

Annex 3: York Minster New Flood Lighting Proposal

1. York Minster is quite possibly York's most iconic building and a major part of the city's tourist economy, and as such it is illuminated throughout the dark winter months.
2. There are two banks of floodlighting at York Minster that are owned by City of York Council. One bank is at the West End of the Minster (at High Petergate junction with Precentors Court), and the other bank is at the East End of the Minster at College Street.
3. The existing lighting installations have been in place for circa 30 years, and after recent structural steel integrity testing/ inspection these installations have been highlighted as in a state of deterioration. As a result of this inspection, the floodlights at the west end at High Petergate were removed in August 2021. The floodlights at the east end are still deemed safe and are still operational, but require replacement due to their deteriorating condition.
4. The council has held discussions with the York Minster management team regarding the replacement of the existing floodlighting. The York BID team has also been consulted due to their use of the floodlighting installations for events such as Christmas lighting.
5. York Minster have confirmed they would contribute to the cost of the replacement lighting, and then accept the transfer of ownership of the new floodlights from City of York Council. They will also meet ongoing repair, maintenance, and energy costs relating to the floodlights after the date of the asset transfer, and accept they will be responsible for the changes to the lighting. The Minster will also lead on the necessary permissions for the installation of new lighting.
6. It is therefore proposed that the existing floodlighting will be replaced with new LED energy efficient flood lighting, and the capital cost of installation will be shared equally between the council and York Minster. Upon completion, the lighting will be the responsibility of the minster with ownership/ handover and complete liability going forward.
7. The total cost of the replacement floodlights is estimated at £80k, and the council's contribution is expected to be £40k, which can be funded from the existing highways capital programme.

Implications

- **Financial**

The total cost of the replacement is estimated at £80k. The recommended option will reduce the cost to the council to £40k which can be met from within the existing highways capital programme. There will be a minor revenue saving in terms of the ongoing electricity cost. Any future maintenance costs will also not be required to be met from council funding.

- **Equalities**

The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

The impact of the proposals on protected characteristics has been considered as follows:

- Age – Neutral;
- Disability – Neutral;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership – Neutral;
- Pregnancy and maternity – Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
 - Carer - Neutral (see Disability);
 - Low income groups – Neutral;
 - Veterans, Armed Forces Community – Neutral.

The lighting is for architectural/ amenity purposes, not traditional street lighting or intended illumination of the highway for public safety.

- **Legal**

Procurement Law

The value of the proposed supply and installation works is below the relevant procurement threshold for the Public Contract Regulations 2015 to apply, however a robust competitive exercise must still be carried out in accordance with the Council's Contract Procedure Rules.

The York Minster Cathedral Precinct is a "Scheduled Monument" as defined in the Ancient Monuments and Archaeological Areas Act 1979 (AMAA Act). The contract for these works must therefore include provisions that all works and services are provided in accordance with the AMAA Act to ensure any liabilities which may arise in relation to the AMAA Act are covered. It is recommended that clarification be sought from Historic England as to whether or not scheduled monument consent would be required for the proposed works.

Property Law

It is understood that the proposed floodlights will be installed on/ affixed to land/ buildings already owned by The Chapter of the Cathedral and Metropolitan Church of St Peter in York ("the Chapter") as part of the wider York Minster site in the Chapter's ownership. The Chapter, as land owner, will need to give its permission to the Council/ the contractor entering upon the Chapter's land for the purpose of carrying out the proposed works if the Council leads the installation.

Competition Law / Subsidy Control

With regards to the procurement of the works, there should be no Competition/Subsidy Control (formerly State Aid) concerns, so long as a robust competitive exercise must still be carried out in accordance with the Council's Contract Procedure Rules.

With regards to the gift of the floodlighting to the Minster Chapterhouse following the completion of the works, again given that:

- the works relate to the refurbishment of the Minster (a scheduled monument intrinsic to the historical and cultural identity and heritage of the City of York and its people),
- the value of the equipment being less than £50,000,
- the fact that it is already situated on the Minster's land, and
- the fact that it is highly unlikely that the gift of the lighting will have any discernible impact on trade, competition or investment at either a local, national or international level,

it is highly unlikely that this gift will have any Subsidy Control implications either.

- **Crime and Disorder**

No implications as above as floodlighting is not adopted highways functional street lighting.

- **Property**

The lights are mounted on Minster owned buildings West and East ends, so therefore if gifted no wayleave agreements are required. If retained and replaced by the authority, wayleave agreements are required with the property owners signed permission.

Special Monument Consent will be required if the installations are replaced.

Risk Management

The proposed measures deal with the immediate risk of the condition of the existing floodlighting, and the ongoing maintenance risk and liability will be transferred to the building owner upon the completion of the works.