Street Lighting Specification and City of York Council Signs Policy. Any inaccuracies are to be reported to the Engineer. The Council's decision is final.
26. When installed an illuminated sign shall contribute to the safe use of the footway, cycleway or road concerned by those on foot, on cycles and in vehicles and shall not, by its presence, create or contribute in any manner to any pre-existing or new safety hazard.
27. Illuminated signs shall enhance the streetscape, both during the hours of darkness and during the day. Care will be taken to minimise lighting pollution. Energy efficient light sources will be used.

General principles

28. All traffic signs are to comply with the Traffic Signs Regulations and General Directions.
29. Signs that require illumination under the above Regulations will be internally illuminated where possible.
30. Sign faces and associated luminaires are to be mounted on appropriately sized sign poles. These are to be circular in section and manufactured from steel to BS EN 40, hot dipped galvanised to BS 729 and painted in accordance with paragraphs 44 to 46. Roots are to be bitumen coated.
31. If practicable and approval is granted by the adopting authority, signs may be attached to buildings. In this case, the necessary agreement(s) shall be sought from the owner and tenant(s).
32. When signs and associated cabling are installed on buildings care shall be taken when selecting and erecting equipment so as to minimise the visual impact.
33. Traffic signposts shall be sized to the minimum dimensions required to support the forces generated by the sign and associated wind pressure.
34. Illuminated traffic signs shall be sited in accordance with paragraphs 8 and 9.
35. Traffic signposts shall be painted (subject to the proviso in paragraphs 44 to 46) and individually numbered within each street at a height above ground level of not less than 1.6 m. Numbers shall be visible to oncoming traffic. See the current Street Lighting Specification for further guidance.

36. Numbers shall be black on a white rectangular patch.
37. External illumination units shall have a minimum ingress protection rating of IP56.
38. Internal illumination units shall have a minimum ingress protection rating of IP65.
39. All Equipment and work shall be supplied and undertaken in accordance with the current Street Lighting Specification, Codes of Practice and British Standards/European Norms.
40. Externally illuminated signs will be Retro reflective to Class 1 minimum and manufactured from aluminium in accordance with the requirements of The Traffic Signs Regulations and General Directions.

Traffic signs – illumination requirements

41. Where signs are to be illuminated they shall be operational as described in paragraphs 15 and 16.

Mounting of illumination units

42. Where external illumination units are used, these are to be mounted directly over the centre of the sign being illuminated. Unless the size of the sign is such that illumination from above is not suitable, illumination from below may be permitted. Mounting arrangements for all luminaires mounted on sign posts are to be agreed with the Street Lighting Engineer.
43. Overhead mounted illumination units shall be placed as close as practically possible to the top of the sign being illuminated with no part of the column or supporting fixings protruding above the top line of the illuminating unit. See the current Street Lighting Specification for further guidance.

Painting of traffic sign posts, brackets and illumination units

44. The standard colour will be Black (ACC Ref LO:10:10) in Conservation areas and the City Centre and Traffic Grey elsewhere.
45. Where, due to maintenance works or a vehicle knockdown replacement, a single traffic signpost is replaced in a system of street lighting, then that signpost will be:
 - Painted black to match existing black equipment
 - Painted traffic grey in all other installations.
46. Paint shall have a required durability of: -
 - No maintenance up to eight years
 - Minor maintenance after eight years
 - Major maintenance after fifteen years

Illuminated signs – electrical supply

47. Each sign included in the scheme is to be assessed as to whether it would be a safer option to supply the sign via a private cable network. If the sign is considered to be in a low risk location the supply is to be obtained from the Regional Electricity Company. For further guidance contact the Street Lighting Engineer.

Illuminated bollards

48. Illuminated bollards will be of the base lit type and fitted with a flexible shell. The base light assembly shall have an ingress protection rating of IP67.

Illuminated bollards – illumination requirements

49. Bollards shall be illuminated in the hours of darkness.

Illuminated bollards – electrical supply

50. It is assumed that all illuminated bollards are located in high-risk areas; therefore, supply via a private cable network shall be required. For further guidance contact the Street Lighting Engineer.

Inspection of illuminated signs and bollards

51. Inspections shall be undertaken as follows: -
- The lanterns and base compartments shall be cleaned as described in the current maintenance contract
 - A visual inspection of the condition of all posts, brackets and lanterns, fixings and associated wiring shall be undertaken at each maintenance visit (reactive or routine)
 - A full structural condition survey of all signposts and brackets shall be undertaken upon instruction for the Street Lighting Engineer.
 - A full electrical test of all equipment shall be undertaken at least every 6 years.

Section C

LIGHTING ON NEW DEVELOPMENTS

Objectives of the service

52. When required under Planning conditions and or agreements, installed lighting on New Developments shall comply in all respects with the provisions of the preceding sections and the current Street Lighting Specification. Any inaccuracies are to be reported to the Street Lighting Engineer. The Council's decision is final.
53. Where a development extends to an existing road upon which there is an existing system of street lighting the developer is to seek guidance from the Street Lighting Engineer as to the requirements of the proposed extension.

Design of the lighting system

54. The City of York Council offers an in house design and installation service.
55. The developer may design and install his own lighting scheme. In which case the developer shall submit details of the proposed system for approval to the Council. No lighting will be adopted by the Council until such approval has been obtained and a Section 38 Agreement entered into by the Developer. See Appendix 1 for further guidance.
56. Appendix 1 lists the standard range equipment which all persons providing new lighting or new illuminated signs will be expected to adhere to wherever possible. Any departures from these standards are to be agreed in writing with the Street Lighting Engineer prior to work commencing. Where no such prior agreement has been made the City Council reserves the right not to adopt the lighting or illuminated signs concerned
57. Where a Developer or Ward Committee elects to use equipment which is different to that currently in use by City of York Council, then this will be permitted, subject to the following: -
 - The equipment is approved for installation by the Street Lighting Engineer
 - Spare equipment i.e. lanterns, bollard bases etc. is to be supplied to the Council at no cost. The quantity to be supplied shall be 10% (rounded up) of that installed.

Electrical Supplies

58. Refer to paragraphs 24, 47 and 50.

Maintenance of the unadopted lighting system including illuminated traffic signs

59. The developer shall be responsible for the maintenance (including replacement for damaged columns and the like) of the new equipment and any existing equipment affected by the works from the date of commencement of works up to and including the date of adoption.
60. The developer shall be responsible for the purchase of energy of the newly installed lighting system from the date of equipment being energised up to and including the date of adoption.
61. Immediately prior to the final adoption certificate being issued a bulk lamp change and clean shall be carried out by the developer. Dependant on the age of the installation, the Council may request electrical testing etc. The Council will require the columns or brackets to be painted prior to adopting even if the units are galvanised and less than 5 years old. Where units have already been painted, the Council may request repainting depending on the condition or age of the existing paint finish. All of the above works shall be carried out by the developer at his own expense.
62. The adoption of the illuminated equipment shall be subject to an inspection carried out by the Council. All remedial works arising from such an inspection shall have to be rectified before adoption.

Maintenance Operations

63. **Outage inspections** - All units shall be scouted in accordance with current Street Lighting Specification.
64. **Bulk lamp changes** - Lamps are to be replaced as described in the current Street Lighting Specification.
65. **Fault reporting** - Reports of faults may be made by: -
 - Telephone, or
 - By letter

In all events a record is to be made of the date the fault report was received and the date it was rectified.

REQUIREMENTS OF NEW STREET LIGHTING PROVIDED BY DEVELOPERS OR OTHERS WHICH IS INTENDED TO BE ADOPTED BY THE CITY COUNCIL

Street lighting and illuminated traffic signing scheme proposals shall have to satisfy the requirements listed below.

1. The submission must include a detailed specification and layout plan showing the units to be installed, removed or altered.
2. The design shall comply with BS 5489 and BS EN 13201
3. Lighting and power calculations shall be submitted where appropriate
4. Schematic drawings detailing cable types and sizes, fusing arrangements and associated control equipment shall be submitted where appropriate
5. A redesign will have to be submitted where changes have been made which affect the original submission. As built drawings and test certificates in accordance with BS 7671 will also have to be submitted to the authority.
6. Arrangements must be made with the regional electricity company to obtain electricity supplies to the proposed street furniture, including across road ducting where appropriate. You must notify your Section 38 Engineer when this is in place
7. Equipment should be sited in the public highway. If unavoidable then proposals affecting private property must include the land owners (and if applicable the tenants) written consent in the form of a wayleave
8. The developer shall be responsible for all power supply costs and maintenance of the equipment until the final certificate is issued
9. Set out below is the standard range of equipment used. If other products are preferred by the developer please contact the Section 38 Engineer
10. Immediately prior to the final certificate being issued a bulk lamp change and clean shall be carried out. Dependant on the age of the installation, the authority may also request repainting, electrical test and inspection etc. which shall be carried out by the developer at his own expense.

Standard Range of Associated Street Lighting Equipment

Item	Manufacturer	Model
Paint system		Permoglaze Gloss Colour Black/ YorkGreen
Illuminated Traffic Bollards	Haldo	Base Lit Bollard with 2 x 11w PL lamps and Reflex Shell
Illuminated Traffic Signs	Simmons signs	
	Externally Illuminated	Type 'A' Signlight with 1 x 11w PL lamp
	Internally Illuminated	Invinca with 2 x 11w PL lamp
Zebra Crossing Beacon	Signature Safe Post	3 white/black bands with standard gallery and fluorescent lamp, yellow flexiglobe with Zebra flash, post 3.1m height above ground level with planted foundation.
Centre Island Beacon	Signature Safe Post	2 white/grey bands with standard gallery and fluorescent lamp, opal flexiglobe, post Abacus Hinged 4.7m length, 3.8m height above ground level with planted foundation.
Feeder Pillars	Haldo	Haldopillar with Tri-head Screw
Photo Cell	S.E.L.C. Cableform	841 one part PECU mounted in Nema socket
Cut Outs	SMK Tofco	DPI with BS 88 Fuse(s). Cut out to be rated up to 32A
Underground Cable		XLPE / SWA / PVC 2 Core Copper Cable

Standard Range of Street Lighting Columns

<u>Manufacturer</u>	<u>Model</u>	<u>Mounting Height</u>	<u>Material</u>	<u>Bracket Arrangement</u>
Stainton	Metro	5m	Tubular Steel	Post Top
Stainton	Metro	5m	Tubular Steel	0.3m Web Style
Abacus	R & L	5m	Tubular Steel	Post Top
Urbis	Chatsworth	5m	Ornate	Post Top
Urbis	Blenhiem	5m	Ornate	0.8m Hooped Style
Stainton	Metro	6m	Tubular Steel	Post Top
Stainton	Metro	6m	Tubular Steel	0.8m Web Style
Abacus	R & L	6m	Tubular Steel	Post Top
Urbis	Chatsworth	6m	Ornate	Post Top
Urbis	Blenhiem	6m	Ornate	1.0m Hooped Style
Stainton	Metro	8m	Tubular Steel	Post Top
Stainton	Metro	8m	Tubular Steel	1.5m Web Style
Abacus	R & L	8m	Tubular Steel	Post Top
Urbis	Blenhiem	8m	Ornate	1.5m Hooped Style
Stainton	Metro	10m	Tubular Steel	2.0m Web Style
Stainton	Metro	12m	Tubular Steel	2.5m Web Style

Other column types and manufacturers may be used upon agreement with the Engineer.

Standard Range of Street Lighting Lanterns

Manufacturer	Model	Mounting Height	Lamp Wattage	Source
WRTL	Arc	5m	50W	SON/T+
WRTL	Arc	6m	70W	SON/T+
Urbis	ZX2	8m	100W	SON/T+
Urbis	ZX2	10m	150W	SON/T+
Urbis	ZX2	12m	250W	SON/T+
Holophane	QSM (IP54 Sealed)	All	All	SON/T+
Urbis	Abbey Medium	5m	50W	SON/T+
Urbis	Abbey Medium	6m	70W	SON/T+
Urbis	Abbey Large	8m	100W	SON/T+
Urbis	Opalo	Up to 6m	42W	PL
Holophane	QSS	All	Up to 150W	SON/T+

Currently CYC use the QSM and QSS on all standard installations pre-wired with electronic gear.

Other equipment specified may be used after confirmation by the Street Lighting Engineer and other items are currently being trialled within CYC for full approval.

STREET LIGHTING DESIGN GUIDE

This text is a guide to the general principles, which are to be adopted when designing street lighting for installation within the boundary of City of York Council.

The comments are open to discussion and any irregularities are to be reported to the Engineer.

If further guidance is required contact the Engineer.

1. Lighting of Traffic Routes

- 1.1 The surround ratio is to adhere to BS 5489:2003 where footways, cycle ways, verges etc are up to 5m in width beyond the effective width of the carriageway.
- 1.2 Where the adjacent footways, cycle ways and verges are greater than 5m in width beyond the effective width of the carriageway, a suitable CE Class is to be selected from BS 13201:2003.
- 1.3 If a scheme consists of numerous crests which, after the installation of new lighting may cause unnecessary glare to road users the entire installation is to meet G5 requirements or greater as specified in BS 5489:2003

2. Conflict areas and Junctions

- 2.1 T-junctions are generally not considered as conflict areas. Only where an array of T-junctions may cause difficulty in placing columns as described in BS 5489:2003 Annex J conflict area status is to be assigned.
- 2.2 Major T-junctions (both roads being traffic routes) are to be as specified in BS 5489:2003 Annex J where practicable
- 2.3 T-junctions of any type, both major and minor roads, are to have column 'B' and 'D' installed as specified in BS 5489:2003 Annex J where practicable
- 2.4 Cross roads, roundabouts and major intersections are to be treated as conflict areas and the suitable levels to light such areas shall be extracted from table B3 of BS 5489:2003
- 2.5 Extents of conflict area are to cover intersecting roads, building line to building line and extended to include pedestrian crossings within 10m of the boundary of the area. See section 3 for further guidance on the lighting of pedestrian crossings.
- 2.6 Conflict area's are to include adjacent footpaths and cycle ways where appropriate.
- 2.7 Where a conflict area is located on or at the end of roads with no other street lighting equipment, a suitable lighting class shall be selected for that road and the approach shall be lit within at least 60m either side of the conflict area.
- 2.8 Conflict areas are to be illuminated to a higher class than the approach roads in accordance with BS 5489 Table B3.

3. Pedestrian Crossings

- 3.1 Pedestrian crossings within the boundary of a conflict area shall be illuminated to no lesser degree than the conflict area itself

- 3.2 Zebra crossings are the only crossings where 'Zebra' type lanterns are to be used
- 3.3 Crossings not covered by the above comment are to be illuminated by means of negative contrast.

4. Equipment in the vicinity of Aerodromes, Railways, Harbors and Waterways

- 4.1 Equipment is to be selected and sited in accordance with BS 5489:2003.

5. General Lighting Levels

- 5.1 As a general rule, residential areas shall be designed to BS 13201:2003 and the relevant "S" category.
- 5.2 Where a residential road is used as a distributor to other residential roads, Classes S2 or S3 may be applied. The Engineer shall advise the use of these classes.
- 5.3 Back alleys shall be designed to BS 13201:2003 Class S4.
- 5.4 Traffic routes are to have the appropriate lighting class selected for the particular road(s) in question.
- 5.5 Light source for all installations is to be SON/T+ unless specified otherwise by the Project Engineer.

A1237 Moor Lane Roundabout – Street lighting design

1. The design of the street lighting was carried out to comply with the correct design guidance and standards for the provision of street lighting and took due account of City of York Council's aims to minimise its environmental impact.
2. The initial design was challenged by a group of experienced officers and appraised using the procedure set out in proposed Policy SSL5 in the Sustainable Street Lighting Strategy, to ensure that every element of the proposed scheme was fully justified and the environmental impacts had been fully assessed.
3. The challenge process looked at all the options and variable elements of the scheme, and judgements were made to ensure the use of the lowest acceptable lighting levels that minimised energy use and light pollution.
4. An independent road safety audit had recommended the provision of lighting throughout the scheme. It was agreed, in the challenge process, that from a safety viewpoint the roundabout and its immediate approaches needed to be lit, noting that it is best practice to provide a minimum of 3 to 4 lighting columns on each approach. The extent of lighting on each approach was carefully analysed, taking into account public safety and the risk of dark accidents.
5. The outcome of this process is that on both the A1237 approaches the lighting will commence in the vicinity of the existing pedestrian refuge islands to illuminate the crossing points and the approaches to the roundabout. On Moor Lane it will link to the existing lighting and provide continuous lighting through to the roundabout which will help improve the safety of the bends. On Askham Lane the lighting includes the bend on the immediate approach to the roundabout and the pedestrian / cycle link to the A1237 crossing but does not extend through to the existing Askham Lane. Similarly on Askham Bryan Lane it includes the bend on the immediate approach to the roundabout but does not extend through to the existing Askham Bryan Lane.
6. The number and height of lighting columns was carefully considered. As it would be difficult to screen the lighting by planting, irrespective of whether the columns were 8m, 10m or 12m high, it was agreed to proceed with a design that minimised the number of lighting columns and hence lighting heads. This not only gives the cheapest solution in construction terms, but also produces the best value in operation and maintenance costs, and minimises the visual intrusion when viewed from a distance. The resultant scheme has 12m columns on the roundabout and A1237 approaches with 8m and 10m on the other side road approaches.

7. The proposed lighting units are Philips Iridium, which are considered to be to be one of the most highly efficient on the market. They are dark sky compliant with a flat glass head to reduce light pollution to an absolute minimum. The equipment is also designed for full disassembly at end of life and recycling.

8. The technology that would allow lowering of the initially high levels of illumination from the 250 watts luminaires cannot be included straight away in the scheme design because the products currently on the market have reliability problems. However, it is understood that a suitable product will be on the market in January 2008 and the design allows for these products to be retrofitted at a nominal cost when they become available.



Executive**23 October 2007**

Report of the Director of City Strategy

WASTE PFI UPDATE**Summary**

1. This report notes the allocation of PFI credits to support the project, and provides an update on progress, highlighting the evaluation process and requesting approval to be delegated to officers to commit to an Inter-Authority agreement with NYCC.

Purpose of report

2. 1) To advise on progress of the project, setting out the procurement process and timescales.
- 2) To note the allocation of £65m PFI credits towards project costs.
- 3) To request authority to enter into an Inter-Authority agreement under seal with NYCC on the basis of the terms outlined in this report with any matters of detail to be delegated to the Director of City Strategy and Head of Civic, Democratic and Legal Services for determination.

Background

3. The Executive approved the submission of an Outline Business Case (OBC) to DEFRA for joint procurement of residual waste treatment services on 12 September 2006. Updated reports were approved by the Executive on 27 March 2007 and 26 June 2007. These set out updates on the project and particularly on the affordability of the future costs of the project.
4. The OBC concluded that a PFI contract was the preferred option for both Councils, within the requirements of the Joint Municipal Waste Management Strategy (JMWMS) approved by the Executive in June 2006, and CYC's waste strategy, approved in November 2004. The project prioritises recycling and assumes rates will rise to 50%. Hence it is necessary to deliver the improvements in recycling identified in the medium term LATS strategy as set out by the Director of Neighbourhood Services in the report to the last Executive on 9 October 2007.
5. Other options, such as working with, using other local authorities services, and building a CYC facility have also been considered and found to impose highly significant risks to the authority in terms of price, legislation, deliverability, and

planning exposure. It has been concluded that the PFI solution offers the most cost effective deliverable solution for the long term for both local authorities.

6. At the Executive in June 2007 Members approved the progression of the project into the procurement phase using the evaluation criteria identified, and subject to approval of the OBC, by Treasury Project Review Group (PRG). PRG approved the OBC project at its meeting on 23 July 2007. Consequently the OJEU notice for the waste treatment contract was issued on 1 September 2007, confirming that the competitive dialogue (CD) procedure will be followed.

Procurement Issues

7. The latest estimated key dates for the project are as follows:-

• Issue of OJEU	Sept 2007
• Pre-planning application monitoring commences	Sept 2007
• Receipt and review of PQQ's	Oct 2007
• NYCC Executive consider LDF	Oct 2007
• Issue invitation to submit outline solutions (ISOS) (commence CD process)	22 Oct 2007
• Issue invitation to submit detailed solutions (ISDS)	Jan 2008
• Executives ratify shortlist/call for final tenders	Oct 2008
• Approval of preferred bidder	December 2008
• Adoption of NYCC Waste & Minerals DPD	May 2009
• Submission of planning application	June 2009
• Planning consent granted	December 2010
• Contract awarded	December 2010
• Facilities available	June 2012 – Dec 13

In order to provide evidence of the robustness/commitment of the partnership to the bidders, an Inter-Authority agreement is required. As the bidders start to incur significant costs from the point they are selected to submit detailed solutions (scheduled for January 2008) Executives from both Councils are being asked for authority to delegate approval to their respective relevant Chief Officers, at respective meetings in October 2007.

Inter-Authority agreement (IAA)

8. The Councils signed a legal agreement in 2005, agreeing to work in partnership, this was on a high level principle basis. The second IAA is intended to be more comprehensive and to include the key issues which will be:
 - 1) The waste treatment contract will be with NYCC, and there will be a sub-contract between NYCC and CYC, which reflects the main contract, this will be put in place at the same time as the main contract.
 - 2) Should NYCC and CYC not, at any stage wish to continue working in partnership, NYCC will be able to continue with the procurement.
 - 3) The roles of the Executives, Strategic Steering Board, and project boards are clearly set out. Approval by the Executives is required at key stages, as set out above.

- 4) If CYC contribute to the costs of sites and planning, then its interest in the land will be registered.
 - 5) Termination will occur if
 - a) both Councils abandon the project
 - b) planning permission is not granted
 - c) Both Councils agree to terminate the agreement
 - d) Support from Government PFI credits falls
 - 6) Both Councils will act in the interests of the project and must act reasonably through the project, acknowledging the mutual advantages of joint procurement.
 - 7) Should either Council act outside of para's 5 and 6 above they will withdraw from the contract, then the 'wasted' (mainly procurement) costs of the other authority will then be reimbursed by the Council withdrawing from the agreement. Tolerance 'levels' on variance in costs of the project will be built into the clauses on withdrawal.
 - 8) The costs of procurement/sites and planning will continue to be in the ratio NYCC 75% : CYC 25%; unless there is a significant change in the inputs into the project.
 - 9) The cost sharing principles of the contract costs, will be appended to the IAA (referred to as the financial allocations mechanism). The costs will largely be determined on the basis of volume of waste input into the contract. Any compensation terms payable to the contractor will be on the basis of responsibility.
 - 10) A dispute escalation/resolution process is included in the agreement.
9. Members are requested to delegate authority to the Director of City Strategy and the Head of Legal and Democratic Services to sign the IAA, on the basis of the issues set out above.

Evaluation Process

10. Members approved the use of high level evaluation criteria at the 26 June 2007 Executive. These have been included in the OJEU notice and will be the basis of the evaluation throughout the competitive dialogue process. The approved list is attached at appendix A for information.
11. As competitive dialogue is a relatively new procurement process, guidance on its application is still emerging, and there are 4 stages of assessment:-
 - a) Prequalification Questionnaire (PQQ)
 - b) Invitation to submit outline solutions (ISOS)
 - c) Invitation to submit detailed solutions (ISDS)
 - d) Call for final tenders.

At each of these stages an assessment will be made on the basis of the criteria approved (each sub-heading will be used). However as the process is followed to refine the requirements of the solution, certain issues will be more relevant at particular stages. An example is affordability; at the initial stages this will be difficult to determine as the technical aspects of the solution will not have been finalised, but at the latter stages it is more significant.

12. The project is now in procurement, and as such it is vital that the process remains objective. The relative weightings of the sub-criteria are not being

shared with the bidders, but will be lodged with Internal Audit prior to evaluation to ensure evidence of objectivity of the process.

13. The evaluation will be carried out by three assessment teams, technical, sustainability and added value, financial and commercial, and legal and contractual. CYC will be represented on each of these teams. At each stage of assessment there will be a two stage review by all 3 teams comprising a preliminary check and a detailed evaluation against the core criteria:

Core Criteria	Relative weighting
Technical, sustainability and added value	60%
Financial and commercial	40%
Legal and contractual	Pass/Fail

Each assessment team will feedback to the project board, at which the selection and final evaluation of bidders will take place.

14. Updates will be provided to Strategic Steering Board (Chief Executives and Directors from both Authorities) and the Executives will be regularly updated. As set out at paragraph 7, reports on the shortlisted and preferred bidders will be presented to the Executives. It is however, vital that communications in relation to the project are controlled to eliminate the opportunity for unsuccessful bidders to challenge the process. As reported at the Executive meeting in June 2007, a communication strategy is being developed which will cover these issues.

Interim Contract

15. As referred to in the LATS report presented by the Director of Neighbourhood Services at 9th October Executive, NYCC have also issued on OJEU notice for an interim waste treatment contract. This is designed to identify any available spare capacity that may improve diversion in the short to medium term that is less costly than landfill, prior to the PFI contract being operational. It is feasible that several options may be selected in different parts of the County for varying quantities. CYC are included in this OJEU, but will only consider options that benefit the Council.
16. It is intended that bids be evaluated identifying the most economically advantageous tender in three areas with the following weightings applied;

- Financial and Commercial 60%
- Technical 40%
- Legal and Contractual Pass/Fail

These are consistent with industry standards.

Consultation

17. Consultation has taken place previously on the evaluation criteria in 2005 and 2006; as the project is now in procurement no further consultation has taken place and will not take place to ensure the objectivity of the procurement process and acceptance by the market is maintained. It is proposed to ensure stakeholders are aware of the process and have the opportunity to comment.

Options

18. A detailed analysis has taken place in the past on the options available. This report is focused on specific issues being addressed as a result of entering the procurement phase.

Corporate Priorities

19. This project is critical in delivering Improvement Statement 1, to decrease the tonnage of biodegradable waste and recycling products going to landfill, by enabling the diversion of waste from landfill to treatment facilities.
20. The costs identified as part of this project also consider the most efficient way to achieve this diversion, thus significantly contributing to Improvement Statement 13, improving efficiency and reducing waste to free up more resources.

Financial Implications

21. The financial position of the project was reported to the Executive in June 2007. No further update is provided in this report, and consequently there are no additional financial implications of the project at this stage.
22. It should be noted that there is a potential significant financial implication if CYC approves the Inter-Authority agreement and at some future stage withdraws unreasonably.

Implications

23. There are no additional HR, Equalities, Legal, Crime & Disorder, IT, Property or other implications compared to the report approved in June 2007.

Risk Management

24. The waste procurement is identified as a high risk, largely because of the high level of government penalties should the Council fail to divert sufficient waste from landfill and thus potential financial risk. This report does not change the approach to risk as identified in the report to the Executive on 12 September 2006, 27 March 2007 and 26 June 2007. This report highlights the specific risks associated with the IAA and the evaluation process.

Legal and Procurement

25. Ongoing discussions have been held with legal services and the procurement sections. Their involvement has been encouraged to ensure satisfaction with the processes and implications on CYC. There are no additional legal implications beyond those dealt with in the report.

Conclusion

26. The project is now in procurement and following set procedures. The contents of this report are designed to inform and maintain the project in line with project plan timescales. As discussed in previous reports any delay from the project plan has significant financial implications.

Recommendations

27. The Executive is asked:-
- a) That the award of £65m PFI credits towards the costs of this project is noted.
 - b) That an Inter-Authority agreement under seal be entered into with NYCC on the basis of the issues set out above and the Director of City Strategy and Head of Legal and Democratic services be given delegated authority to agree the detail of the agreement in order to give effect to those terms.
 - c) That the Director of City Strategy be authorised to utilise the proposed evaluation methodology.

Reason: to progress the Waste PFI project through the procurement phase.

Contact Details

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Chief Officer Responsible for the report:
Bill Woolley
Director of City Strategy

Report Approved Date: 10/10/2007

Specialist Implications Officer(s)
Colin Langley
Head of Legal and Democratic services

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

Annex A – Evaluation Criteria approved at June 2007, Executive.

Indicative Evaluation Criteria – WASTE PFI

Financial	40%
<ul style="list-style-type: none"> Affordability / economic cost Financial robustness of the bid Deliverability of the funding package 	
Technical, sustainability and added value	60%
<ul style="list-style-type: none"> Proposals and targets <ul style="list-style-type: none"> Landfill directive performance Flexibility, performance record and risks of proposed technology and facilities Waste minimisation, recycling and marketing of recyclates Planning and regulatory issues <ul style="list-style-type: none"> Planning risks and proposals Necessary consents Environmental Impacts <ul style="list-style-type: none"> Depletion of natural resources Air acidification Green house gas emissions and carbon footprint Health impacts Land take Extent of water pollution Traffic impacts and total road miles Local amenity impacts Ecological footprint Project and service management <ul style="list-style-type: none"> Overall capacity and resources / bidding arrangements and support Management of the contract and delivery of the proposed facilities and services Service quality and enhanced performance <ul style="list-style-type: none"> Service quality Enhanced service and added value Flexibility to deal with change Reliance on external factors Partnership working and community sector integration <ul style="list-style-type: none"> Partnership working with the partnership Community relations and involvement of the community sector Environmental and Quality Performance <ul style="list-style-type: none"> Environmental policies and management systems Quality Accreditation Staff development and internal business process <ul style="list-style-type: none"> HR / Personnel Policy and Practice Health and Safety policies Equality policies Investment in staff training, development and welfare TUPE considerations 	

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Executive

23 October 2007

Report of the Assistant Director (Audit & Risk Management)

Competition policy

Purpose

- 1 The purpose of this report is to:
 - a) update the Executive on the progress made to date in developing a universal approach to competition at the Council, further to the adoption of the Corporate Procurement Strategy and associated medium term action plan in May 2007;
 - b) ask the Executive to consider and comment on the scope and content of a draft Competition Policy as set out at Annex A for approval by Full Council in due course.

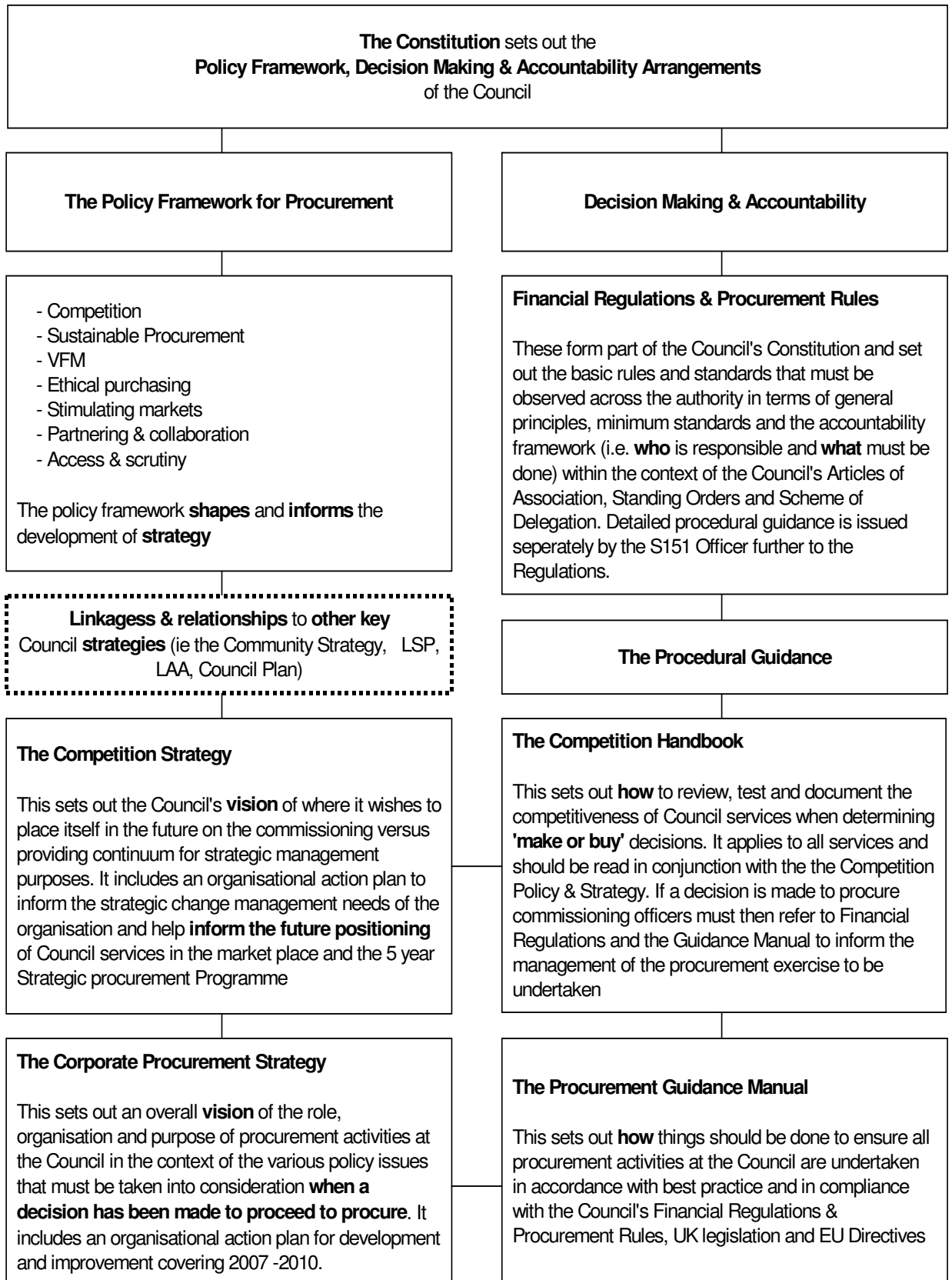
Background

- 2 There have been significant internal and external pressures for the Council to develop a coherent and documented approach to competition and procurement since 2000/2001, as noted in previous reports to the Executive. These pressures continue and the Council's arrangements will come under further close scrutiny through the corporate CPA assessment process scheduled in early 2008.
- 3 A great deal of good progress has been made over the last 2 to 3 years to put in place the regulatory and governance infrastructure needed to better facilitate effective procurement activities across the authority. Further to that development work, Council adopted a new Corporate Procurement Strategy (CPS) in May 2007. It was agreed at that time that the CPS should focus on setting out the overall policy framework and strategy for procurement following any given '*make or buy*' decision and that a separate competition policy and strategy framework would thereafter be developed detailing how the Council would determine '*make or buy*' decisions in the first instance.

The Competition Policy

- 4 Work is now on-going to develop a draft Competition Strategy to be brought to the Executive for discussion in the next few months. An essential pre-cursor in helping to shape and take that work forward is, necessarily, the development of a robust competition policy. A draft policy has been prepared and is attached at Annex A for Members' consideration and comment at this stage. It should be noted that the policy constitutes a high level statement of general intent only, based on an overarching commitment to establishing overall supply and provision arrangements that seek to help optimise service outcomes and value to the community and local tax payers.
- 5 The policy **does not** attempt to set out the way which the Council will implement the policy, test or review the competitiveness of current service arrangements or how it will make decisions about any given service delivery options. Nor does the policy attempt to set parameters around what will or will not constitute a mixed economy of supply and delivery in the future. Those matters and the processes that will be observed in testing competitiveness, considering alternatives, determining the best means of delivery and the associated decision making requirements in so doing, will be set out separately in the Competition Strategy and the Competition Handbook which will need to be agreed by Members in due course. Exhibit 1 overleaf shows the various component parts of the overall governance infrastructure for competition and procurement and how these different elements will relate to each other within that framework once complete.
- 6 The Competition Strategy and Competition Handbook are currently in development and consultation with all key stakeholders will begin shortly. It is envisaged that this work will build on the basic principles and methodology for reviewing and testing competitiveness and 'best value' of our services, as set out in the Rollo report agreed by Members in 2003.
- 7 Agreement at this stage to overall scope and purpose of the Competition Policy as set out in Annex A is crucial to informing the work now on-going to develop the Competition Strategy and Competition Handbook. Clearly however, it would make little sense to deploy the Competition Policy in advance of Council approval of an agreed Competition Strategy and the methodology needed to support the function of integrated and meaningful review and decision making processes. It is therefore suggested that the draft Competition Policy be approved in principle at this stage by Members with a view to it being formally approved by Full Council at the same time as the Competition Strategy in the next few months.

Exhibit 1



Options & analysis

- 8 Not relevant for the purpose of this report.

Consultation

- 9 The draft policy has been considered by Corporate Management Team and circulated as an early draft to other relevant specialist officers for comment and with reference to the Audit Commission. The draft has been positively received by consultees.

Corporate priorities

- 10 The adoption of a Competition Policy will support the delivery of the Council's corporate priorities and is consistent with the purpose and intent of the direction and values statements underpinning the Corporate Strategy as a whole.

Implications

- 11 There are no specific financial, legal, HR, property, crime & prevention, IT&T or other implications arising from this report.

Risk Management

- 12 The Council remains at risk of a poor CPA and/or specific inspection reports if it does not have a clearly documented policy for competition as part of an overall strategy, policy and decision making framework for competition and procurement of the kind set out in Exhibit 1 above, before the end of this year. It also risks failing to ensure procurement activities across the organisation are properly channelled into supporting the delivery of Council objectives and ambitions.

Recommendations

- 13 The Executive is asked to:
- a) note the work now on-going to develop a Competition Strategy and accompanying Competition Handbook at the Council, further to the adoption of the CPS in May 2007;

Reason

To advise Members of progress in developing robust competition and procurement arrangements at the Council.

- b) comment on the scope and content of the draft Competition Policy attached as Annex A to this report;

Reason

To seek Members views as to the scope and content of the draft policy.

- c) approve the draft policy in principle as set out at Annex (subject any changes required and adoption by Full Council in due course) to allow work on the Competition Strategy to progress.

Reason

To allow officers to progress detailed work on the Competition Strategy in the context of an agreed policy framework for competition at the authority.

Author:

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Chief Officer Responsible for the report:

**Liz Ackroyd
Assistant Director of Resources (ARM)**

Report
Approved

Date 11 Oct 2007

Specialist Implications Officer(s)

Wards Affected Not applicable

All

For further information please contact the author of the report

Background Papers

Corporate Procurement Strategy 2007/08 – 2009/10

Annexes

Annex A – Competition Policy (discussion draft)

Annex A
Competition policy

Discussion draft



Competition Policy

Discussion Draft

version control *draft 1.1*

ERA/11092007

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Competition Policy

Introduction

- 1 The City of York Council aims to deliver high quality, value for money services that meet the current and future needs of the local community. The Council is committed to a mixed economy of provision because it believes that services should be delivered by the organisation (public, private or voluntary sector), that is best able to meet these standards.
- 2 The Council must make arrangements to secure continuous improvement in the way in which services are delivered, having regard to a combination of economy, efficiency, effectiveness and appropriate quality considerations. The Council must demonstrate that its services are competitive and that it has evaluated a range of alternative options to current service delivery, in consultation with relevant stakeholders. It must also ensure that those services are well managed and that they remain fit for purpose.

Background

- 3 The Council's approach to the competitive provision of services has evolved on a piecemeal basis over a number of years and there has been no consistent approach to how the Council wishes to use competition for strategic stretch and leverage purposes or the pursuit of value for money in the absence of an overall competition policy for the authority to date.
- 4 The development of a competition policy, alongside a coherent competition strategy at the Council, will ensure that key principles of best practice are embedded universally across the Council, whilst enabling departments to retain control and accountability for their areas of responsibility. This policy applies to all business areas of the Council, including direct service provision to stakeholders, procurement of goods and services, works, joint ventures with third parties, partnering and collaboration, sales and disposals.

Policy context & outcomes

- 5 The purpose and provisions of this policy are consistent with the ambitions set out in the Council's Corporate Strategy and should be viewed in that context. They provide a means of helping to support the delivery of the Council's corporate priorities for improvement generally with specific reference to the following Direction Statements and Values Statements that underpin the overall philosophy and intention of the Corporate Strategy in itself as set out overleaf.

Direction Statements

- We want services to be provided by whoever can best meet the needs of our customers
- Our ambitions is to be clear about what we will do to meet the needs of our communities and then to deliver the best quality services that we can afford
- The Council will provide strong leadership for the City using partnerships to shape and deliver the Community Strategy for the City
- We will be an outward looking Council, working across boundaries to benefit the people of York

Values

- Delivering what our customers want
- Providing strong leadership
- Encouraging improvement in everything we do

Extract: CYC Corporate Strategy 2007-2011 (25 Sept 2007)

- 6 Within that context, this policy will actively support the Council's approach to how it can best achieve its improvement priorities, promoting improved public services that meet the needs of the local community by:
- a) supporting the development of sustainable partnerships with a range of public, private, social enterprise, voluntary and community organisations;
 - b) obtaining improved value for money by collaborating with partners at local, regional and national level;
 - c) helping to stimulate local markets and using the commercial expertise of partner organisations to deliver innovation in the design, construction and delivery of services and share risk;
 - d) improving procurement practices across the organisation for externally sourced goods, services and works to enhance value for money.

Policy Aim

- 7 This policy constitutes a high level statement of general intent based on an overarching commitment to establishing a 'mixed economy' of supply and provision that seeks to optimise service outcomes and value to the community and local tax payers. The overall purpose and aim of the policy is therefore to:

... enable the Council to deliver high quality, cost effective services that best meet the needs of the local community and other stakeholders through the appropriate use of competition to drive and enhance value for money.

Policy Objectives

- 8 The business objectives of this policy are to ensure that:
- a) any significant 'make or buy' decision to be taken by the Council is subject to a business case containing clear objectives, analysis of a range of business options, evaluation of costs and quality considerations and the particular benefits and/or risks of each option;
 - b) sufficient and appropriate consideration is given to the implementation process and the means of implementation further to the supporting business case for decision (eg procurement, joint venture, trading company, internal re-organisation etc);
 - c) an effective delivery mechanism has been evaluated and established before the service is introduced (eg effective contract and client management arrangements);
 - d) the service is operating in accordance with the relevant legislation, the overall governance and probity requirements of the Council and all relevant internal policies and procedures;
 - e) change control and variations to the service can be evaluated and introduced effectively;
 - f) the need for effective and appropriate engagement with customers and other key stakeholders is built into the initial decision making process and suitably reflected in on-going commissioning and contract management arrangements (including all end-uses, the wider community and suppliers);
 - g) clear ownership and accountability for quality and cost of service provision, irrespective of the delivery vehicle, is maintained at all time by the Council.

Key principles

- 9 In implementing this policy the Council will seek to actively review the competitiveness and appropriateness of its delivery arrangements on a regular basis. The following principles will be adhered to in testing the competitiveness of all or any of its current or future arrangements:
- a) robust comparisons of financial and service performance will be used to help determine the most appropriate means of testing competitiveness and priority order in which the Council will examine its service arrangements across the piece;
 - b) review processes will serve to drive the identification of service and business opportunities for step change improvements and/or service transformation both in terms of service quality and costs;
 - c) all decision making processes will be transparent, accountable and future looking and will be made on the basis of a robust business case that must include a thorough appraisal of all appropriate options for delivery and proper market assessments (where external provision is considered within any given options appraisal);
 - d) consistency with other key strategies and policies making up the Council's overall Policy Framework;
 - e) the involvement of all key stakeholders (both internal and within the Community, be they customers, tax payers, local businesses or other public and/or third sector organisations as appropriate);
 - f) the need to ensure all probity, lawfulness and governance standards and requirements are duly observed;
 - g) transparency of process, equity and non-discrimination.



Executive

23 October 2007

Report of the Corporate Landlord

Community Management and Ownership of Council Property Assets**Summary**

- 1 This report
 - Summarises the contents of the Quirk Review of community management and ownership of public assets
 - Details the work this council has already done in encouraging community management of assets.
 - Sets out options for future progress.
 - Details the Community Asset Fund with a proposal to make a bid to this fund.
- 2 Members are asked to
 - Note the contents of this report.
 - Approve the recommendation for dealing with the ownership and management arrangements for potentially qualifying properties.
 - Support the proposals to make a bid to the Community Asset Fund to support the St. Clement's Hall development project.

Background

- 3 The Quirk Review was set up in September 2006 by the Department of Communities and Local Government to investigate future options of increased community management and ownership of assets, in particular looking at ways to overcome barriers taking in to account the need to manage risk.
- 4 The Review report (titled 'Making Assets Work') was published in May 2007. The full report can be found at www.communities.gov.uk/index.asp?id=1510615. The three principal conclusions from the report are:-
 - 1 Asset transfer should take place where it can realise social or community benefits, without risking wider public interest concerns.

- 2 The benefits of community ownership of assets can outweigh the risks involved, in appropriate circumstances, and
- 3 Risks can be minimised and managed if business focused approach.
- 5 The report details options for taking this forward and suggests that authorities should have a strategic plan for dealing with this topic. Comments in the report include:-
 - Transfer of assets can either be freehold – at a nominal sum – or by long lease rent free.
 - Safeguards need to be built in to any transfer to protect the local authority.
 - On a freehold transfer by arranging for “clawback” of receipts if sold on.
 - On a leasehold transfer by control through the lease covenants.
 - Benefits of this approach include:-
 - Enabling the community group to retain revenue generated and bid for capital funds to maintain and improve the facility.
 - Give hope to disadvantaged areas and promote community cohesion.
 - Provide an accessible base for a range of community services.
 - Enables the local authority and community to work closer together.
 - Risks include:-
 - Lack of capacity/skills/knowledge in the community group to maintain the asset in the future.
 - Asset not fully utilised as delay in obtaining funding.
 - Community group becomes unrepresentative and asset used for non-public interest, non-inclusive purposes.
 - Conflict between community groups to use these assets.
 - Asset is sold on or sub-let to generate money which is not returned to the community or local authority.
- 6 The report details options for minimising these risks which are discussed elsewhere in this paper. It is essential that in taking any potential transfer forward on a property asset the local authority and community group work closely together from the outset to ensure the resultant method, documents, etc maximise the benefits to both sides and ensure the long term future of the asset in public use.
- 7 In connection with this the Government has set up a £30m Community Asset Fund which schemes that meet the criteria can apply for to bring the asset in to a ‘fit for purpose’ state to enable the transfer to take place.

- 8 The closing date for applications to this fund is 15 November 2007 and paragraphs 23 to 28 details the process which has been undertaken to prepare an application to this fund.

Council's response to the Quirk Review

- 9 The Corporate Landlord has already, before the Quirk Review was published, worked with council services and local community groups in seeking to, wherever feasible, transfer the management and responsibility for community type assets to local community groups. This has been done by granting long leases at nil rents rather than transferring the freehold as it is considered that better strategic control can be retained by the council to ensure that the asset is used for the purpose originally envisaged whilst still allowing the occupier to have full flexibility within these parameters to make full use of the land and/or buildings, to retain the income generated from its use and to have sufficient legal interest in the property to apply for external funding.
- 10 An example of where this has happened successfully is the Oaken Grove Community Centre in Haxby where a new community centre was created from part of the former Oaken Grove School which was surplus. The remainder of the site (excluding the playing fields) was sold for a housing development. The Haxby & Wigginton Youth and Community Association were granted a long lease (99 years) at nil rent in 2004 which stated that the Association would be responsible for all future repair and maintenance of the building, payment of any building related costs and ensure the building was open for the public to use for a minimum of 1350 hours per year. The Centre is well used and a focal point for the Community and the management arrangements have worked well.
- 11 There are a number of land and property assets occupied by community groups within the city which are currently let on a variety of terms. Annex A contains a summary of those properties which are occupied by community type groups who could make an application under this initiative. Interest has already been shown by a number of groups on this list and therefore there needs to be a system in place to deal with these applications. The Quirk review highlights the need to adopt a uniform objective approach by the council in dealing with existing and future arrangements.
- 12 It is considered that, in order to qualify as suitable for the transfer of an asset to a community group on this basis then the applicant group should meet certain criteria as follows:-
- It must be the intention to open up the asset for the whole community to have access and for a variety of uses and not just be a specialist or single purpose group. There should also be a minimum time (measured in hours per year) when the land and/or building is open to the public
 - The community group must show that it is properly constituted and is sustainable in economic and social terms. It needs to show it will have the capacity to manage and run the property that meets the terms of any agreement.

- The aims of the group and its proposed use of the asset must support one or more of the Council's priorities and objectives contained in the Corporate Strategy and match the Council's strategic values.

These criteria will be developed into an assessment matrix which will be used to assess all applications made by community groups so that an objective approach can be taken to these requests.

Options

13 Option 1 – Transfer by means of a long lease

Proposal – All qualifying (see paragraph 12 for qualification criteria) community groups, either existing or in the future should be offered a lease, up to 99 years, on a nil rent basis if such a lease doesn't already exist. The length of the lease will be dealt with on a case-by-case basis but will be long enough to ensure the tenant can apply for any funding needed to support the use it will make of the premises and any work it needs to repair/refurbish/improve the property.

The lease is to contain the following conditions:-

- The tenant is to take full responsibility for repairs and decorations, internal and external, day-to-day management of the asset and payment of all outgoings including insurance, business rates and utility costs.
- There should be provision in the lease that the property is open to the public for a minimum period during the year (for example, in the lease at Oaken Grove Community Centre this is 1,350 hours spread throughout the year) and the user clause is tightly written to control the use of the asset for the benefit of the community.
- There should also be safeguards written in to the lease that prevent the tenant from selling on their leasehold interest or operating in a commercial way without the council being able to either take the lease back or charge an appropriate rent to the group. In certain cases to assist the long term sustainability and viability of the community organisation, sub-letting of part on a commercial-type basis may be permitted provided this is a small element of the scheme and is secondary to the community purpose and does not affect public accessibility.

14 Advantages

- The Council retains strategic control of the use and operation of the property by means of lease covenants which are easier to enforce.
- Community group/occupier has full freedom within the parameters set by the lease to operate and manage the property, maximise its income from the property without having to pass any on to the council in rent, and can apply for funding from a range of bodies knowing it will meet their property related criteria for any bid.

- The community has an asset which it can use which is locally managed.
- The council's future potential repair and other liabilities are minimised providing a revenue and capital saving. There is also a reduction for the Council in the repair and maintenance backlog figures.

15 Disadvantages

- The council could lose revenue income from its assets. Some of the community groups which could qualify for such a lease currently pay rent and therefore this income would be lost. In some cases however the Council currently pay a grant to cover some or all of the rent and other outgoings such as business rates and therefore if no rent was being paid the grant would be reduced accordingly. As detailed in paragraph 13 the tenant will be still be responsible for other charges on the property including business rates, insurance premiums etc.
- By granting long leases the council is also foregoing any future income and also, as long as the tenant keeps to the terms of the lease, potential future capital receipts if all or part of these sites could be disposed for other uses. The level of capital receipt, of course, would depend on the use any sites could be put to which would be regulated by planning control and it should be noted that most of the sites are already protected by current planning policies.
- The council could lose some day-to-day control over how the asset is used although retaining the strategic overview. This could be reduced by representation by the relevant council service or local Members on the community groups management board.

16 Option 2 – Transfer by means of a freehold disposal

Proposal – The freehold title of the asset would be transferred to the community group for a nil capital receipt. To protect the future use of this asset restrictive covenants should be put in the sale document concerning the use to which the asset can be put to and also a 'clawback' provision so that if part or all of the asset is sold by the group the council would get an agreed proportion of the sale cost.

17 Advantages

- The community group would have full control over the use and management of the asset which would ensure maximum benefit to the local community.
- The group could retain all income and have the ability to apply for revenue and capital funding knowing it would meet any property related criteria specified by the funders.
- The council's future liability both financially and non financially would be removed. The council may offer funding to support the group but this would be at its discretion.

18 Disadvantages

- The council would lose not only day to day but also any strategic control over the future use of this asset. If the group were not using the property for maximum public use or let the building fall into disrepair then the council would have much more limited powers to rectify the situation than if it still owned the land.
- It would also be much harder to enforce the covenants in the transfer regarding use and subsequent sale as the council may have to go through the courts to achieve success which would be costly and have a risk of not succeeding.
- If the group did fail, although the council would be able to buy back the asset, it would then have to find the funds to rectify the situation and continue with the service offered to the community. It is likely that finding out about any failure would be later than if the group were on a leasehold basis although the risk of this could be reduced if council staff or Members were represented on the community group.
- As with option 1 the council will give up any right to future income or capital receipt if the group operate successfully.

19 Option 3 – Do not follow the recommendations of the Quirk Review

Proposal – to continue as presently dealing with the community groups in a selective way, often responding to the different needs for longer leases to apply for funding or help with maintaining the assets they have.

20 Advantages

- Some flexibility is retained for future use of these assets and the council could generate more revenue and potential capital receipts although there may be a need to meet the community groups need if vacant possession was required to dispose of the asset.

21 Disadvantages

- Community groups would not feel they were being treated with equality.
- The council would be going against the recommendations of a government led review which may have an effect on the CPA rating.
- An opportunity to transfer responsibility and management to local communities would be lost.

22 Taking in to account all the above it is recommended that option 1 is adopted by the council, dealing with each application on its own merits and tailoring the lease terms in each case to maximise the benefits to the council, the community groups and the wider community for the reasons stated in paragraphs 13 and 14.

Community Assets Fund

23 The Government has now produced its timetable and criteria for the applications to this £30m fund. The full document can be found at :www.biglotteryfund.org.uk/prog_community_assets.htm?regioncode=uk&stat us=theprog and can be summarised as follows:-

24 Timescale

Applications to this fund need to be completed and sent by 15 November 2007. The initial assessment of applications will be completed by 31 March 2008 and then there will be a period of 6 months for the applicant to complete a capital delivery plan before final authority is given to proceed with the project.

25 Method of Assessment

The bids will be assessed on a scoring system based on 2 main criteria.

- Need for the project – including how the needs have been identified, the outcomes for the project and how these outcomes will meet the needs.
- Partnership working – identify the partners, what each will bring to the project, the experience, skills and capacity of the partners to deliver the project.

It is clear therefore that to have a chance to be successful any project must be one that is already well formed – shows that partnership working between the authority and community groups is already established and where there is a sustainable plan in place to bring an identified local authority asset in to use by a range of community organisations.

26 Consultation

Working in partnership with York CVS, community groups were asked to express an interest in this initiative and also an assessment was made as to council properties which would be available.

A meeting was held on 14 September with representatives of the council and York CVS to assess the interest shown and it was agreed that the only scheme which could meet the criteria summarised above is a project being developed at St. Clement's Hall, Nunthorpe Road, which is Council owned.

27 This project is to refurbish and convert a redundant church hall and residential accommodation to a community centre and social housing. A Development Group made up of council officers, members and community groups has been in existence for some time and the project is well developed. The main obstacle to making progress is the lack of funding and therefore a successful application to this fund to enable this project to proceed to a conclusion.

28 A project team will take this forward and Member approval to the project will assist in seeking to maximise the chance of success in obtaining funds.

Corporate Objectives

29 This report outlines the council's response to a government priority to enable local communities to have a greater part to play in the management and use

of council's public assets. By adopting the above proposals therefore the council will be meeting a central government objective.

30 It also forms part of the response to the Government White Paper – Strong and Prosperous Communities which is currently been considered by the Director of Neighbourhood Services in the impact it will have on neighbourhood management by the Neighbourhood Pride Unit

31 In addition this proposal will help to meet the following corporate priorities.

3 Improve the actual and perceived condition and appearance of the city's streets, housing estate and public accessible spaces

- Bringing in to public use buildings currently unused.
- Enabling community groups to access funding to improve buildings and increase public access to them.

10 Improve our focus on the needs of customers and residents in designing and providing services

- Transfer of community assets will be on a basis that a range of services and opportunities are provided to the local community and by involving community groups in the process should ensure that local needs are met.

12 Improve the way the council and its partners work together to deliver better services for the people who live in York

- One of the main outcomes of the Quirk review is to achieve just that and by adopting the outcomes as proposed the council will as a consequence work with community groups and other partners to ensure that the buildings deliver better services.

Implications

32 Financial

The financial implications of proceeding with the implementation of the Quirk review are detailed in this report and can be summarised as follows:

- Revenue

By transferring suitable assets to community groups at nil rent there is a potential loss of revenue income which assists services in their budget for service delivery. Annex A shows that, if all the groups on this list met the qualifying criteria set out in paragraph 12 then there could be a loss of revenue of up to £10,000 p.a. If the transfer is by replacing an existing lease with a new long lease then the shortfall in income would have to be met from a supplementary estimate or growth bid as part of the budget process if it were decided to transfer these assets at nil rent. If the group is on an existing lease there needs to be a check to see if grants are made by the Council to pay any rent and any adjustments made

In relation to St Clements Hall, it is currently an empty property which the Council is responsible for securing and maintaining at a cost of approximately

£1.5k per annum. A successful bid to the Community Asset Fund would enable the facility to be brought back in to use and reduce the Council's liability on the asset.

- Capital

By granting long leases the council will defer any future potential for capital receipt from disposal of these assets as long as the community group follows the lease terms. There is always a need for future capital receipts to help fund the council's capital programme.

- Grant Aid

The transfer of the asset, on either a freehold or long term lease, opens up the opportunity for community organisations to make grant applications. These grants could be for revenue but, particularly where the transfer of a capital asset is concerned, for capital funds to refurbish or improve the building. The voluntary and charitable sector generally qualifies for more funding sources due to eligibility requirements and thus this process may mean more investment in the community assets than if the property remains in the authority's control where eligibility for grants for the statutory sector is often more restricted.

All of these mean any application for transfer received from a community group should be looked at closely and all options explored.

33 Legal

As stated in this report the council has already been granting long leases to community groups at nil rent and a standard form of lease has been agreed which will be used in the future. On the basis that the asset is used for community purposes and is open to the public then a nil rent can be charged and the lease will contain provision for a commercial rent to be charged if the tenant stops using the property for this purpose.

It is recommended that the community group should be responsible for a contribution to the legal fees incurred on any lease or other documents as there is no budget for these within the operating services.

34 Property

All property implications are contained and detailed in this report.

35 Human Resources, Equalities, Crime and Disorder, IT

There are no implications for these areas.

36 Risk Management

The risks associated with implementing the Quirk review are detailed in the advantages and disadvantages sections of paragraphs 5 and 13-22 of this report.

It is considered that the best way to minimise these risks is by

- Transferring the council's interest to the community group by granting a long lease containing all the covenants referred to in this report rather than the freehold so that strategic control of the use of these assets is retained.
- Regular inspections of the property is being carried out by the council to ensure that the lease terms are being complied with and to maintain contact with the group/partnership operating and managing the building.
- Possible representation on the community groups management board by council officers and/or elected Members.

Recommendations

- 37 A. Members are asked to consider approval to option 1.

All community groups should be offered a lease, up to 99 years depending on the needs of the community group, on a nil rent basis and with full responsibility for repairs, management and payment of all other outgoings including insurance, business rates and utility costs.

Reason: To show the council is responding to the Quirk review in a positive way which maximises the benefits of transfer of community assets to community groups whilst retaining the strategic control to ensure these benefits are delivered to the local community.

- B. Members are asked to consider supporting the bid to the Community Assets Fund for the development of St Clements church hall

Reason: The St Clements hall proposals have the best potential to meet the criteria for a successful application to the Community Assets Fund and would result in an example of Best Practice in how to deal with transfers to the community.

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Specialist Implications Officer(s)

Implication Financial

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Wards Affected:

All *tick*

For further information please contact the author of the report

Background Papers: The Quirk Review of Community Management and Ownership of Public Assets.

Annex A

List of Council assets occupied by community-type groups

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Annex A

File	Address	Name	Use	Length of Lease	Commencement	Rent Review Due	2007/08
	LEISURE						
123/2	Holgate Road	York Railway Institute	Bowling Green	35 years	1-Apr-98	01-Apr-2007	610.00
123/20	Holgate Road	York Railway Institute	Bowling Green (lease)	15 years	1-Apr-01	01-Apr-2007	127.00
2175	Hopgrove, Malton Road	Huntington PC for Hunt Play Fields Ass	Playing Fields	99 years	1-Mar-96	28-Feb-2095	1.00
2187/2	Main Street, Upper Poppleton	Poppleton Sports and Social Club	Land for recreational purposes	99 years	1-Sep-87	01-Sep-2005	0.00
2178/14	Northfields, Strensall	Strensall Parish Council	Playing Fields	99 years	1-Feb-96	31-Jan-2095	10.00
2191/1/D	Oaken Grove Community Centre	Haxby & Wigginton YCA	Community Centre	99 years	1-Jun-04	31-Dec-2102 (e)	Peppercorn
2187/2	Ousemoor Lane, N Poppleton	Poppleton Sports & Social Club	Rec Land	99 years	1-Sep-87	01-Sep-2005	1,750.00
662/2	Priory Street Centre	York Council for Voluntary Service	Community Centre	99 years	1-Jul-97	30-Jun-2096	Peppercorn
2257	St Nicholas Fields	Trustees	Environmental Protection	25 years	17-Feb-98	None	Peppercorn
48/14	Knavesmire	Ovington Cricket Club	Pavilion and Pitch	21 years	19-Jul-95	01-Jul-2005	254.00
48/13	Knavesmire Road	Hamilton Panthers	Changing Rooms	20 years	1-Apr-03	01-Apr-2008	2,500.00
48/9	Scarcroft Green	Scarcroft Green Association	Ground rent - Pavilion Site	Year to year	13-Sep-72	01-May-2008	125.00
66	S Helens Road	Dringhouses Cricket Club	Ground rent	99 years	21-May-01	01-Sep-2008	590.00
520/4	Thanet Road	Acorn ARLFC	Ground rent	60 years	6-Aug-90	06-Aug-2010	3,600.00
2187/3	Wetherby Road Rufforth	Rufforth Allotments Ltd	Allotments	Agr Tenancy	6-Apr-21	06-Apr-2007	330.00
	EDUCATION						
2169/4	Queen Annes School	St Peters School	Playing Field	99 years	1-Apr-01	01-Apr-2100	Peppercorn
2192	Skelton Primary School	Skelton Parish Council	Playing Field	Annual tenancy	1-Jul-59	01-Apr-2007	195.00
	PROPERTY						
2235/5	Nether Poppleton Fishing Rights	York & District Amal of Anglers	Fishing Rights	2 years	1-Sep-05	30-Jul-2007	500.00
	HOUSING						
45/11	Clementhorpe Community Centre	YCVS	Community Centre	30 years	1-Apr-85	01-Apr-2015	Peppercorn
						TOTAL	9,982.00

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Executive**23 October 2007**

Report of the Director of City Strategy

Park & Ride Bus Contract**Summary**

1. This report provides details of the result of the evaluation of the tenders received for the provision of the Park & Ride bus service. Members are asked to note that under delegated authority the Director of City Strategy is proposing to enter into a contract for the provision of the service with First York subject to the final clarification of terms. Members are asked to decide which fare and vehicle emission standard variants to progress and which enhanced specification items should be included at the start of the contract.

Background**Current Position**

2. First York have successfully provided the Park & Ride service for the city since 1995. Contracts for the Park & Ride operation were previously tendered in 1995 and 2000. Following detailed negotiation the current operation commenced in April 2002. The current five year contract ended in April 2007 with an extension agreed with the present provider to enable the existing arrangement to continue until the procurement of the service was completed.
3. The Park & Ride services have and will continue to be a key element in the transport system in the city. It has been successful (over four million passengers) in contributing towards management of traffic congestion and economic vitality of the city. If the Park & Ride is to continue to provide this essential service, then there needs to be further investment made in the future to maintain and enhance it.

Park & Ride Options Report

4. Options for the procurement of the Park & Ride service were presented to the Executive in February 2007. The Executive approved the recommended approach to procure the service using a similar contractual arrangement to the existing agreement. It was agreed that an European Union restricted procurement route would be employed with a Most Economically Advantageous Tender (MEAT) evaluation methodology used to allow cost and quality elements to be assessed.

5. The services tendered were the management, supervision and provision of vehicles and drivers to enable the Park & Ride to operate from five sites.
6. The key elements of the tender were:
 - fares
 - quality of service
 - emission standards
 - licence fee to the Council
 - patronage benefit sharing

To ensure that these objectives could be met a core specification was prepared with options for additional enhancements which could be included if affordable.

Key Features of Procurement Process

7. The procurement has been undertaken under the close supervision of the Corporate Procurement Team to ensure that the correct process has been followed at all stages. The procurement of the services involved a number of main features that were progressed through the year. To stimulate the market and ensure the most appropriate documentation was prepared a market testing exercise was undertaken in advance of the formal tender process. An Official Journal of the European Union (OJEU) Notice was submitted in April 2007 inviting suitable operators to complete a pre-qualification questionnaire for evaluation and to enable a list of tenderers to be prepared. Nine suppliers submitted expressions of interest and seven Pre-Qualification Questionnaires were submitted.
8. Following assessment of the submissions a shortlist of suitable suppliers was prepared and tender documents issued to five operators in July 2007 with a return date of early September.

Tender

9. The tender documents were prepared to allow the maximum flexibility to agree the optimum affordable solution for the provision of the service within the constraints of the European Union restricted route procurement methodology. Performance specifications were prepared for both the core requirements, similar to the existing arrangements but with minor improvements, and a list of optional enhancements. The tenderers were also invited to price a number of emission standards and fare variations and also encouraged to provide alternative proposals for consideration. A summary of the specification is provided in Annex 1.

Tender Evaluation

10. Tender documentation was issued on 24 July to the five suppliers on the short list with two operators subsequently deciding not to submit tenders. Three tenders were received by the 4 September closing date.
11. The overall quality of the tender submissions from the three suppliers, First York, Veolia and Go North East was very high with all of the operators

indicating a strong commitment to providing the best possible Park & Ride service for York.

Principles

12. The evaluation process was designed to compare the price and quality of the tenders using a MEAT approach with a 50:50 quality/cost split. The cost and quality elements were both scored out of 1000 and summed to give a maximum possible score of 2000.

Cost Element

13. The pricing schedule in the tender was prepared to allow three main vehicle options to be submitted with three possible starting fares. The cost element (licence fee) was scored using an adjusted Chartered Institute of Public Finance and Accountancy (CIPFA) scoring methodology. The maximum score of 1000 points was allocated to the highest licence fee for each fare and vehicle emission standard variant. In addition for each variant the tenderer could price a schedule of rates for the optional items and indicate the percentage of the fare which would be paid to the Council for Park & Ride patronage increases above 5%. The schedule of rates and patronage increase elements were only included in the evaluations if the overall ranking would be materially affected by their inclusion.

Quality Element

14. The quality element was assessed by a panel of three officers and the scores averaged. The overall quality of the proposals was assessed by evaluating fares, service quality and emissions using information provided in the tender submission.
15. The service quality evaluation was further broken down to evaluate the detailed sections identified below:
 - General (Acceptance of Contract Terms, Sustainability, Vision for service etc.)
 - Capacity (Timetables, Capacity per Hour etc.)
 - Service Management (Management of Service, Ticketing Equipment, Smart Cards, Monitoring, Integrated Ticketing etc.)
 - Customer Interface (Customer Care, Site Management, Branding, Marketing, Maintenance, Cleaning etc.)
 - Vehicles (Type, Age at Start of Contract, Vehicles for Holiday Period, Vehicles for Peak Saturdays etc.)
 - Depot (Location, Management of Breakdowns, Response times etc.)
 - Mobilisation (Proposed Start Date, Transition Arrangements etc.)

Results of Evaluation

16. The evaluation of the quality and price of the tenders in accordance with the methodology set down in the tender documentation, results in a clear preferred tenderer. A summary of the results of the tender evaluation is included in Annex 2.

17. Under all options and fares, including if all schedule of rates items were instructed, the evaluation results in First York having the highest overall score together with the income to the Council being within the budget requirement. Therefore under delegated authority the Director of City Strategy is proposing to enter into a contract for the provision of the service with First York subject to the final clarification of terms. To finalise the contract there are a number of options which require the approval of Members.

Emissions

18. First York has provided options for Euro IV, Euro V and Euro EEV vehicles from the start of the contract. The current vehicles used to provide the service are a mix of Euro II & III compliant (artics are Euro II). The Euro Enhanced Environmental Vehicles (EEV) standard does not have an implementation date but is currently the most stringent European emission standard available for Heavy Duty Vehicles. The principal benefits relative to the existing vehicles is a substantial reduction in Nitrogen Oxide emissions and particulates, achieved by the provision of exhaust filters, and reductions in Methane and Carbon Monoxide. However it should be noted that there may be a marginal increase in Carbon Dioxide emissions due to adjustments to engine tuning to meet the emission standards. It is considered beneficial to the local environment that the more stringent emission standards are specified whilst the global warming effect is offset by the reduction in car usage and the lower emissions of other green house gases.
19. The principle impact of the more stringent emission standard on the tender is a reduction in the licence fee available to the Council due to the additional purchase and operational costs of the vehicles.

	First York
Euro IV	Base
Euro V	No impact
Euro EEV	£10k fee reduction

20. It is recommended that the EEV emission option for vehicles is progressed as the impact on the licence fee is low (£10k) and there would be significant air quality benefits.

Fares

21. Options for fares were included in the tender to allow the tenderers to define a fare level which would allow the service to operate at the various quality/emission levels specified. The new fares would become valid at the start of the operation of the new service.
22. The fare price has a direct influence on the licence fee paid to the Council. The current licence fee paid by the operator is approximately £230k per year. The Council budget set for 2007/08 includes an anticipated increase in income from the Park & Ride service of £120k in a full year. In addition the licence fee would need to cover the additional cost of enhancing the quality of service if the improvements were instructed e.g. the provision of supervision at the Designer Outlet, and provide funds for the necessary planned maintenance of the sites.

23. It is recommended that the new service is operated from commencement with a standard £2.20 return fare as this will result in a licence fee which will cover the budget commitment, provide funds for the enhancement of the service as detailed in the following section and scope to enable structural maintenance and improvements to the sites to be undertaken in future years. This fare would be approximately 25% below comparable commercial routes in the city with additional discounts available for regular users.

Patronage Variation

24. Tenderers were invited to indicate the maximum payment available to the Council if the number of Park & Ride passengers increased more than 5% above the base year value. First York indicated that 5% of the standard fare would be returned to the Council for each additional passenger boarding.

Key Features of First York Proposals

25. First York's proposals include the provision of new buses, additional capacity, and improved supervision. The key features of the new service are identified in the table below.

	First York
Average Peak time Capacity	20% above specified
Number of Vehicles	14 Articulated + 1 spare (cf 9 existing)
	16 Rigid + 1 spare (cf 17 existing)
	5 additional rigids for peak Saturdays (from city fleet)
Type of Vehicle	Mercedes Citaro Articulated. Volvo rigid (option for Mercedes at additional cost)
Branding	Dedicated Park & Ride brand – Silver buses
Integrated Ticketing	Discounted First Day/Week tickets for Park & Ride users
Service Management	Dedicated manager for service + single supervisor at each site
Mobilisation	To be confirmed at the meeting

Enhanced Specification

26. A number of items to enhance the Park & Ride service were included in the tender as schedule of rates items to allow accurate costs to be established and enable the improvements to be instructed if affordable. Members may wish to delay a decision on the additional items pending the finalisation of the budget for 2008/09. The recommendations are based on the items' contribution to service improvement and affordability within the contract.

Designer Outlet Supervision (Annual Cost £70k)

27. A small office is proposed for the Designer Outlet site, with the construction funded from the Capital Programme, to enable the same quality of service to

be provided as the other Park & Ride sites. The kiosk will enable passengers to purchase smart cards encouraging more commuters to use the site – smart cards are currently only available for purchase at the other Park & Ride sites. The kiosk would also allow the site to be manned during opening hours to manage the bus service timetable, provide information to passengers and provide re-assurance to users parking their vehicles.

28. The cost includes the provision and maintenance of ticketing equipment, payment of utility costs, maintenance of the building and the provision of a minimum of one supervisor at all times.
29. It is recommended that this enhancement item is instructed at the start of the contract and the supervision provided as soon as the kiosk is in place. If the recommendation was not approved the project to provide a kiosk would end.

City Centre Supervision (£1,200 per month)

30. The operator would provide a roving supervisor for the Park & Ride bus stops in the city centre to manage the service and provide information to customers. Supervision would be provided from 15:30 to 18:30 Monday to Saturday. The supervisor would patrol around the city centre Park & Ride stops including as a minimum: Pavement, Piccadilly, Clifford Street, Tower Street, Rougier Street, Station Road, Station Avenue, and Museum Street. The supervisor would wear a uniform to allow identification as a Park & Ride Supervisor by passengers. Communication would be possible between the supervisor and the Park & Ride management to identify incidents and provide pro-active management of the service. The city centre supervision would:

- Provide queue management at peak times.
- Deal with customer enquiries.
- Deal with customer complaints.
- Help to ensure that the bus service operates to timetable and pro-actively managing the service to minimise waiting times.
- Deal with incidents which affect the operation of the service.
- Pro-actively ensure that customers are aware of any disruption to the service.

31. City centre supervision at peak afternoon times would greatly assist in the management of the service and ensure that users are pro-actively informed of any delays and incidents.
32. It is recommended that the city centre supervision is trialled for a period during the holiday season at the start of the contract to confirm the anticipated benefits.

Askham Bar Extended Opening (£3,400 per month)

33. To encourage longer visits to the city an option to extend the Askham Bar opening hours to 11pm Monday to Saturday was included. When previously operated, this option was found to be very lightly used (less than 30 passengers a night between 8 and 11pm). First York have offered to continue accepting Park & Ride passengers at no additional cost on their alternative

commercial services which operate along Tadcaster Road in the evening period.

34. This option was included for pricing to allow all tenderers the opportunity to price. The cost of providing this services per passenger would be approximately £4.50. As First York are proposed to be accepted as the preferred operator it is not recommended that this option is taken up i.e. the current operation should be maintained and the service closed at 8pm as the other sites. The provision of the option to use alternative services later into the evening should be more widely publicised as part of the service re-launch.

Boxing Day and New Years Day (Sunday Service)(£6,625 per day)

35. An increasing number of retail outlets within the city are opening on the bank holidays over the Christmas period. The York Retailer's forum has suggested that Boxing Day is the busier retail day with more shops likely to be open. Opening the Park & Ride sites may encourage more economic activity within the city and provide more travel options for visitors. However the demand and justification for the provision of the service may be limited as congestion/air quality issues are unlikely to be a significant problem on these days and alternative parking would be available. Only 800 trips were recorded on the service when it operated last on Boxing Day in 2005. The high cost of operating the service is due to the need to open the bus depot specially and the premium payment for drivers and supervisors.
36. Owing to the anticipated high cost per passenger (£8.00) it is recommended that a review of the need for the service on Boxing Day is undertaken this year before deciding the provision for future years.

Additional Peak Saturdays (No cost)

37. The provision of additional capacity (approx. 5 vehicles) on seven specified days (Easter Saturday, August Bank Holiday Saturday, St Nicholas Fayre Saturday, four Saturdays up to Christmas Day) is already included in the core specification. First York have included an offer to provide two additional peak Saturdays at no additional cost which can be instructed when the patronage is projected to exceed the base capacity provided.

Fulford Road Stops (No cost)

38. The core specification included a reduction in the number of intermediate bus stops on Fulford Road to promote the operation to the Designer Outlet as an express service. As an option tenderers were instructed to provide a price for maintaining the existing bus stop provision. All tenderers priced this option at no cost.
39. The existing stopping arrangement on Fulford Road was originally, in part, provided because of concerns over the commercial viability of the service when it was first introduced due to low numbers using the route, although it was recognised that the arrangement would hinder the express operation of the Park & Ride service. Alternative public transport is available along Fulford Road using First York, Arriva and Veolia services. It is also expected that additional local bus service provision along the route will eventually be provided, initially subsidised with funds secured from the developer of the

Germany Beck site. Since June 2006 when the pick up point at the Designer Outlet was relocated and the bus frequency was enhanced there has been an increase in patronage of approximately 40% helping the service to become viable without the additional stops. This has led to capacity pressures at busy times. It should be noted that changes to the Fulford Road corridor to improve bus journey times are proposed to be undertaken in 2008/09.

40. It is recommended that in the short term the bus stop provision remains as existing but that this decision is reviewed when the Fulford Road corridor improvements are implemented.

Sunday Operating Hours Extended to 09:30 and 18:00 (£12,250 per year)

41. The adjustments to the Sunday Park & Ride operating hours (i.e. opening all sites half an hour earlier) would better match the staggered opening of city centre stores between 10:00 & 17:00 and provide a service for visitors and people employed in the city centre.
42. It is recommended that the option to increase the Sunday opening hours is taken up as part of the re-launch of the service.

Summary of Recommended Options and Enhancements

43. The table below indicates the recommended options and enhancements.

Item	Recommendation	Annual Cost
Standard Fare	£2.20	
Emission Standards	EEV Vehicles	£10k
Designer Outlet Supervision	All Year	£70k
City Centre Supervision	Trial for holiday period	£1.2k per month
Askham Bar Extended Opening	Not Recommended	nil
Boxing Day and New Years Day (Sunday Service)	Not Recommended (undertake review of need in 2007)	nil
Additional Peak Saturdays	Two Saturdays per year as required (seven included in core requirements)	No cost
Fulford Road Stops	No change to existing stopping regime recommended pending introduction of Fulford Road Corridor scheme	No cost
Sunday Operating Hours	Extended to 09:30 to 18:00	£12.25k

Consultation

44. Consultation on this report has been held with Procurement, Legal, Financial and Transport Planning to ensure that the proposals are acceptable. No

external consultation has been undertaken but a customer satisfaction survey was carried out in December 2006 to determine the views of the existing users, and these were used to inform the preparation of the specification.

Corporate Priorities

45. The Park & Ride service is a key element of the Council's transport strategy set down in the Local Transport Plan. In addition it supports the Council's strategy to increase the use of public and environmentally friendly modes of transport.

Implications

46. The provision of a successful and efficient Park & Ride service is essential for the continued prosperity of the city and the desire to reduce congestion and improve air quality in the city centre. There are implications across a wide range of areas both within the Council and externally.
47. **Financial Implications** The existing operation provides an income of approximately £230k to the Council. An additional income of £100k in 07/08 (£120k in a full year) from the Park & Ride service and advertising/sponsorship has been assumed in the future Council budget.
48. If no additional enhancements were instructed the licence fee from the recommended £2.20 fare would be approximately £650k. If the recommendations for the optional enhancements are followed a net licence fee of approximately £560k after deductions for the service enhancements could be expected to be received. Therefore the net additional income to the Council would be approximately £210k above the current budget level. There is also the possibility that a small additional income would be received after the first year for Park & Ride passenger increases above 5%.
49. This additional income allows the option to increase investment in the maintenance of the Park & Ride sites and promote further enhancement of the service. In particular allocations need to be made to introduce a planned maintenance regime for the replacement of significant structural elements on the sites as they begin to deteriorate with age. These include the resurfacing of car parks, painting of the facilities, landscaping and drainage.
50. It should be noted that the Park & Ride service is particularly affected by the introduction of free nationwide concessionary travel in April 2008. From the origin surveys undertaken in December 2006 it is estimated that the number of concessionary fare Park & Ride passengers will at least double and may increase further if additional passengers from outside the North Yorkshire area are encouraged to use the service because of the free travel. This could place an additional burden of approximately £300k on the concessionary fare budget.
51. **Human Resources (HR)** There are no Human Resource implications for staff employed by the Council. The role of the Park & Ride monitoring officer will change to suit the requirements of the new contract. There are no TUPE implications to consider for the transfer of the existing operational staff as it is

recommended that the incumbent supplier is awarded the contract subject to the clarification of terms.

52. **Equalities** There are no equalities implications if the concessionary fares provision is maintained as existing and the anticipated nationwide scheme introduced when finalised.
53. **Legal** Legal advice has been provided identifying the procurement, contractual and competition issues which have been addressed in the contract documents. It is proposed to lease the Park & Ride sites to the operator.
54. **Crime and Disorder** There are no crime and disorder implications.
55. **Information Technology (IT)** There are no IT implications. The supply of additional on bus equipment to enable the provision of real time information and the better management of the service is included in the contract.
56. **Property** There are no property implications with the proposed operation.
57. **Other** None.

Risk Management

58. In compliance with the Council's risk management strategy the main risks that have been identified in this report are those which could lead to financial loss, non-compliance with legislation, damage to the Council's image and reputation and failure to meet stakeholders' expectations. However measured in terms of impact and likelihood, the score for all risks has been assessed at less than 16. This means that at this point the risks need only to be monitored as they do not provide a real threat to the achievement of the objectives of this report.
59. The main risks relating to the level of revenue anticipated have been reduced by the type of contractual arrangement proposed. Except for exceptional events, the income to the Council is assured (and increased annually by the Retail Price Index) with the possibility of additional revenue if patronage levels increase. There remains the significant risk that the numbers of concessionary fare passengers on the Park & Ride service will increase after April 2008 and the possibility that reimbursement levels received by the Council will be inadequate to cover the additional costs.

Recommendations

60. Members are asked to note:
 - 1) The acceptance of First York, by the Director of City Strategy under delegated authority, as the preferred operator for the provision of the Park & Ride service with the intention, subject to the satisfactory conclusion of contractual terms negotiations, to enter into an agreement with the company to provide the service for five years with an option to extend for a further three years.

Reason: To maintain a high quality Park & Ride service for the City.

61. Members are asked to consider:

- 1) The recommendation to include the proposed service options identified in paragraph 42.

Reason: To enhance the Park & Ride service in a cost effective and affordable way.

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Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Park and Ride Options Report to Executive 27 February 2007

Annexes

Annex 1 Park & Ride Specification

Annex 2 Park & Ride Tender Evaluation: **Confidential**

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Park & Ride Specification

1. The specification for the Park & Ride service has been split into two main areas: core requirements and optional enhancements.

Core Requirements

2. The following core requirements were included in the tender which represented the maintenance of the existing service with enhancements to ensure the quality of the service is improved.
 - i.* Opening hours as existing. 07:00 (06:00 Askham Bar) to 20:00 Monday to Saturday, 10:00 to 18:00 Sunday.
 - ii.* Bus frequency as existing. Minimum 10 minutes for most of day. 15 minutes in early morning and late evening.
 - iii.* Hourly capacity increased at peak times. Separate timetables for weekday, holiday weekday, Saturday, Sunday and peak Saturdays.
 - iv.* Free travel for 2 children when accompanied by an adult (fare paying and concession) – enhancement to existing service.
 - v.* The supplier is responsible for routine maintenance, cleaning, business rates and utility costs as existing contract but with enhanced specification.
 - vi.* The operator provides all supervision.
 - vii.* The number of intermediate stops on the Designer Outlet route is limited to stops in Fulford only to ensure the express nature of the service is improved.
 - viii.* The operator provides a dedicated Park & Ride manager/supervisor covering all sites (enhancement to existing service).
 - ix.* The operator provides customer care training for the drivers and supervisors and undertake regular customer satisfaction surveys (enhancement to existing service).
 - x.* The operator provides enhanced performance reporting (enhancement to existing contract).
 - xi.* The contract includes penalties for failure to achieve the performance standards (enhancement to existing contract).
 - xii.* The operator shall participate in integrated ticketing arrangements (where available or proposed).
 - xiii.* The Council receives additional revenue if Park & Ride patronage increases above 5% compared to first year of new contract (enhancement to existing contract). No reduction in fee for patronage decreases.
 - xiv.* The operator provides transponders for vehicles and make use of the BLISS technology to manage the service.
 - xv.* The licence fee is increased annually in line with the Retail Price Index (excluding mortgage payments).
 - xvi.* The operator shall be permitted to increase fares in 10p increments in line with operating cost increases.
 - xvii.* Five year contract duration with an option to extend for a further three years if the performance of the operator has been good and the quality of the vehicles remains compliant with the specification.

Optional Requirements

3. The following optional items were included for pricing separately within the tender and can be progressed if affordable and practical after further investigation.
 - i.* The operator shall provide site supervision at the Designer Outlet (subject to the provision of an office building).
 - ii.* The operator shall provide roving supervision for city centre stops at peak times.
 - iii.* The operator shall extend the opening hours at Askham Bar to 11:00pm Monday to Saturday.
 - iv.* The operator shall extend the opening hours of all sites to include Boxing Day and New Years Day (Sunday service).
 - v.* The operator shall provide additional peak Saturdays.
 - vi.* The operator shall provide intermediate stops on Fulford Road as existing.
 - vii.* The operator shall extend the Sunday opening hours to 9:30 and 18:00.

Variations

4. The tenderers were asked to price a number of variations to allow the best value and highest quality solutions to be submitted.
 - i.* Emission Standards: Prices for Euro IV, Euro V or Euro EEV (Enhanced Environmental Vehicles) were requested.
 - ii.* Fares: The tenderer inserted the fare value required to allow the specified service to be provided.
 - iii.* Alternatives: alternative bids for lower emission vehicles and improvements to the operational arrangements were encouraged.

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of the Local Government Act 1972.

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The Executive**23 October 2007**

Report of the Corporate Landlord

Monk Bar Garage, Lord Mayor's Walk.**Summary**

- 1 This report seeks approval for the sale of Monk Bar Garage for residential development.

Background

- 2 The location of the property is shown verged black on the plan attached as Annex 1. The area shown cross-hatched black is the Monk Bar Garage site, the blank area is a hard and soft landscaped area and the land shown hatched black is public highway. The total site area is 0.06 of a hectare (0.147 acres)
- 3 Monk Bar Garage is part of the commercial property portfolio and until recently provided an annual income of £8,250. The present tenant has received a capital sum to surrender the lease and currently has a licence to occupy the garage and vacant possession can be obtained.
- 4 This site was one of two sites short-listed for the relocation of the Peasholme Hostel however, it was not chosen because the site presented difficult planning and archaeological issues that could not have been resolved within the development period allocated to the project.
- 5 A potential capital receipt from the sale of this property is included in the 2007/08 – 2010/11 Capital Receipts Programme approved by the Executive on 16th January 2007.

Consultation

- 6 Ward Members have commented that they would prefer the garage to remain as its size and height has no visual impact on the walls; whereas the scale of a new residential development is likely have an adverse impact.

Planning

- 7 The draft local plan used for development control purposes shows the site allocated for housing, as a result the general principle of developing the site is not in question. When the site was being considered for a new Peaseholm hostel, planning officers confirmed that from a design and conservation

perspective that a contemporary building and in part of 3 storeys height would not raise major issues. The City Strategy Group has been consulted on this report and they are supportive of a residential use for this site.

- 8 The site is located adjacent to the City Walls, which are a Schedule Ancient Monument. It may be that part of the garage building is supporting the City Walls, and it would need to be demonstrated that any development would not impact on the structural integrity of the City Walls. In addition to obtaining local planning authority permission, an application for Schedule Ancient Monument Consent would be required and therefore English Heritage would have to approve the scale and design of any development.
- 9 A full archaeological evaluation will be needed prior to the submission of any planning application, this will require investigation by trial trenches.
- 10 The property lies within an Air Quality Management Area and this has to be borne in mind in the internal layout of habitable rooms. A noise survey would also be required to assess the impact of the development adjacent to the inner ring road.

Method of Sale

- 11 The development of the site will present the developer with a challenge to produce a scheme, which is acceptable to the planning authorities and will also have to invest substantial funds to be in a position to submit a planning application. The best method of achieving a sale and obtaining a reasonable price; is to market the property for sale by informal tender and invite bids on the basis the property will be sold when the developer receives a satisfactory planning permission. Through the tender process, a bidder will be asked to submit a sketch scheme of the proposed development together with their tender, in order to be able to judge which is the best bid in terms of price and a development likely to obtain planning permission.
- 12 The property includes a garage block, which is in a poor state of repair, and vehicle access is from Monkgate over a public highway. It would be an option to sell the garage block as an independent transaction however, on balance, it would be best to leave the decision to the successful developer who will decide whether the best return is a residential development with or without the garage block and bid accordingly.

Options

- 13 The following two options are available:
 - A) Sell Monk Bar Garage and the landscaped area for residential development.
 - B) Retain the property within the commercial property portfolio

Analysis

14 Option A - To sell the property

Advantages:

The total site is under utilised for a city centre site and the present building and use is incongruous in this historic location.

The site would realise a significant capital sum if sold for residential development, if this sum were invested it would provide a greater financial return than the existing income and so a sale would maximise the potential of this property asset. A comparison of the rental income compared with the investment of the capital receipt is provided at Confidential Annex 2.

The receipt would be used to support the capital programme, an estimate of the receipt is provided at Confidential Annex 2.

Disadvantage:

The sale and redevelopment of the site would be a loss of an employment opportunity.

Option B - To retain the property in the commercial property portfolio

Advantage:

The property would produce an annual rental income stream.

Disadvantage:

As a capital sum has been included in the Capital Receipts Programme consequently there would be a potential shortfall to support the capital programme leading to an overall reduction in the capital programme or the use of alternative funding mechanisms. Alternative funding is likely to be prudential borrowing, which would cost the council approximately £10k p.a. to borrow the money to make up for the loss of a capital receipt.

Corporate Priorities

- 15 If the site is sold for residential development the receipt will contribute towards the funding of the capital programme, and in turn contribute towards the corporate priorities by raising finance for approved schemes.

Implications

- 16 The following information is provided:

- **Financial**

The financial analysis of the two options is contained in Confidential Annex 2.

As a result of the disposals strategy and the potential reduction in rental incomes caused by them, a specific provision is held corporately to compensate the commercial property portfolio budgets for any loss of rental income as a result of the disposal. This budget has been approved at £46,430. The loss of rental income from the disposal of the property is £8,250 per annum. It is therefore necessary that £8,250 in lost rent is vired from the provision to the commercial property rental budget prorata, from the date of sale.

- **Human Resources (HR)**

There are no HR implications.

- **Legal**

There are a number of legal aspects to selling the site including securing good title to the land and formulating a development agreement to secure a sale in the event of a satisfactory planning permission.

- **Crime and Disorder (C & D)**

There are no C & D implications.

- **Information Technology (IT)**

There are no IT implications.

- **Property**

Property implications are included within the report.

Risk Management

- 17 The risk implication is to the Capital Receipts Programme, in that a sale may not be achieved or the best bid is below the estimated figure. The risk however, is considered low, as there is a good market demand for residential development opportunities in the city centre and the capital receipt is a conservative estimate.

Recommendation

- 18 Members are asked to consider the following:

- i) Approve Option A, that the freehold of the Monk Bar Garage site be sold for the best consideration reasonably obtainable on terms and conditions that are appropriate to achieve a successful sale.

Reason: To ensure the development potential of the site is fully utilised and the maximum capital receipt is obtained to support the capital programme.

- ii) To approve that £8,250 in lost rent is vired from the provision in the general fund budget to the commercial property rental budget, pro rata, from the date of the sale.

Reason: To ensure the integrity of the Property Services budget is maintained and for good financial purposes.

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Report Approved **Date** 9October 2007

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Background Papers: All the information in this report is held on the Property Services file, subject to confidentiality on any exempt negotiations.

Annexes **Annex 1 – Plan**
 Annex 2 - Confidential Financial Information

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Meeting of the Executive

23rd October 2007

Report of the Director of Housing & Adult Social Services, and the Director of City Strategy

Housing Green Paper – New Growth Points / Eco-towns

Summary

1. This report outlines the key elements of the New Growth Points (NGP's) and Eco-towns proposals set out in the recent Housing Green Paper and then summarises the proposal by the Leeds City Region (LCR) Leaders to submit a bid to government by the end of October. It sets out the key aspects of the national programme, the key elements of the proposed LCR bid, considers some of the key advantages and issues we need consider then seeks endorsement for York Northwest (YNW) to be included within the bid.

Background

2. The recent Housing Green Paper announced the roll out the NGP programme to include, for the first time, areas in the north and to invite bids from local authorities or partnerships to become part of the programme during 2008/09. It is targeted at councils "able to support significant increases in homes and jobs in the area." It says the government will provide funding to authorities who are "ready to take forward rates of growth *substantially above previously planned levels* for delivery to 2016." The New Growth Points, Growth Areas and ten Eco-towns (also out to bidding) will share in the £300m Community Infrastructure Fund. Any bids will be subject to cross-government assessment to consider sustainability, affordability and realism of proposals. Expressions of interest are being sought by DCLG by the end of October.

Options

3. Option 1 - To support York's inclusion within the Leeds City Region bid,
4. Option 2 - To recommend that we are not included.

Analysis

5. The rest of this briefing sets out the key elements of the New Growth Point and Eco-town proposals from government and the issues we should consider in deciding whether to sign up to the Leeds City Region bid.

New Growth Points

6. NGP's must be at least 20% above previously planned levels of housing – the RSS Proposed Changes for York (640 per annum to 2008 then 850 per year to 2026) take us above this level and make York eligible to bid. Local authorities must deliver at least 500 dwellings per year, so York would qualify.

Eco-Towns

7. Eco-towns must be large scale freestanding new settlements. They will need to have good links to nearby towns and cities (either rail or high quality public transport). Each should cater for between 5000-20,000 homes. The Green Paper talked of five new eco-towns but Gordon Brown has recently announced they are looking for 10 – effectively one for each region.
5. There has been some debate as to whether YNW would qualify and should be put forward – it would not qualify when measured against the above criteria. However we will adopt eco-town principles in its development – a key element of the proposed vision for YNW in the Issues and Options report, on which we are about to go out to public consultation, is to create an “exemplar sustainable community”. YNW is however a key element of the LCR NGP bid.

Bidding Criteria for New Growth Points

8. York would tick all the right boxes in terms of the bidding criteria. The key strengths of a York bid would be: tackling market and affordable housing needs; supporting economic growth; a closer link between economic growth projections and housing numbers; YNW offers a sustainably located brownfield site to accommodate significant growth; and that we are nationally recognised for our sustainable transport successes.

The Leeds City Region bid

6. A LCR bid is being prepared by consultants Arup on behalf of the Leeds City Region. Their proposals were considered by the Leeds City Region Leaders Group on 8th October who agreed to submit a bid for Leeds City Region as a NGP and to investigate further possible locations for an Eco-town.
7. The key elements of the bid are:
 - Four areas within the LCR are identified as Potential New Growth Points: the ‘Five Towns’ (Wakefield) - 4,000-6,000 homes; Aire Valley Leeds –

4,000-5,000 homes; Bradford centre/ShIPLEY/Canal corridor – 3,000-4,000 homes; York Northwest – 3,500-4,500 homes

- They identify an additional four ‘secondary’ locations for accelerated growth: South Dewsbury – 1,000-2,000 homes; Hipperholme – 1,000-2,000 homes; Barnsley – 1,000- 2,000 homes; Skipton/South Craven/Upper Airedale – 1,000-2,000 homes
 - A “statement of intent to investigate potential locations” for a new Eco-town. The consultants identify a “potential area” between Leeds/York/Selby/Wakefield (outside York’s administrative boundaries) – an Eco-town in this area would help to address high housing demand around York and Leeds, and overlaps to some degree with the Golden Triangle area which is seen as a priority for addressing high affordable housing need.
8. The Eco-town initiative is also open to private developers to submit bids so specific locations within this broad area of search or alternative locations may come forward separately.
 9. Yorkshire Forward expressed initial concerns regarding the potential impact on employment potential at YNW if it was a ‘housing led’ scheme – our work on the YNW AAP to date shows there is ample scope to accommodate both significant housing and employment uses - its regional employment role is key to our plans and the new Central Business District at York Central remains a key element of our proposals. The actual number of houses that can be achieved at YNW cannot be determined until we move to Preferred Options on the AAP and will be influenced by decisions on the balance of flats and houses and the densities that we will seek on both sites.

Growth Issues

10. York has grown substantially over the last 20 years (population, households, jobs). All projections show this will continue for the next 20 years – there will be a debate about levels of growth through the Regional Spatial Strategy (RSS), Local Development Framework (LDF) and Community Strategy review processes but these will be about levels of growth rather than whether York should grow at all – this is not an option. We are very unlikely to get less housing than RSS Proposed Changes recommend – the increases in house building required have happened nationally and across the region to reflect the governments housing agenda – it is not just a York issue. If we are to grow, then we need the investment and infrastructure to make it happen in a sustainable and timely way – NGP’s provides an opportunity for this.

Planning Issues for York

11. Our housing land supply projections to date show we are likely to be able to accommodate the levels in the RSS proposed changes without the need to identify land over and above that already identified through the Local Plan

process. The approval of the Germany Beck and Derwenthorpe schemes and the recent significant brownfield windfalls (British Sugar; Terry's, Nestle South etc) help our overall supply position greatly.

12. We accept that our figures could be challenged as part of the LDF process (around the extent to which we should take future windfalls into account or on the capacity/deliverability of certain sites such as York Central). However we believe we have a strong case for taking an element of future windfalls into account given past trends. We also believe that further brownfield potential will be identified through the 'call for sites' as part of our LDF Allocations document work and through the potential to re-allocate some standard employment land for other uses (on the basis of the findings of the recently completed Stage 1 of the York Employment Land Review).
13. The invitation letter from government stresses that once selected New Growth Points will be "subject to consultation, testing and independent examination through the planning system". The DCLG website also stresses for each of the existing NGP's that:

"Levels of growth will be subject to comprehensive testing and public consultation through the regional and local planning processes to ensure that individual proposals are sustainable, acceptable environmentally and realistic in terms of infrastructure"

14. So, there are checks and balances built in to ensure development will only go forward if it can be accommodated in an environmentally sustainable way. This is important because we are currently undergoing city-wide consultation as part of the Community Strategy Review and LDF Core Strategy on appropriate levels of growth for the city – the statutory planning process has to take primacy in this respect

Key benefits of being part of a LCR New Growth Point

15. There are a number of benefits of being part of a LCR Growth Point:
 - Access to the £300m Community Infrastructure Fund
 - We can influence wider government/agency investment priorities
 - Long term government commitment – 'Partnership for Growth'
 - Housing and Planning Delivery Grant for housing growth areas
 - Better able to meet market demand for housing and tackle affordable housing issues
 - Better alignment of economic and housing growth to support our economy – a key recommendation of the Future York Group report

- Delivering YNW will take pressure off greenfield sites – NGP status will help with delivery

Some other issues to consider

16. Some may consider this commitment to be part of a NGP bid to be premature given current joint city-wide consultation on the LDF Core Strategy and Community Strategy review. This is looking at a future vision for the city including a debate about appropriate levels of growth. However the government has made it clear that levels of growth will be subject to comprehensive testing and public consultation through the regional and local planning processes to ensure that individual proposals are sustainable, acceptable environmentally and realistic in terms of infrastructure – so the primacy of the planning system is not compromised.
17. Some stakeholders within the city will challenge York's ability to accommodate this level of growth. Our key objections at the RSS Examination on higher levels of growth focussed on levels of additional greenfield land that would need to be released and on the traffic and congestion that would result. Our ongoing work being carried to support the LDF is now pointing towards this level of growth being accommodated on brownfield, windfall and other known and potential sites without further land release over and above that identified in the Local Plan. The traffic implications of higher growth are a serious issue that needs to be addressed and any bid on behalf of the LCR must stress the importance of releasing sufficient transport funding to support these levels of growth, linked to NGP status. For existing NGP's the DoT has worked closely with each local authority to assess the current transport issues and what needs to be done to address them. The key point is that all proposals will be legitimately tested through the statutory planning processes.
18. Government funding inevitably comes with 'strings attached' in terms of detailed bidding requirements for each 'project' seeking funding, as well as for administration, programme management and monitoring. There will need to be a staff resource made available to fulfil these requirements either at the LCR level at individual local authority level or potentially at both levels. Without that we are unlikely to have the staff resources available to take it forward.

Conclusion

19. It is highly likely that we'll get the levels of housing growth for York set out in the RSS Proposed Changes. The government have very clearly set out its national housing priorities in the Housing Green Paper and this is being following through in the Secretary of State's proposed changes to a number of Regional Spatial Strategies, the Yorkshire and Humber Plan being the most recent. There is very little chance of the housing numbers being reduced given government priorities. If we are to get this level of growth then we should take a pragmatic view and try and gain better access to the funding needed to help deliver this growth. Being a NGP will help to draw in

NGP specific funding as well as to argue a higher priority for access to the mainstream spending of key government agencies such as the Housing Corporation, Yorkshire Forward and transport funding agencies.

20. The environmental Sustainability of proposals will be tested through RSS and LDF processes – so there are checks and balances built in. There should be major benefits in terms of gaining access to funding and expertise to help delivering YNW. There will also be major benefits in terms of meeting housing needs and supporting the sustainable growth of our economy.

Next Steps

21. Subject to the endorsement of the Executive York Northwest will be included as part of a Leeds City Region bid. Bids need to be submitted by end of October 2007. Following consultation with local authority officers on the draft bid it will need to be signed off by the Leaders Board Chair and Chief Officer for submission by 31st October. Cross-government review of bids will take place in November and December 2007 with announcement of successful bids in early 2008. Funding is likely to be available from April 2008.

Corporate Priorities

22. The development of YNW as a NGP will support the following priorities outlined in the Corporate Strategy:

“Improve the quality and availability of decent, affordable homes in the city”

“Increase the use of public and other environmentally friendly modes of transport”

Implications

23. Implications arising from this report are:
 - **Financial** – None arising directly from this report, however if the bid is successful there may be financial implications that will need to be considered as part of the LCR secretariat;
 - **Human Resources (HR)** - None arising directly from this report;
 - **Equalities** - None arising directly from this report;
 - **Legal** - None arising directly from this report;
 - **Crime and Disorder** - None arising directly from this report;
 - **Information Technology (IT)** - None arising directly from this report;

- **Property** - None arising directly from this report;
- **Other** - None arising directly from this report;

Risk Management

24. An number of the risks and the mitigating issues have been outlined within the report, however a key risk of not being involved in the LCR as a NGP may be that it will be more difficult to access funding to help support the infrastructure works required to deliver YNW.

Recommendations

25. Members are recommended to approve option one, to support York's inclusion within the Leeds City Region bid.

Reason: Given the context of growth within the LCR and the government's clear signals through the Housing Green Paper that additional housing must be accommodated.

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Report Approved Date 16th Oct 07

Report Approved tick Date

Wards Affected: *List wards or tick box to indicate all*

All tick

For further information please contact the author of the report

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