
MEETING	HUNGATE AD HOC SCRUTINY COMMITTEE
DATE	27 JANUARY 2009
PRESENT	COUNCILLORS ASPDEN (CHAIR), BROOKS, GUNNELL, HOLVEY, PIERCE AND TAYLOR (NON- VOTING CO-OPTED MEMBER)

12. DECLARATIONS OF INTEREST

At this point in the meeting Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda.

Councillor Pierce and Councillor Aspden both declared a personal non-prejudicial interest in Item 4 (Hungate Review – Interim Report) as they are both personal members of English Heritage.

13. PUBLIC PARTICIPATION

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

14. MINUTES

That the minutes of the meeting held on 12 January be approved as a correct record and signed by the chair subject to the following amendments being made:-

- Final Paragraph on Page 4 being divided to create two paragraphs with the second paragraph starting "The Head of Property Services responded....."
- First paragraph on Page 5 be amended to read " With regard to the consultation process the Head of Property Services confirmed that *Atkins had followed normal procedure and had consulted the Council's planning officers about the site. The Council's planning officers had previously consulted English Heritage about the proposals for the Masterplan for Hungate.*

15. HUNGATE REVIEW - INTERIM REPORT

Members considered an updated interim report, which provided background information on the review and included a record and analysis of information gathered at two informal information gathering sessions from key internal and external consultees who had been involved in the Hungate project. Members discussed and agreed amendments to both the interim report and the record and analysis of information (Annex A). The

Assistant Director of Property Services and Accommodation Project Director attended the meeting.

Members asked for clarification on who had been responsible for the decisions made. Officers confirmed that the Executive were responsible for all formal decisions made until July 2008 when the Chief Executive (following consultation with Group Leaders) took the decision to withdraw the planning application.

Members asked for clarification on how CMT (Corporate Management Team) were kept informed on decisions taken in relation to the project. Officers confirmed that in addition to CMT receiving copies of all Executive reports, verbal updates and presentations were also given.

Officers also confirmed that the planning application, which was later withdrawn by the Chief Executive, was based on the revised design.

The revised budget history (Annex B) which had been marked "to follow" on the agenda was circulated to Members at the meeting and the agenda had been republished online to include this information. The Technical Finance Manager presented the budget history, which included additional information on leases and carbon costs. Members noted that it did not include information on the additional 2-year rental costs to be incurred for St Leonards, or the additional interest to be earned on the money from the sale as previously requested. Therefore Members agreed that the information still did not reflect the true position with regard to the actual expenditure and committed and abortive costs and asked for a further update to be provided to the next meeting.

The Scrutiny Officer reported that she had received the information, which had been requested from English Heritage under the Freedom of Information Act and had provided Members with copies of this information. This information included copies of notes taken at internal IAR (Important Application Review) meetings since August 2007, other internal documentation and copies of letters and e-mails held by English Heritage regarding the Hungate development. Members discussed the information and made the following points:

- English Heritage did not express a strong objection to the revised design until the objection letter of 8 July 2008. For example, notes from English Heritage's IAR meeting held on 23 June 2008 included comments in support of the proposal.
- English Heritage were aware of CABE's (Commission for Architecture and the Built Environment) views as stated in CABE's letter of 8 April 2008, but at no time did the views of English Heritage appear to reflect the same view.
- The documentation sent by English Heritage in response to the Freedom of Information request did not contain any correspondence/documentation or record of any discussions taking place between 26th June and 8th July 2008. Members therefore struggled to understand what had taken place between these dates

to change English Heritages view, which resulted in the letter of objection being sent.

- English Heritage had full details of the application that was due to go to planning including 3D modelling of the site which showed massing.
- It was noted that the letter of objection dated 8th July was copied to the Civic Trust and Conservation Trust. Officers *stated* that this would not be normal practice and was thought unusual as there was no other evidence within the documentation sent by English Heritage that these bodies had been liaising during the pre-application consultation process. (*Amended at meeting on 10 March 2009*)

Members recommended that in light of the information received from English Heritage and uncertainty over certain issues, Maddy Jago, Regional Director of English Heritage should be asked back to attend the next meeting of the Committee.

Members also agreed that it would be beneficial to see evidence of any correspondence relating to the Hungate project from CABE to either English Heritage, the City of York Council and other bodies and that a Freedom of Information request should be made for this information.

Members acknowledged that it would be necessary to extend the timetable for the review, as further meetings would be required in order to discuss the additional information that was being requested.

RESOLVED:

- (i) That further budget information (as below) be obtained as follows: ¹
 - Details of committed expenditure at July 2008 of the project
 - The cost of 2 years additional rent on the properties that had been sold and the interest earned on the sale of those properties.
- (ii) That a copy of the Strategic Site Study report produced by Atkins (containing the brief) be obtained. ¹
- (iii) That a Freedom of Information request be sent to CABE for copies of all their correspondence sent between April and July 2008 to either English Heritage, the City of York Council and other bodies in relation to the Hungate Project. ¹
- (iv) That Maddy Jago, Regional Director of English Heritage, be invited to attend the next meeting of the Committee scheduled for 10 March 2009. ¹
- (v) That the timetable for the review be extended to enable two further meetings to take place.

- (vi) That the next meeting would take place at 6pm on Tuesday 10th March and a further meeting would be arranged for approximately 3-5 weeks after that. ²
- (vii) That the interim report and Annex A (record and analysis of information gathered) be amended as agreed by Members.

Reason: To progress the review and ensure compliance with scrutiny procedures, protocols and work plans.

Action Required

- 1. Scrutiny Officer to: obtain additional budget information, and copy of brief and Atkins report; make Freedom of Information request to CABE; invite Regional Director of English Heritage to next meeting. GR
- 2. Democracy Officer to arrange March meeting and confirm by e-mail and to investigate possible dates for further meeting in April. GR

Councillor Aspden, Chair

[The meeting started at 5.00 pm and finished at 7.40 pm].