

**Corporate and Scrutiny Management Policy and
Scrutiny Committee (Calling-In)**

6 March 2017

Report of the Assistant Director – Legal and Governance

**Called-in Item: Disposal of Land to English Heritage for a Clifford's
Tower Visitor Centre**

Summary

1. This report sets out the reasons for the post decision call-in of the decisions made by the Executive on 26 January 2017 in respect of the Disposal of Land to English Heritage for a Clifford's Tower Visitor Centre. The Executive agreed to grant a long lease of the land needed for the construction of the English Heritage Clifford's Tower visitor centre to the Historic Buildings and Monuments Commission for England following the final agreement of planning permission, for a sum of £25,000. This cover report sets out the powers and role of the Corporate & Scrutiny Management Policy & Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive on 26 January 2017 on the called-in item is attached as Annex B to this report.
3. The Executive's decision has been called in post decision by Councillors Flinders, Craghill, Hayes and Warters for review by the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - This land will be used as the site for the proposed English Heritage Clifford's Tower visitor centre to be built into the motte. We believe the decision to sell the land needs further scrutiny.

- There has been a very high level of public opposition to the Clifford's Tower visitor centre. In particular there have been major concerns about the site itself, as evidenced by the 3780 signatories to a petition protesting this proposal and the choice of site in the motte.
- This petition was presented at the last Full Council Meeting in December and York MP Rachel Maskell presented a copy of the same petition at the English Heritage head office in London.
- There have been public demonstrations with over 100 people attending, along with extensive media coverage.
- There has also been considerable opposition from heritage organisations, evidenced by all of the six main amenity groups objecting during the planning process.
- Additionally, the planning process itself is subject to a Judicial Review in the High Court. This decision is regarded by City of York Council and English Heritage to be of regional or national significance and will be heard by a senior Judge.
- The English Heritage consultation prior to planning was essentially only a one day event held in a hotel with approximately 150 people attending both. There were some features in the local press and radio about these events with photographs of the plans. The consultation in our view was not widespread considering the importance of Clifford's Tower to York. Following the consultation there were a large number (80) of comment letters / feedback forms. This feedback has only recently come to light, since the planning decision was made. Of the 80 forms the majority had very strong objections to the siting of the visitor centre within the motte. The response to this feedback had very little impact on the design of the building and did not alter the siting in the motte.
- The fact that only a small number of planning objections were made in no way reflects levels of public concern. It is as a result of the widespread concerns about the site itself (that belongs to City of York Council) that we would like the decision calling in for scrutiny.

- The Castle Gateway Report offers a long awaited, comprehensive redevelopment proposal for the whole area surrounding Clifford's Tower and any piecemeal land disposal/land redevelopment has the potential to compromise the connectivity of these proposals. The scope for incorporating a Clifford's Tower visitor centre as part of the wider Castle Gateway proposal certainly exists and renders the Executive's land sale decision premature and requiring further scrutiny.
- The Local Government Act 1972 Section 123 states that Open Land cannot be sold without the permission of residents. It was stated at the Executive meeting that this land is not Open Land. Yet the Union Terrace car park was subject to process of consultation in September 2011 following a large petition. Then residents decided that they did not want to sell this land and the sale did not go ahead. We believe that York residents should have a similar opportunity to consider this decision to sell this very important piece of land, including parts of Clifford's Tower motte itself. Agreeing to sell this land without this opportunity for residents to be consulted needs further scrutiny in our view.
- Finally the price that was agreed for the sale of this land is only £25,000. We would like this valuation to be scrutinised. The Local Government Act 1972 specifies that the best price should be obtained for the sale of publicly owned land. This sale price and additional rental terms that were agreed in principle should, we believe, receive further scrutiny.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a) To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the

Executive on 26 January 2017 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or

- b) To make specific recommendations to the Executive on the report, in light of the reasons given for the post decision call-in. If this option is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 16 March 2017.

Analysis

6. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider all the reasons for calling-in this decision and decide whether they wish to confirm the decisions made by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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report:**

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**Report
Approved**



Date 23 February 2017

Specialist Implications Officer(s) None

Wards Affected: All

For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Executive meeting on the called-in item.

Annex B – Report to the Executive of the Corporate Director of Economy and Place on Disposal of Land to English Heritage for a Clifford's Tower Visitor Centre (26 January 2017).

Background Papers

None