



## Notice of meeting of

### Executive

<b>To:</b>	Councillors Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller
<b>Date:</b>	Tuesday, 24 April 2007
<b>Time:</b>	2.00 pm
<b>Venue:</b>	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 23 April 2007**, if an item is called in *before* a decision is taken, *or*

**4:00 pm on Thursday 26 April 2007**, if an item is called in *after* a decision has been taken.

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

#### 1. **Declarations of Interest**

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

**2. Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting of the Executive held on 10 April 2007.

**3. Public Participation**

At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 23 April 2007.**

**4. Executive Forward Plan** (Pages 5 - 6)

To receive an update on those items that are currently listed on the Executive Forward Plan.

**5. Education Scrutiny Committee - Final Report on Home to School Transport Contracts in York** (Pages 7 - 42)

This report presents the final report of the Education Scrutiny Committee regarding home to school transport contracts for primary schools in York.

**6. Hungate - York Bedding Company CPO** (Pages 43 - 58)

The purpose of this report is to seek approval from Members to move forward with a Compulsory Purchase Order in order to proceed with the comprehensive regeneration and development of the Hungate area.

**7. Should York be a World Heritage Site?** (Pages 59 - 90)

This report presents the findings of the Lord Mayor's World Heritage Working Group and asks the Executive to consider the options for action.

**8. Responses to statutory notices placed proposing development of land for affordable house at Dane Avenue, Morritt Close and Chapelfields Road** (Pages 91 - 94)

This report requests confirmation of the approval to sell these sites for affordable housing subject to the terms and conditions agreed at the March 13<sup>th</sup> Executive.

## 9. Urgent Business

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

### Democracy Officer:

Name: Simon Copley

Contact details:

- Telephone – (01904) 551078
- E-mail – [simon.copley@york.gov.uk](mailto:simon.copley@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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City of York Council

Committee Minutes

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MEETING	Executive
DATE	10 April 2007
PRESENT	COUNCILLORS Steve Galloway (Chair), Sue Galloway, Jamieson-Ball, Macdonald, Orrell, Reid, Runciman, Sunderland and Waller

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**198. 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. The following were declared:

- Councillor Waller declared a personal and non-prejudicial interest in the matter relating to major capital schemes in York secondary schools, as a governor of York High and Oatlands Schools.
- Councillor Runciman declared a personal and non-prejudicial interest in the matter relating to major capital schemes in York secondary schools, as a governor of Joseph Rowntrees.

**199. Exclusion of Press and Public**

RESOLVED:

That the press and public be excluded from the meeting during consideration of Annex A and a further late Annex submitted at the meeting in relation to the item below relating to Major Capital Schemes in York Secondary Schools, on the grounds that they contain information relating to the financial or business affairs of particular persons, classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006.

**200. Minutes**

RESOLVED: That the minutes of the Executive meeting held on 27 March 2007 be approved and signed by the Chair as a correct record.

**201. Public Participation**

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

**202. Executive Forward Plan**

Members received and noted an updated list of items included on the Executive Forward Plan at the time the agenda for this meeting was published.

**203. Highways Maintenance Procurement Process and PFI**

Members received a report which presented the final report for part A of the remit of the Highways PFI Ad-Hoc Scrutiny Sub-Committee in regard to Highways Maintenance and the recent Private Finance Initiative (PFI) bid.

The main findings from the Sub-Committee's work were set out at paragraph 2 of the report. The options available to Members were to approve the recommendations arising from the scrutiny review in full or part, or to reject the proposed recommendations and outline alternative proposals, where applicable.

Members noted that the work of scrutiny members in Part A of this review had led them to the conclusion that the Council's expression of interest in PFI had been submitted against a background of financial constraint and a need to improve the overall condition of the local highway network to meet Government targets by 2014/5. They acknowledged further that other recommendations had been made within the scrutiny report to assist the process in determining whether the Council should proceed with PFI or some alternative approaches when the outcome of the Council's Expression of Interest was known. Members therefore agreed to take those principles into account when the Executive considered the arrangements for procuring highways maintenance in the near future.

RESOLVED: That the scrutiny report be noted and the issues raised and principles identified for procuring highways maintenance for the future be taken into account by the Executive when the outcome of the PFI Expression of Interest was known and consequently when it determined the Council's future highways maintenance procurement arrangements.

REASON: To ensure that the Executive takes into account the Scrutiny Sub-Committee's recommendations at the right time when it determines the Council's highways maintenance procurement arrangements.

**204. Reference Report: Progress Report on Major Capital Schemes in York Secondary Schools**

Members received a report which asked them to consider the recommendations of the Executive Member for Children's Services and Advisory Panel (EMAP) in respect of a proposal by Fulford School to enter into a prudential borrowing arrangement with the Local Authority.

The details of the proposed capital scheme for Fulford School were set out at paragraphs 18-24 of Annex 1, the report to EMAP. The options

available to the Executive were to approve or reject the recommendations from the Executive Member for Children's Services.

Members were supportive of the proposed prudential borrowing arrangement given the intention to upgrade classroom facilities on site, incorporating new science labs, and provided the school submitted a 5 year revenue budget plan addressing repayment cost. In addition, however, since this arrangement would be the first of its kind with the Council, they asked Officers to establish some clear guidelines and principles for schools to use generally setting out what they would need to know should any wish to make a similar application in the future.

RESOLVED: That (i) the request from Fulford School for the Council to use prudential borrowing of £607k to fund part of the cost of their building project be approved, with the sum being included in the capital programme, subject to a satisfactory 5 year revenue budget plan addressing the cost of repayment being submitted to the Director of Learning, Culture & Childrens Services; and

(ii) Officers prepare some clear guidelines for schools to use in the future should any wish to make similar applications for the use of prudential borrowing.

REASON: To enable the school to develop and improve its facilities within available financial means

#### **204.1 Urgent Business: Joseph Rowntree School - Appointment of Technical Consultants**

The Chair had agreed to accept onto the agenda this late, partly confidential item in relation to the appointment of technical consultants to assist in the development of the Outline Business Case (OBC) for the Joseph Rowntree One School Pathfinder project. Appointing the consultants was essential to avoid delays in the overall programme.

The report outlined the selection process and reasons for proposing Mott MacDonald as the preferred bidder. Details of bids received were contained in the confidential Annex A and also a late confidential annex circulated at the meeting, which also gave details of the average day rates incorporated in the bidders' quotes.

RESOLVED: That Mott MacDonald be appointed as technical consultants for the Joseph Rowntree School OSP.

REASON: To enable the project to progress according to existing timescales.

S F Galloway, Chair  
[The meeting started at 2.00 pm and finished at 2.35 pm].

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**Executive Meeting 24 April 2007**

**EXECUTIVE FORWARD PLAN**

**Table 1: Items scheduled on the Forward Plan which were due to be submitted to this week's meeting**

<b>Report</b>	<b>Author</b>	<b>Current Position</b>	<b>Likely Revised Date</b>
Draft Sustainable Development Strategy for CYC	Kristina Peat	Deferred at the request of Management Team	12 June 2007
Legal Services Framework Contract	Suzan Hemingway	Deleted from Forward Plan as no Member decision required	N/a
Update on Equal Pay Issues	Steve Morton	Deferred for further work	12 June 1007
Sale of Lendal Bridge Sub Station	Paul Fox	Deferred for further work	12 June 2007

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 12 June 2007**

<b>Report</b>	<b>Author</b>	<b>Current Position</b>	<b>Likely Revised Date</b>
Parking Review	Peter Evely	Deferred from 27/2/07	N/a
Admin Accommodation Project Update Report	Maria Wood	Deferred from 13/3/07	N/a
Corporate Procurement Strategy	Liz Ackroyd	Deferred from November 2006	N/a
Monk Bar Garage – Future Use of Site	John Urwin	Deferred from 30/1/07	N/a
Efficiency Programme – Including Strategy Procurement Programme	Liz Ackroyd	Deferred from 13/2/07	N/a
Thin Client / Competition Strategy	Simon Wiles	Deferred from 27/3/07	N/a
<a href="mailto:easy@york">easy@york</a> Update Report	Tracey Carter	On schedule	N/a
IT Strategy 2007/2012	Tracey Carter	On schedule	N/a
Local Public Service Agreements (LPSA2)	Simon Hornsby	On schedule	N/a

Draft Sustainable Development Strategy for CYC	Kristina Peat	Deferred from 24/4/07	N/a
Update on Equal Pay Issues	Steve Morton	Deferred from 24/4/07	N/a
Sale of Lendal Bridge Sub Station	Paul Fox	Deferred from 24/4/07	N/a

<b><i>Table 3: Items scheduled on the Forward Plan for the Executive Meeting on 26 June 2007</i></b>			
<b>Report</b>	<b>Author</b>	<b>Current Position</b>	<b>Likely Revised Date</b>
Revenue Outturn Report	Janet Lornie	On schedule	N/a
Capital Outturn Report	Tom Wilkinson	On schedule	N/a
Treasury Management Outturn Report	Tom Wilkinson	On schedule	N/a
Production of Foie Gras: Notice of Motion from Cllr Blanchard referred from Full Council on 25 January 2007	Terry Collins	Deferred from 27/3/07	N/a



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**Executive**

24 April 2007

**Final Report of the Education Scrutiny Committee - Home to School Transport Services****Summary**

1. This paper is to present the final report attached at Annex A, of the Education Scrutiny Committee regarding home to school transport contracts for primary schools in York.
2. Members of the Executive are asked to consider endorsing the recommendations contained in the final report and in the table attached at Annex G.

**Background**

3. In August 2006 Cllr Charles Hall registered a scrutiny topic which asked members to investigate the contracts for home to school transport and to consider if it would be possible to introduce higher quality buses and also to improve safety.
4. Education Scrutiny Committee carried out the agreed review and at their meeting on 27 February 2007 approved the recommendations in their final report.
5. Subsequently on 1 March 2007, Cllr David Scott submitted some amendments to the report for Members consideration. Members agreed that Cllr Scott had made some good points but that they did not add anything new to the recommendations except for the inclusion of secondary school transport. As the remit for this scrutiny topic specifically refers to primary schools, it was agreed that it would not be advisable for the Scrutiny committee to make recommendations to the Executive for which they had sought no evidence nor investigated the implications. The consensus of opinion therefore was that Cllr Scott's amendments should not be used to alter the recommendations put before Scrutiny Management Committee.
6. On 26 March 2007 Scrutiny Management Committee considered the final report and acknowledged that the Executive may need to consider whether to apply the recommendations contained in the report to secondary schools as well as primary schools in line with any future legislative requirements arising from the Education & Inspection Bill.

**Consultation**

- 7. A full list of those consulted is included in the final report attached at annex A.

**Options**

- 8. Members can support all, some or none of the recommendations proposed as a result of this review. Alternatively Members may wish to defer a decision on the recommendations for consideration at a later date in conjunction with any recommendations arising from the wider transport review presently being conducted by Kendric Ash (as detailed in the report attached).

**Analysis**

- 9. Full analysis of the findings of the review is contained within the final report.

**Corporate Priorities**

- 10. In keeping with Corporate Priority 2 i.e. to increase the use of public and other environmentally friendly modes of transport.

**Implications**

- 11. The implications of the recommendations made are contained within the final report.

**Risk Management**

- 12. Potentially there are risks associated with whether or not to implement the proposed recommendations, and analysis of these would need to be undertaken and fully understood.

**Recommendations**

- 13. The recommendation made are contained within the final report at Annex A.

**Contact Details**

**Author:**  
Melanie Carr  
Scrutiny Officer  
Scrutiny Services  
Tel No. 552063

**Chief Officer Responsible for the report:**  
Suzan Hemingway  
Head of Civic, Legal and Democratic Services  
Tel No. 551004

**Final Report Approved**  **Date** 13.04.2007

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers - None**

**Annexes**

- Annex A - Final Report
- Annex B - Letter from Edna Hughes dated 25 March 2006
- Annex C - Survey of users of school transport service at Archbishops of York's Primary School dated December 2006
- Annex D - East Riding of Yorkshire Council's guidelines for employment of drivers after CRB check
- Annex E - Report of Kendric Ash to Executive Member for Corporate Services Advisory Panel on 12 December 2006
- Annex F - Comments on safety issues form Top Line Travel of York dated 27 November 2006
- Annex G - Table of Recommendations and Implications for Executive response

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## **Education Scrutiny Committee**

### **Home to School Transport Services – Final Report**

#### **Chairs Forward**

1. Local Education Authorities must provide free transport for children of primary school age who live more than two miles from their nearest suitable school. Travelling by bus to school has a higher safety record than car journeys. It is better for the environment, reduces congestion and develops confidence in children but some parents are reluctant to allow their children to use this form of transport because they regard the vehicles as being unsafe, outdated and the behaviour on the buses to be of a low standard.
2. This report has attempted to make recommendations that will in the long-term improve the quality of the buses used, improve safety, improve behaviour, reduce traffic congestion and encourage the uptake of places on school buses.
3. I would like to thank all those who contributed to the production of this report including Members, Officers, proprietors and managers of transport companies, parents, governors and headteachers of the schools involved. The frankness and openness of their contributions enabled the board to identify clear targets that can be achieved.
4. There has been a marked variation in the type and quality of vehicle used for transporting primary school children to and from school in the past and this report if implemented would ensure that all pupils receive the same provision.

#### **Background**

5. Local authorities are required by the government to provide transport to enable children to attend school. This transport will be free of charge if the child attends the nearest suitable school which is within two miles walking distance of home for those up to eight years of age and three miles for pupils between the ages of eight and 16. At present City of York also provides transport if a child attends a school for religious reasons provided that the school is the closest school of the preferred denomination and is beyond the appropriate walking distance for the pupil's age.
6. Pupils with special educational needs or disabilities who could not be expected to walk to school may also be provided with free transport, however they are not the subject of this review.

7. The Education and Inspection Bill which is currently before Parliament will require local authorities to provide free transport for pupils from low income families to three suitable secondary schools between two and six miles away from home and to the nearest primary school over two miles from home.
8. In August 2006 Cllr Charles Hall registered a Scrutiny Topic which asked members to investigate the contracts for home to school transport and to consider if it would be possible to introduce higher quality buses and also to improve safety.
9. Members of the Education Scrutiny committee met informally on 12 September 2006 to consider their programme of work, and on 31 October 2006 formally agreed to undertake this topic with the following remit:

**Remit**

- To investigate if improvements can be made to the safety of buses transporting school pupils to primary schools.
- To consider the contract that is negotiated by the council for the provision of school transport services.
- To make enquiries as to the school transport that is provided in other local authorities including the use of dedicated “yellow buses”.
- To investigate the implications of installing seat belts in all buses contracted to carry primary school pupils.

**Consultation**

10. The following people contributed to this review as a participant or witness:

**Members of the Board**

Cllr Charles Hall (Chairman)  
Cllr Martin Bartlett  
Cllr Glen Bradley  
Cllr Andy D’Agorne  
Cllr Alan Jones  
Cllr Viv Kind  
Cllr David Livesley

**Co-opted Members**

John Bailey  
Andy Lawton  
Dr David Sellick



### **City of York Council Officers**

Barbara Boyce – Scrutiny Services  
Mark Ellis – Education Access Team  
Terry Walker – Transport Planning

### **Representatives of Other Organisations and Members of the Public**

James Crook-Williamson, Alpha Bus and Coach, Hull  
Peter Dew – Top Line Travel, York  
Colm Flanagan, Head of St Wildrid's Primary School  
Mark Hallett – Cheshire County Council  
Cllr Janet Hopton, Rt Hon Lord Mayor of York  
Tom James - K and J Travel, York  
John Norton – Kendric Ash, Public Sector “corporate transformation partner”  
George Peach – Regional Manager of the Confederation of Passenger Transport, Yorkshire Region  
Nigel Rowe – East Riding of Yorkshire Council  
Tim Wilkinson, Head Teacher of Poppleton Ousebank Primary School  
Parents and Governors from St Mary's, St Wilfrid's, Poppleton Ousebank and Archbishops of York's schools.

### **Options**

12. Members can support all, some or none of the recommendations proposed as a result of this review, taking into account Cllr Scott's suggestions, bearing in mind that they approved the recommendations at the meeting on 27 February. Members are also asked to note the amended financial implications to the recommendations.

### **Information Gathered**

13. Members undertook the following activities in order to inform their deliberations:

31 October 2006	Members held discussions about the current service provision with officers from the Education Access Team and Transport Planning Services.
27 November 2006	Members visited Top Line Travel of York and held discussions with the Managing Director regarding their views as a provider of home to school transport.
6 December 2006	Members met representatives of other transport providers and heard their views about issues to do with home to school transport contracts.
15 January 2007	Members visited Cheshire County Council who provide a dedicated school bus service with vehicles belonging to the local authority.

- 23 January 2007 Members met with staff, governors and parents from all the primary schools who use the home to school transport service and heard their concerns about the safety and reliability of the vehicles used for home to school transport.
- 9 February 2007 Members had further discussions with colleagues from the Education Access Team and Transport Planning Services as well as representative from Kendric Ash. Kendric Ash are a firm of consultants who have undertaken an initial review of passenger transport services across the City of York and East Riding in terms of working in a more collaborative way. They are now working directly for York until the end of March providing a more in-depth analysis and offering potential improvements in procuring external transport and greater utilisation of the internal fleet. The Council are also considering tendering for a longer term Performance Partner to fully realise cost effective improvements to passenger transport.

### **Analysis**

#### **Parents, teachers and governors from primary schools using contractors' vehicles**

14. In March 2006 certain parents of pupils at St Mary's Primary School wrote to the CYC's Transport Planning service expressing their concerns that the school bus from Askham Bryan to St Mary's is not equipped with seat belts (see annex B). They claimed that some parents will not allow their children to use the bus because it has no seatbelts and prefer to take the children to school in their cars, thus adding to the congestion and pollution in Askham Richard. Cllr Janet Hopton has been in contact with parents from this school and informed the Committee of her support for their views. Cllr Glen Bradley has also been in contact with parents from St Mary's and spoke in support of their concerns at the Council meeting of 25 January 2007 where he presented a petition requesting the provision of seatbelts on the school bus which had been signed by 19 parents from the school.
15. These views were reiterated at the consultation meeting with the primary schools held on 23 January 2007.
16. Poppleton Ousebank school's main concern was about the regularity of the service rather than the condition of the buses, which they felt had improved. It was perceived that pupils were often late for school due to the late arrival of the buses. This issue is not pertinent to the remit of this review, but has instead been referred to the Education Access Team to deal with.

17. The head teacher of St Wilfrid's school informed members that their children travel to school on a service bus which is shared by fare-paying passengers. Some of their parents do not want their children to have to travel on the same bus as members of the public. After investigation members were informed that the pupils from St Wilfrid's were not generally entitled to free transport, but that a free pass for a parent to accompany them had been issued as a goodwill gesture.
18. Archbishop of York's school are very happy with the bus service to their school. In December 2006 they carried out a review of the service and the parents of all users responded that they were pleased with the service that is given (see annex C).
19. Members recognised that these views were somewhat conflicting, although they realised that the schools will have different experiences of school transport as different contractors will operate their services. Also the type of vehicle supplied by the contractor will vary, and may be different from day to day. For example, at Archbishop of York's school there are less than 16 pupils requiring the bus service, so a mini-bus (which has seatbelts) is provided.

#### **City of York Council services**

20. There have been significant year on year increases in home to school transport costs above inflation, which have been a cause for concern to members and officers. There are presently 10 contractors supplying this service, the contracts are usually let for three years. Contracts to secondary school are normally re-let one per year as they come to an end. There are four contracts serving primary schools, these are:
  - Archbishop of York's C of E Primary, Bishopthorpe
  - Poppleton Ousebank Primary, Upper Poppleton
  - St Mary's C of E Primary, Askham Richard
  - St Wilfrid's RC Primary, Monkgate
21. The contracts for Poppleton Ousebank, St Wilfrid's and Archbishop of York's are due to end in 2008, and the one for St Mary's ends in 2011.
22. At present seatbelts are not a requirement of contracts. If a bus with seatbelts is provided on any occasion it will be as a result of the contractor's vehicle availability on that day. CYC officers are aware that operators would be unable to invest in more modern vehicles unless they had the security of a longer contract. It is recognised that newer vehicles are likely to have more and better safety features built into their design.
23. Contracts can be terminated before their end date if the provider is given six months notice of this. As contracts end they will be re-let under European Union procurement processes, which require a mix of price and quality to be taken into account when offering contracts. In these circumstances the provision of seatbelts

on buses could be stipulated under the contract terms or could be a criteria given preference when assessing quality of the service offered.

24. At present the contracts do not insist that drivers of buses have a Criminal Records Bureau (CRB) check. The drivers are not the employees of City of York Council and officers have expressed doubts over their authority to check the credentials of the employees of other companies (i.e. the contractors). However, officers of East Riding of Yorkshire Council informed members that they had been assured by the CRB that it was reasonable to require contractors' drivers to sign data protection consent to allow information on them to be shared with the Council. They apply guidelines for deciding on eligibility for employment of drivers if the CRB check reveals details of any offence (see Annex D). It is known that four operators running school contracts in York do CRB checks on all their drivers.
25. Advice from the Department for Education and Skills (DfES) is that drivers' CRBs should be checked periodically. This could be specified as a minimum standard when re-letting contracts.
26. Kendric Ash are a firm of Public Sector Consultants who are currently examining all transport used by City of York Council as well as aspects of transport that could be collaborative with other organisations. Kendric Ash reported to the Executive Member for Corporate Services Advisory Panel on 12 December 2006 regarding the first phase of their work (a summary of this report can be found at Annex E). This had researched existing transport operations within CYC and made recommendations as to how the quality of services could be made better quality and more efficient as well as reducing costs. The areas covered were Social Services, special educational needs, fleet management and pool cars as well as home to school transport. In total the council spends over £3m per year on these services.
27. On some home to school routes pupils who are not entitled to free transport are allowed to use the bus if they pay a fare. DfES advice states that if there are any paying passengers then the vehicle is classed as a service bus, and contracts for these cannot be let for any longer than five years. This could create a problem if higher quality vehicles depend on longer contracts being offered to operators.

### **Home to school transport contractors**

28. Members of the Committee met with representatives of bus and coach companies who are contractors to CYC on 6 December 2006. The Managing Director of the Confederation of Passenger Transport, Yorkshire Region also attended to make representations. Representatives of the Committee visited another operator on 27 November 2006, who provided some written answers to members' questions (see annex F)
29. Contractors agreed that they tend to use older vehicles on school runs because the competition for contracts keeps prices down to a level where the cost of newer vehicles cannot be justified. If contracts were extended to 5 – 7 years then they

felt they would be able to invest in newer vehicles as they would then be more likely to receive a return on their investment.

30. Newer vehicles would be more likely to be equipped with seat belts. The cost of equipping seatbelts to a single decker bus that does not already have them can be in the region of £5000, which is not economically viable for older vehicles. Speakers were all of the opinion that one of the main problems with seatbelts on buses was ensuring that the passengers wear them. Although this is not normally a problem with primary school pupils, those from secondary schools often have a great reluctance to put them on – the wearing of seatbelts being seen as distinctly “uncool”. Although buses used for school trips are required to be fitted with seatbelts, there are always teachers accompanying pupils to ensure the belts are worn.
31. One of the big issues for all operators was the behaviour of children on the buses. This is a particular problem on double decker buses where the driver has less visibility. It was generally felt that there had been a deterioration in behaviour, which had previously involved verbal abuse but this had increased to physical abuse in a minority of cases. Vandalism is also a problem, both the expense of repairs, and the temporary loss of a vehicle, which has to be taken off the road, if, for example, a seatbelt is damaged.
32. Contractors were of the opinion that the fitting of CCTV to school buses greatly improves pupil behaviour as evidence of the perpetrators of vandalism or unruly behaviour can be given to the schools. The bus operators generally have good relationships with the schools they serve, which have varying methods of trying to ensure responsible behaviour. This might mean employing a school transport manager, using sixth-formers as bus-monitors or removing the right to travel on the bus after being warned about behaviour.
33. CRB checks were generally supported, although it was recognised that different local authorities required different information, so a check might not be acceptable to all clients. It would be useful if there was some standardisation across authorities.

### **Dedicated school buses**

34. Members were interested in the idea of dedicated school buses being introduced (as in the yellow buses used in the USA). They recognised that where these have been introduced it is often as a result of government funding for a particular project and over several local authorities, for example the £18.7m obtained by West Yorkshire Passenger Transport Executive to supply bus services to 300 schools in West Yorkshire.
35. On 15 January 2007 representatives of this Committee visited Cheshire County Council, a local authority which has invested in dedicated school buses for their own use.

36. Cheshire have purchased eight dedicated School buses. Three have 68 seats and five have 60 seats, all with seatbelts and CCTV. Seven operate at one time, one is a spare in case any are off the road for any reason.
37. These buses cost approx £115k each. A secure parking area is needed at night. It is expected that each will have a ten-year lifespan, but will require refurbishment to keep in good condition – this discourages bad behaviour by pupils. Seatbelts are specified that require minimum maintenance as this can be costly if they are damaged. Obtaining vehicle parts can also be difficult be an issue with some models.
38. The buses serve three secondary schools. They can be hired out to schools for events between home-to-school runs, it is this that makes the service financially viable.
39. The buses belong to Council, they were purchased as a result of spiralling contract prices. They are part of the Council's fleet of vehicles for Social Services and other purposes. The drivers are employed by council and they also work as Social Services driver/attendants if necessary. All drivers are CRB checked by council and the vehicles have to operate tachographs in order to comply with EU regulations.
40. One contractor has dedicated school bus in the Council's livery, they have a contract for five years. Contractors have stated that they would prefer an eight to ten year contract. Many other contractors are hired and they often use older double-decker buses. The Council considered that the contract offering the new bus with seatbelts, CCTV, 68 seats and wheelchair access offered the best value.
41. Pupils travelling on the school buses and their parents are required to agree a good behaviour contract before being offered a place. In this they have to agree to wear their seatbelts at all times and to refrain from eating and drinking on the bus. Each has an allocated seat, the driver marks them on a register when they get on the bus, and this is checked by a representative of the school on arrival.

### **Corporate Priorities**

42. In keeping with Corporate Priority 2 – Increase the use of public and other environmentally friendly modes of transport.

### **Recommendation 1**

43. Council officers will attempt to negotiate with the transport provider for St Mary's School, Askham Richard in order for seat belts to be provided on all vehicles. If this is not possible at a reasonable cost then they will re-let the contract from September 2007.

### Implications

44. **Financial** The current contractor is willing to install lap seatbelts on his vehicle. This would involve a cost of £9742 + VAT - the breakdown of costs are parts (including new seats) £5867 and labour £3875. The contractor would be seeking a negotiable one off contribution from the Council as a contribution towards these costs. No funding is available within the Home to School Transport or other LCCS budgets to fund these additional costs. If this recommendation is accepted one-off budget growth of £10k will be required in order to implement it. Further substantial unbudgeted costs would also be incurred if this proposal were to be rolled out across all school bus services in the city.
45. **Legal** This would require an amendment to the existing contract with the transport provider. If this were done in respect of this contract alone officers would need to consider whether this would have implications if the Council wished to pursue a similar amendment to other contracts with this or other providers.
46. There are no known Human Resources, Equalities or Other implications.

### Recommendation 2

46. The Council will ensure that minimum standards for all future home to school transport buses include:
  - a) Lap seatbelts to be fitted to all vehicles, with the long term aim of these being 3 point seatbelts.
  - b) CCTV to be installed in all vehicles and functioning at all times
  - c) Contractors to ensure that all drivers have had a CRB check within the last three years before commencing this work and thereafter in line with current Council policy.
  - d) EU2 emission standards or greater to be required on all contract vehicles

### Implications

47. **Financial** Preliminary investigations indicate that the requirement to fit seatbelts and CCTV immediately could increase the price of transport contracts by 25%, at an estimated total cost of around £250k p.a. The requirement that all contract vehicles meet EU2 emission standards may further increase costs as a number of the vehicles currently used are EU1 vehicles. No funding is available within the Home to School Transport or other LCCS budgets to fund these additional costs. If this recommendation is accepted budget growth to the full amount of at least £250k pa will be required in order to implement it.
48. Phasing in the requirements of this recommendation over a number of years to allow contractors time to convert existing vehicles and invest in newer vehicles could reduce the annual costs incurred in the initial years. Further work is needed to provide a realistic estimate of future costs in this case.
49. There are no known Human Resources, Equalities, Legal or Other implications.

**Recommendation 3**

50. The council will ensure that where possible contracts are to be let for more than 5 years, ideally 8 - 10 years in order to allow contractors to invest in higher quality vehicles

**Implications**

51. **Financial** There is the potential for savings if longer contracts can be offered to operators, or if a smaller number of individual contracts are let. The Education and Inspection Bill may allow for some extension to contracts, which also carry some fare-paying passengers. The Home to School Transport budgets are currently under severe financial pressure with an expected overspend of £100k in 2006/07, therefore any savings would be a welcome contribution towards alleviating these pressures.
52. There are no known Human Resources, Equalities, Legal or Other implications.

**Recommendation 4**

53. The council will recognise good practice in other local authorities and encourage schools and contractors to use measures such as good behaviour contracts (see paragraph 32), designated seats and the use of bus prefects to discourage unruly behaviour by pupils.

**Implications**

54. **Financial** There are no immediate financial implications associated with this recommendation
55. There are no known Human Resources, Equalities, Legal or Other implications.

**Recommendation 5**

56. The Council will endeavour to ensure that the same high standards are in place for bus contracts covering all educational establishments.

**Implications**

57. **Financial** There are no immediate financial implications associated with this recommendation
58. There are no known Human Resources, Equalities, Legal or Other implications.



**Contact Details**

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Suzan Hemingway  
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Tel No. 551004

**Final Report Approved**  **Date** 13.04.2007

**Wards Affected:**

**For further information please contact the author of the report**

**All**



**Background Papers** - None

**Annexes** – see cover report for full list of Annexes

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Town Farm  
116 Main Street  
Askham Bryan  
York  
YO23 3QS

Mr Terry Walker  
Public Transport Planning  
9 St Leonard's Place  
York  
YO1 7ET

COPY

25<sup>th</sup> March 2006

Dear Mr Walker

**Askham Bryan school bus to St Mary's CE Primary School, Askham Richard, which does not have Seat-belts.**

We are writing to you to express our concerns regarding the Askham Bryan School bus which currently does not have seat-belts.

There are more than 19 pupils using the school bus regularly with an age range of between 4 and 11 years old.

Our main concern is the safety issue due to not having seat-belts. Because the children are of such a young age, they do not always remain seated through out the journey. A huge concern, due to the safety implications, is if the bus was required to stop suddenly. Only the other day, 10<sup>th</sup> March 2006, there was an accident involving a car and the milk man just minutes before the bus, what would have happened if the car had collided with the bus?

This would not be an issue if the children were restrained by a seat-belt.

In a letter, copy enclosed, from York City Council in July 2005 you state "The underlying principles are to ensure child safety and to minimise car journeys and congestion in the villages." This was with regard to a dedicated school bus. Surely you are not ensuring child safety if the bus does not have seat-belts fitted.

Parents of a further 9 pupils said that they would use the Askham Bryan school bus if it had seat-belts on. This would considerably ease the continued congestion and complaints by the residents of Askham Richard, and would also have a beneficial impact on the environment.

The majority of Askham Bryan Parents currently using the school bus are very concerned that during the journey to and from school their children are at risk because they are not wearing seat-belts. **We would never make even a short car journey without wearing a seat-belt why should a bus be any different?**

The other school bus provided by Selby Council to transport St Mary's children to Bilbrough and surrounding villages always has seat-belts, as do all the buses used on school trips. It is Law that school trips cannot go ahead unless the coaches have seat-belts. We feel that the same laws should apply to school transport.

Please find attached the names and addresses of the 19 parents with 28 children who would continue to use, and potentially use the Askham Bryan School Bus if it were to have seat-belts.

**For the safety of our children** we are requesting that you provide a school bus with seat-belts immediately.

We look forward to hearing the action you are going to take on this matter.

Yours sincerely



Mrs E Hughes  
On behalf of Askham Bryan Parents

Cc

- **John Grogan, Labour MP for Selby Constituency**, Tadcaster Business Centre, 4-6 Bridge Street, Tadcaster, LS24 9AL
- **Anne McIntosh, Conservative MP for the vale of York & Shadow Minister for Family welfare**, House of Commons, London, Sw1A 0AA.
- **Janet Hopton, York Rural West Ward Councillor**, The old Vicarage, 11 Church Lane, Nether Poppleton, York, YO26 6LB
- **Mark Ellis, Head of Access**, Mill House, North Street, York ,YO1 6JD
- **Mrs Rawling, Acting Headteacher**, St Mary's Church of England Primary School, Askham Richard, York, YO23 3PD.





Education and Leisure

Mill House  
North Street  
York YO1 6JD

Tel: 01904 613161

To: All Residents of Askham Bryan

July 2005

Dear Resident

### Askham Bryan school bus to St Mary's CE Primary School

I am writing to all residents in response to parental concern about the designated morning school bus that was changed to a public service route last September to offer residents a public transport link to York College and York.

Since that change, more parents are using their cars to take their children to school which is causing congestion in Askham Richard outside the school. One possible solution would be to establish the route as a school special only, and not allow the public to travel on it, in the hope that it will encourage parents to send their children to school by public transport. We do appreciate the potential inconvenience that this could cause to the community although use by the public is currently low.

Therefore the City of York Council is seeking the views of the community before taking a decision. If there were to be a change in access to the bus service it would come into effect from September. Any change would be on a trial basis; if children continued not to use the service but the public wanted to, then clearly it would be the right move to restore public access to the route at that time. If far more children used it and there was support for a dedicated school special, the Council would probably think it appropriate to continue the dedicated service. The underlying principles of the proposal are to ensure child safety and to minimise car journeys and congestion in the villages.

If you have any views on this please contact Mark Ellis, Head of Access, Education and Leisure, Mill House, North Street, York YO1 6ZG or email: [mark.ellis@york.gov.uk](mailto:mark.ellis@york.gov.uk)

We would appreciate any comments or views by Friday 5 August.

Yours sincerely

Mark Ellis  
Head of Access

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## **Home to School Transport Review**

A questionnaire was sent in early/mid December to all parents who use the service. An excellent response was achieved with 8 replies from 9 families.

### **1 Are you happy with the current service provided?**

All 8 replies were either happy or very happy.

Comments included:

The current driver is very pleasant and punctual

The bus driver is very friendly and punctual

The bus collects the children close to home, takes them safely to school and is very effective

The bus is reliable, the vehicle is in good condition and the drivers are friendly

### **2 If you are not satisfied then what would you like to see changed?**

No comments written

### **3 What could be improved?**

Contact between provider and parents to inform of any issue i.e. no collection during bad weather etc.

### **4 Any other comments?**

The service for Bishopthorpe children is excellent

Please do not change the current arrangement. We have used the bus for 7 years without any problems. It is safe, efficient and environmentally friendly way of transporting children to school.

On the whole this is an excellent service

A reliable and friendly service

Julian Davies  
19 January 2007

Chair of Governors  
Archbishop of York's Junior School  
Bishopthorpe

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## East Riding Of Yorkshire Council

### **Criminal Records Bureau Clearance of Bus Drivers and Escorts**

A Criminal Records Bureau Disclosure is required for all persons who have substantial access to children and vulnerable adults. These guidelines apply to staff employed by contractors to the Council and staff employed directly by the council.

If the Disclosure received from the Criminal Records Bureau contains details of any offence; the following guidelines should be observed:

<b>Offence</b>	<b>Guidelines</b>
Any offence of a sexual nature.	The person is not acceptable to the Council under any circumstances.
Any offence of violence	If the offence occurred within the preceding 10 years, the person is not acceptable to the Council. If the offences occurred more than 10 years before the date of the Disclosure, a senior officer, following an interview, will consider the person. The length of time since when the offence took place and the number and severity of offences will be taken into account.
Any offence involving the improper use of drugs.	If the offence occurred within the preceding 10 years, the person is not acceptable to the Council. If the offences occurred more than 10 years before the date of the Disclosure, a senior officer, following an interview, will consider the person. The length of time since when the offence took place and the number and severity of offences will be taken into account.
Any offence of driving whilst under the influence of alcohol.	If the offence occurred within the preceding 5 years, the person is not acceptable to the Council.
Any offence involving theft or deception	If the offence occurred within the preceding 5 years, the person is not acceptable to the Council. If the offences occurred more than 5 years before the date of the Disclosure, a senior officer following an interview will consider the person. The length of time since when the offence took place and the number and severity of offences will be taken into account.
Any serious motor vehicle or serious driving offence.	If the offence occurred within the preceding 5 years, the person is not acceptable to the Council. If the offences occurred more than 5 years before the date of the Disclosure, a senior officer following an interview will consider the person. The length of time since when the offence took place and the number and severity of offences will be taken into account.

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## City of York Council Transport Review Kendric Ash

### Main Themes

- **Strategy** – Where does Transport sit in terms of priorities and does it have the focus it should. Is it linked to the corporate objectives of the Authority.
- **Eligibility** – What is the criteria, how is it applied, is it consistent and what can we learn from others
- **Current Operations** – An examination of procurement, systems & processes, culture and customer focus
- **Finance** – What is the real cost to the Council, where do the budgets sit and what efficiencies can be made whilst improving service
- **Collaboration** – Where are there areas of collaboration and what opportunities exist for sharing of best practice and working together

### General Findings

- No recognition of future needs for transport, focus tends to be today's problems – e.g. Introduction of Individual Budgets in Social Care and the growing pressures in relation to the "Green Agenda"
- Eligibility needs clarification, corporate agreement, Council wide communication and consistent application – e.g. No documented eligibility criteria in ASC
- Transport teams operating completely independently of one another – no operational links or best practice approach between Adult Social Care, Special Educational Needs and Dial 'a' Ride
- There is no focus on 'demand' for transport services – "We have a fleet how can we use it"– but it should be "we have a transport need how can we best fill it"
- Procurement is disjointed losing ability to minimise cost and improve supplier performance – taxi firms playing one department off against the other often dictating cost and provision, potential cartels + sellers market

### General Findings (continued)

- Internal fleet within ASC is not fully utilised and considerable amounts of spare capacity currently exist with other providers - e.g. Dial and Ride (3 buses) and Special Schools (7 buses)
- The cost of Special Educational Needs transport is high in comparison with other local authorities in terms of average cost per child – e.g. In year cost of £28.84 per child per day vs benchmark £18 to £20
- Financial management arrangements are fragmented and confusing with a lack of ownership - Several budgets are based on historical cost
- Linkages with other transport providers is weak, not fully understood and there is substantial opportunity for collaborative working both within the boundaries of CYC and beyond

### The Way Forward / Key Challenges

- Agree, assemble and widely communicate a corporate policy which clearly states the strategic intent for passenger transport – city wide
- Build an infrastructure which is demand based and shares best value procurement with best practice methodology.

- Create permanent customer linkages utilising Service Level Agreements, Key Performance Indicators and regular review processes.
- Deliver financial transparency and generate appropriate budgets with full accountability from within the transport teams
- Get all transport providers to the table and drive local and regional passenger transport initiatives; Yorkshire Hospital Trust, PCT and Community Transport

## **Quick Wins**

- The Demand Responsive Transport Management System (DRTMS) being implemented by Children's Services needs to be extended and existing SEN routes should be reviewed using the DRTMS functionality
- Undertake a full review of all passenger transport vehicles, determine availability, consult timetables and routes to maximise utilisation and reduce cost
- Address the shortfalls in the eligibility criteria, decision making process and operational linkages for Home to School / Adult Services and Community Transport (Dial & Ride and York Wheels)
- Review current SEN transport sub-contracts and look to move a percentage of children to internal fleet provision
- ASC taxi contract renewal is due - agree short term arrangement and commence procurement of new contracts with high focus on moving towards partnering arrangements

## **Sustainability - short / medium term**

- Establish a Transport Review Steering Group for York City to own the Transformation project and help shape the future
- Create a detailed Service Improvement Plan with clear quality & finance driven targets and actions
- Communicate intent to Directorates for appropriate cascade to include fully clarified transport policy
- Baseline true levels of transport expenditure and introduce delegated accountability to transport teams
- Clearly communicate aims and objectives to transport teams and introduce a Performance Management culture

## **Sustainability - short / medium term (cont'd)**

- Complete review of procurement process to move towards partnership working – consult with suppliers
- Sit down with all customer representatives and agree a move toward demand driven transport, agree stages for change and regular reporting process
- Commence reengineering of all operational systems and processes and document
- Meet with Community Transport providers to agree allocation of customer base, areas of potential duplication for resolution and opportunities for growth
- Fully review contract with ABRO to maximise vehicle availability and realisation of proposed overall cost savings

## Longer Term

- Create local Steering Group with York Hospital Trust, Yorkshire Ambulance, PCT and Community Transport providers to develop and implement initiatives for creating a fully integrated, 'Green' Transport Management solution for York, delivering:
  - Fewer vehicles on the road
  - Less journeys
  - Reduced impact to the environment
  - Citizen confidence in the transport infrastructure and greater use of existing public transport
- Develop collaborative working environment with bordering authorities to:
  - Enhanced procurement efficiencies
  - Share best practice
  - Further improve buying power
  - Maximise fleet utilisation

## Outline Efficiency Gains

• City of York	Forecast (06-07)(£K)	Saving (annual) (£K)
Transport Management	190	20
Direct Employees	475	40
Internal Fleet	360	35
Sub-contract transport	2,530	390
Subsidised Transport	95	15
 Totals	 3,650	 500
 • Trafford MBC		
Budget	7,200	
Savings delivered to-date	2,500	

## Key Deliverables

- Established vision and long term strategy for the future
  - reductions in vehicle numbers & journeys, more passengers per vehicle, CO<sub>2</sub> emission reductions
- Positive PR - generating much needed interest amongst the citizens of York and other transport providers
- Better coordinated with tracked improvements to service delivery
- Optimised cost with adaptable provision - correct balance between internal and external provision
- Robust collaborative relationship with other providers
- Enhanced staff morale and customer confidence

## Questions?

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# Top Line Travel of York Limited

## Home to School bus services: safety issues

### 1. Seat belts on home to school contracts.

Seat belts are a legal requirement on coaches but not on buses. Therefore, some home to school contracts already use seatbelt-equipped vehicles and some do not.

There are several issues to take into account where seatbelts are concerned.

I fully accept the advantages, and support the use, of seat belts in cars and coaches, and am by no means anti-seat belt. However, my main concern is that a ruling to require seat belt equipped vehicles on all home to school contracts would be a misguided attempt to be seen to be doing something about safety without achieving much or, indeed, anything.

The first issue to address is to ensure that, if fitted, seat belts are worn. My experience, in using seatbelt equipped coaches on the F3 and other contracts in the past, is that this will not happen. Unless and until a way is found to ensure that seatbelts are used properly, such a ruling would involve a great deal of expense for no benefit.

The claim "seatbelts save lives" is too simplistic in this context. Seat belts would not have saved the lives of the bus driver and the schoolgirl who were killed when an out-of-control lorry collided with their bus at Wilberfoss in 1992. The construction of buses, and indeed the construction of their seats, affords much more protection without a seatbelt than is available in a car.

Buses on home to school contracts tend to be used in areas where overall speeds are low; the risks associated with high speed motorway driving are vastly different from those involved in urban areas.

2. Many school contract operators tend to use end-of-life vehicles because the competition for contracts keeps prices down to a level where the cost of new buses or coaches cannot be justified. On the occasions when newer buses or coaches are used, it is usually because they are also used on other work, which spreads the cost.

The implication for this company, were there to be a requirement for seat belts on home to school transport, is that we could no longer participate in this work because we have no seatbelt equipped vehicles and could not justify the cost of replacing them unless contract prices are increased to reflect the extra cost.

The loss of school contracts would make it harder to recruit drivers, because we need some work on schooldays to balance the heavy commitment to weekends and school holidays when our tour buses are at their busiest.

Our existing buses were not designed to be fitted with seatbelts, and we believe that any attempt to fit them would be unsafe and unacceptable.

# Top Line Travel of York Limited .

Home to School bus services: safety issues

## 2. continued

The option of buying seatbelt equipped buses, or buying some which could be fitted with seatbelts, is not practical because the Council's policy of accepting the lowest tender means that we could not compete with other operators who would offer to do this work with elderly (but seatbelt equipped) coaches.

While seatbelt equipped double deck buses are available, many of these (for example, the Scania's used by Harrogate Coach Travel) are high floor buses of pre-euro emissions standard and we now wish to buy only low floor vehicles of euro 2 standard or better. Contract prices are not sufficient to allow this additional investment.

3. We do not have any buses equipped with seat belts. However, as explained above, I do have experience of using seatbelt-equipped coaches at York Pullman Limited during the period 1997-2000.

My experience was that very few children used them and we did have the occasional instance of damage which could not be repaired immediately; if a seat belt is damaged, the seat cannot be used. The refusal to use belts is particularly noticeable among secondary school pupils - peer pressure among teenagers to be "cool" is not an easy attitude to reform.

- 3a. There are probably two options - technology involving seat detectors (as on some cars when a "fasten seat belt" light is triggered by a person sitting in the seat without the belt being fastened), which is expensive both to fit and maintain; or the use of an escort specifically for this purpose. It would be impractical to expect the driver, whose attention should be directed entirely to driving, to supervise the use of seat belts as well.

In either case, there will be a greatly increased cost and this will ultimately be passed on to the local authority. While some operators may be tempted to ignore the additional cost of providing, maintaining and repairing seatbelts, they will eventually find that they cannot do so and there will be a price to pay.

This could be additional contract costs, the cost of re-tendering if a contractor surrenders a contract or goes out of business, or the potential cost of a less scrupulous operator economising on other maintenance.



# Top Line Travel of York Limited

## Home to School bus services: safety issues

4. My main concerns regarding safety on school transport are about the behaviour of those being carried. To this end, my company has invested in closed circuit television on several buses, and this has successfully been used on several occasions to allow the school to deal with problems such as rowdy behaviour, damage and bullying. On at least two occasions, parents who did not believe that their children had been involved in rowdy behaviour were convinced when shown the CCTV recordings.

However, no account is taken of this when tenders are considered: I believe that CCTV is invaluable and should be specified. Those of us who provide it already are at a disadvantage when tendering because of the extra cost.

Specific areas for attention are: an inability to queue; rushing towards the bus when it arrives at a stop (with a risk of somebody falling or being pushed under the front wheel); standing up or walking around the bus (with a risk of falling if the driver has to stop suddenly); fighting; throwing items around the bus or from the bus; stamping of feet and other behaviour which distracts the driver; crowding the platform as the bus arrives at the stop; leaving food and other rubbish on the bus; or causing damage. We take a strong line on all of these, and on the use of foul language, and will not allow children to travel on the platform of the bus (which, although illegal, does happen elsewhere).

We wish to acknowledge the invaluable help given by Fulford, Canon Lee and St Wilfrid's Schools, in particular, and the staff of the CoYC Education Transport section, whenever problems have arisen.

Safety can be improved, and problems such as these minimised, by the insistence on scholars (and their parents) signing a code of conduct, and rigorous enforcement by the Council and the schools.

We make it clear that any complaints about our staff will be treated seriously, investigated and action taken if necessary. This emphasises that a code of conduct is fair.

5. We do make CRB checks but believe that this should be done by the local authority or the Traffic Commissioner. It would be much simpler if this were to be undertaken by the City Council, or by a partnership of local authorities to avoid the need for separate checks to be carried out for different authorities. It would be even more acceptable if this information becomes the province of the Traffic Commissioner, who has the power to remove a PCV licence from anyone who is not suited to hold one.

# Top Line Travel of York Limited

## Home to School bus services: safety issues

6. Compulsory CRB checking would be welcome on condition that bureaucratic delays do not make it impossible to staff such contracts. Also, in view of the number of drivers from Eastern Europe currently employed in this industry, a secure method of checks for non-UK nationals is needed.

It would be unjust if a situation were to arise where one driver could not be used on a school service because CRIB checks had not been completed, but another driver from another country could be used because such checks could not properly be carried out at all.

7. If the contractors had to carry out the checks, there would be a great deal of inconsistency, delays and a need for more administrative time. It would be preferable for the local authorities to do this, as NYCC do already.
8. Five year contracts would encourage operators to invest in newer buses, which will improve quality. However, depreciation on a new bus used only on school services can be around £60 per day. Contract prices do not reflect this.
9. There has been some deterioration of behaviour with some scholars, but this is relatively minor and is by no means universal. York has, to the best of my knowledge, never suffered the appalling behaviour experienced on school buses in some areas, although there have been some notable exceptions.

On the whole, behaviour is good so long as the school and the local authority are prepared to take action to deal with any trouble immediately - and this includes having staff available to assist or give advice on a Friday afternoon.

Peter Dew  
Managing Director  
Top Line Travel of York Limited  
23 Hospital Fields Road  
Fulford Industrial Estate, YORK Y010 4EW

27.11.06

Executive Summary of Recommendations and Implications			
No.	Recommendation in Full	Implications	Executive Response
1	Council officers to be instructed to negotiate with the transport provider for St Mary's School, Askham Richard in order for seat belts to be provided on all vehicles. If this is not possible at a reasonable cost then they will re-let the contract from September 2007.	<p><b>Financial</b></p> <p>The current contractor is willing to install lap seatbelts on his vehicle. This would involve a cost of £9742 + VAT - the breakdown of costs are parts (including new seats) £5867 and labour £3875. The contractor would be seeking a negotiable one off contribution from the Council as a contribution towards these costs. No funding is available within the Home to School Transport or other LCCS budgets to fund these additional costs. If this recommendation is accepted one-off budget growth of £10k will be required in order to implement it. Further substantial unbudgeted costs would also be incurred if this proposal were to be rolled out across all school bus services in the city.</p> <p><b>Legal</b></p> <p>This would require an amendment to the existing contract with the transport provider. If this were done in respect of this contract alone officers would need to consider whether this would have implications if the Council wished to pursue a similar amendment to other contracts with this or other providers.</p>	
2	The Council will ensure that minimum standards for all future home to school transport buses include:	<p><b>Financial</b></p> <p>Preliminary investigations indicate that the requirement to fit seatbelts and CCTV immediately could increase the price of</p>	

	<p>a) Lap seatbelts to be fitted to all vehicles, with the long term aim of these being 3 point seatbelts.</p> <p>b) CCTV to be installed in all vehicles and functioning at all times</p> <p>c) Contractors to ensure that all drivers have had a CRB check within the last three years before commencing this work and thereafter in line with current Council policy.</p> <p>EU2 emission standards or greater to be required on all contract vehicles</p>	<p>transport contracts by 25%, at an estimated total cost of around £250k p.a. The requirement that all contract vehicles meet EU2 emission standards may further increase costs as a number of the vehicles currently used are EU1 vehicles. No funding is available within the Home to School Transport or other LCCS budgets to fund these additional costs. If this recommendation is accepted budget growth to the full amount of at least £250k pa will be required in order to implement it.</p> <p>Phasing in the requirements of this recommendation over a number of years to allow contractors time to convert existing vehicles and invest in newer vehicles could reduce the annual costs incurred in the initial years. Further work is needed to provide a realistic estimate of future costs in this case.</p>	
<p>3</p>	<p>The council will ensure that where possible contracts are to be let for more than 5 years, ideally 8 - 10 years in order to allow contractors to invest in higher quality vehicles</p>	<p><b>Financial</b></p> <p>There is the potential for savings if longer contracts can be offered to operators, or if a smaller number of individual contracts are let. The Education and Inspection Bill may allow for some extension to contracts, which also carry some fare-paying passengers. The Home to School Transport budgets are currently under severe financial pressure with an expected overspend of £100k in 2006/07, therefore any savings would be a</p>	

		welcome contribution towards alleviating these pressures.	
4	The council will recognise good practice in other local authorities and encourage schools and contractors to use measures such as good behaviour contracts (see paragraph 32), designated seats and the use of bus prefects to discourage unruly behaviour by pupils.	<b>Financial</b> There are no immediate financial implications associated with this recommendation	
5	The Council will endeavour to ensure that the same high standards are in place for bus contracts covering all educational establishments.	<b>Financial</b> There are no immediate financial implications associated with this recommendation	

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**Executive**

**24 April 2007**

Report of the Director of City Strategy

## **Compulsory Purchase Order, York Bedding Company, Hungate**

### **Purpose of Report**

1. With reference to the approved planning application on Hungate (720 homes, office and retail space, community/ media technology building) the purpose of this report is to seek approval from Members to move forward with a Compulsory Purchase Order in order to proceed with the comprehensive regeneration and development of the Hungate area.
2. It follows on from the previous report to Executive, 7th February 2006, where Members resolved to utilise its compulsory purchase powers under the Town & Country Planning Act 1990 in order to proceed should negotiations fail to conclude within a reasonable timescale.
3. Negotiations between the landowner and developer have not managed to reach agreement on an acceptable acquisition price, and the developer of the site has formally asked the Council to exercise its compulsory purchase powers.
4. A formal requisition notice has been sent to the landowner and Statement of Reasons have been drawn up which sets out the Council's reasons for using its compulsory purchase powers (attached at Annex A of this report).

### **Background**

5. Hungate is located on the eastern edge of the city centre, between Castle Piccadilly and the river Foss. It was first allocated for residential development in the Draft York City Local Plan in 1995 and its allocation as a mixed use (housing and employment) site was confirmed in the City of York Deposit Draft Local Plan, May 1998.
6. Outline approval for the mixed use development of Hungate was granted by the City Council on 18<sup>th</sup> July 2005 and, on 22<sup>nd</sup> February 2007, planning permission was granted for the first (of five) reserved matters application.

## **Consultation**

7. There has been comprehensive consultation with the public, including the landowner, in progressing the site development brief and subsequent planning applications, and contact/ negotiation between the landowner and developer has been constant.

## **Legal Procedures**

8. Section 226 of the Town & Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) enables local authorities to acquire land for development and other planning purposes if the Council think that the acquisition will facilitate the carrying out of development/ redevelopment or improvement in relation to the land.
9. ODPM Circular 6/04 gives further guidance on the justification for making an Order and makes it clear that land should only be taken compulsorily where there is clear evidence that a compelling case exists in the public interest.
10. The Council must consider whether the power it seeks to exercise are compatible with the European Convention on Human Rights, in particular Article 1 of the First Protocol of the Convention. This provides that every person is entitled to the peaceful enjoyment of his possessions and should only be deprived of those possessions if it is in the public interest and subject to the conditions provided for by law.
11. The Council must be satisfied that a fair balance has been struck between the public interest and those of the individuals whose interests are affected by the proposals. Further, the Council must be satisfied that the land which is subject of the CPO is the minimum necessary and proportionate to achieve its objectives.
12. The Order land forms a corner of the wider Hungate development. If the site is to be developed comprehensively, in line with the objectives of the development brief, planning application, design code and design statement, the Order land is required. If the land is excluded the development will have to be redesigned and a significant part of the development will be lost.

## **Options**

13. There are effectively 3 options to proceed with this development; (1) to continue without the York Bedding site, (2) to continue to seek acquisition of the site through negotiation, and (3) to proceed to CPO in order to acquire the land.
14. Option 1 would entail a complete redesign of the Hungate redevelopment scheme. The outline planning permission incorporates the York Bedding land, and it is considered integral to the success of the whole scheme (as set out in paragraphs 17 to 25 below).



15. Option 2 has been followed for over 3 years now and there is no indication that a suitable agreement will be reached. Continuation of this option would introduce risk to the overall project. Full planning permission has recently been granted for phase 1 of the development, and the phase 2 application is anticipated later this year, with the remaining three phases to follow.
16. Option 3 involves progression using the Council's CPO powers to acquire the land necessary for the full and comprehensive redevelopment of Hungate in accordance with the approved outline planning application. Negotiations to acquire the land can, in the meantime, continue.

### **Analysis**

17. To secure development of the whole site allocated in the development plan it is imperative there is a comprehensive approach to planning and redevelopment at Hungate. The City Council, initially through the mixed use allocation of the area in the Local Plan, encouraged comprehensive redevelopment of the area in 1996. The draft Local Plan, 1998 identifies the area as an Action Area for mixed use development (policy SP9).
18. This was reinforced through the release of a site development brief in 1999, which set out the Council's vision to create an exciting and attractive new riverside office, leisure and residential quarter adjacent to the city centre.
19. Following public consultation during December 2004 and January 2005, the Council's Planning Committee approved an updated and revised development brief for the site on 12th April 2005 for the purposes of guiding current and emerging planning applications. This reinforced the overall vision for the site as a unique opportunity for a major new mixed use scheme in this part of the city, and concluded that any development "should be brought forward in a comprehensive manner" (*paragraph 5.2 of brief*).
20. An outline application for comprehensive mixed use redevelopment of the whole area was submitted by the developers in December 2002 which, following public consultation and negotiation with the City Council following approval of the updated and amended site brief, was approved by the Council's Planning Committee on 28<sup>th</sup> July 2005.
21. The developer has acquired land identified on the attached plan (edged in bold, Annex B of this report), and acquisition of the remaining parcel of land (shaded on the plan and marked as '1' to conform with provisions of the Order) is considered to be both crucial and necessary in order to implement the development as set out in the approved outline application. Without it the development cannot go ahead and the wider public benefits arising from the regeneration of the area will not be achieved.
22. Economic and environmental improvements to the area which will arise from its proposed redevelopment include: -

- Contribution to the wider regeneration proposals taking place in the Foss Basin area and provision of a substantial financial contribution towards the first phase of the James Street link road, as well as improvements to the existing local road network.
  - Redevelopment of a brownfield site, recently occupied by demolished or rundown/ underused commercial buildings, which would bring commercial and employment benefits to the city.
  - Relocation of currently rundown and fragmented CYC Offices into a new purpose built city centre office space within the Hungate scheme.
  - Provision of city centre housing, including over 20% affordable provision for local people, which is in line with national and local guidance to provide new housing on underused and previously used land rather than on new greenfield sites.
  - Provision of convenience retail facilities in the city centre in line with the recommendations of the Roger Tym Retail Study, 2005.
  - Provision of a new focal building which will provide a city based hub for arts and small businesses, leisure, cultural opportunities and community facilities.
  - Improvements to the Foss corridor and Kings Pool nature reserve.
  - Improved cycle and pedestrian links between the site, the city centre and the housing and commercial areas to the east (Foss Islands, Layerthorpe, Heworth Green), including a new footbridge across the Foss.
  - Contributions towards the Council's sport and leisure strategy and education strategy through financial contributions to play space and public open space within or near to the site and to local schools.
  - Substantial financial contributions towards major archaeological excavations in the area.
23. It is recognised that the Council should only use its compulsory purchase orders as a last resort. Negotiations have been ongoing for a number of years between the developer, City Council and other landowners to secure all the land necessary for the regeneration of Hungate to go ahead, and this has now largely been accomplished. It is therefore important that these negotiations are either concluded or compulsory purchase powers are invoked if the scheme is to proceed.
24. It is considered that the only way to secure the comprehensive regeneration of the area is by agreement or by CPO. Negotiations with the York Bedding Company have continued since the previous report to Executive on 7<sup>th</sup> February 2006, but have failed to reach agreement.
25. Redevelopment of Hungate without the York Bedding site would be disjointed in terms of design, layout and use. The approved proposal followed over a year of detailed consideration with the City Council, developer, architect and Hungate Community Trust. The CYC Development Control Plan (Policy SP9) includes this site within the wider Hungate Action Area, and the site development brief and outline planning application incorporates it in the overall development vision and proposals.

## **Corporate Priorities**

26. Purchase of the York Bedding site will complete the comprehensive purchase of the Hungate development area. It will enable re-employment, residential, retail, community and leisure opportunities in the area and will, therefore, specifically address the following corporate priorities :
- (1) Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces; and
  - (2) improve the quality and availability of decent, affordable homes in the city.

## **Next Steps**

27. If Members resolve to make a Compulsory Purchase Order it will be sealed and sent to the Secretary of State for Communities & Local Government for confirmation. If there are objections from the landowner there may be a public inquiry.

## **Implications**

28. **Financial** The developers, Hungate Regeneration (York) Limited, have agreed to fully finance any compensation and Inquiry costs, and any application to the Lands Tribunal which might follow and generally indemnify the Council's costs. There will therefore be no financial implications for the Council.
29. There are no other implications with respect to human resources, equalities, legal, crime and disorder, IT or property.

## **Risk Management**

30. There are no known risks associated with the proposed CPO.

## **Recommendation**

31. That Members resolve to make a Compulsory Purchase Order pursuant to Section 226 (1) (a) of the Town & Country Planning Act 1990 on the York Bedding site at Hungate, York and Officers be authorised to take all necessary steps to prepare the CPO.

Reason: In order to acquire the outstanding parcel of land necessary to enable development to proceed, with all the Council's costs to be incurred by the developer of Hungate.

## Contact Details

**Author:**

Derek Gauld  
Principal City Development  
Officer  
City Strategy  
Phone No: 01904 551470

**Chief Officer Responsible for the report:**

Bill Woolley  
Director  
City Strategy

**Final Report Approved**



**Date** 13.04.2007

**Wards Affected:**

**All**

**For further information please contact the author of the report**

## Background Papers

- City of York Local Plan, Deposit Draft May 1998
- Hungate Site Development Brief, CYC September 2002
- Report to CYC Planning Committee, 28<sup>th</sup> July 2005 - Hungate Development Site
- Report to CYC Executive, 7<sup>th</sup> February 2006 - Compulsory Purchase Orders, Ambulance Station Site and York Bedding Company, Hungate

## Annexes

Annex A – Statement of Reasons

Annex B – Site Plan

DATED

2007

**CITY OF YORK COUNCIL  
(GARDEN PLACE AND CARMELITE STREET)  
COMPULSORY PURCHASE ORDER 2007**

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**STATEMENT OF REASONS**

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**Hammonds**

2 Park Lane Leeds LS3 1ES **DX** 26441 Leeds

**Telephone** +44 (0)870 839 0000 **Fax** +44 (0)870 839 7001

**Website** [www.hammonds.com](http://www.hammonds.com)

**Offices and Associated Offices** Aosta\* Berlin Birmingham Brussels Hong Kong Leeds London Madrid Manchester  
Milan\* Munich Paris Rome\* Turin\*

\*Offices of Hammonds Rossotto, an independent firm

**Reference** DXW1/VLJ/YOR.293-4

**CITY OF YORK COUNCIL (GARDEN PLACE AND CARMELITE STREET) COMPULSORY  
PURCHASE ORDER 2007**

**STATEMENT OF REASONS**

**1 INTRODUCTION**

1.1 This is the Statement of Reasons for the City of York Council (Garden Place and Carmelite Street) Compulsory Purchase Order 2007 ("Order"). The City of York Council ("Council") has provided this statement in accordance with paragraphs 35 and 36 of ODPM Circular 06/2004.

1.2 The Council is the local planning authority for the land affected by the Order.

**2 LOCATION AND DESCRIPTION OF THE ORDER LAND**

2.1 The land included in the Order ("Order Land") is at the junction of Garden Place and Carmelite Street. The Order Land extends in a north-easterly direction along the side of Carmelite Street. The Land consists of a factory building and an associated yard area. The quality of the building is relatively poor. The building does not have any special architectural features or historical significance.

2.2 The Order Land forms part of a wider development site known as the Hungate Action Area. The buildings surrounding the Order Land have already been demolished as a precursor to the re-development of the Action Area. The Order Land is required to enable the larger development to take place.

2.3 The Order Land consists of approximately of 1048.7 square metres of land owned by Hungate (York) Regeneration Limited. Part of the Order Land is leased to the York Bedding Company Limited. The lease runs for 99 years from 1 February 1951. The lease does not contain any provisions that would allow the current owner to terminate the lease before it expires in 2050. The Order Land is coloured pink on the plan attached to the Order. The Order Land is currently used as a factory and retail outlet for the York Bedding Company.

**3 THE PROPOSED DEVELOPMENT**

3.1 The Order Land forms part of a wider site, which is to accommodate a mixed use development consisting of new residential properties, shops, food and drink establishments, business uses, a new community building, enhanced riverside and nature reserve, new public open space, and associated landscaping. There will also be a redesigned car park and new pedestrian and cycle routes.

3.2 The development site is on the edge of the business and retail core of the city centre. The site overlooks the River Foss to the south and east. The north-east side of the site is bounded by the York headquarters of DEFRA. The Stonebow and Garden Place bound the north and west of the site respectively.

3.3 The proposed development of the site consists of the erection of 11 buildings, which will have a variety of uses. Carmelite Street and Hungate will be retained and a new public square will be constructed in the centre of the development. The Order Land is required for building Block G of the proposed development.

## **4 CURRENT PLANNING POSITION**

### **Planning Permission**

4.1 The Council's planning committee granted outline planning permission for the development of the site, including the Order Land, under reference number 02/0374/OUT on 28 July 2005. The Council issued the outline planning permission on the 18 July 2006. Whilst a number of matters have been reserved for later approval, the position of the buildings on the Order Land has been approved by the Council and will not be the subject of an application for reserved matters.

4.2 The Council entered into a Section 106 Agreement with the applicant for planning permission, Hungate (York) Regeneration Limited, to secure commitments relating to inter alia affordable housing, archaeology, education, cycle routes, a car and bicycle hire scheme, submission of a sustainability statement, works to the Kings Pool Nature Reserve, the construction of the Navigation Wharf Bridge, offsite highway works, provision for public open space and children's play area, and the provision of CCTV for the redeveloped site.

### **National Policy**

4.3 There are a number of national policies relevant to the development, including PPS 1, PPG 3, PPS 6, PPS 12, PPG 13, PPG 15, PPG 16, PPS 23, PPG 24 and PPG 25.

4.4 The policies encourage councils to promote sustainable communities, regeneration of existing town centres and sites close to town centres and sustainable transport options. The policies also encourage councils to take account of the historic environment (including archaeology) and the potential for flooding.

### **Development Plan**

- 4.5 The development plan for York comprises the North Yorkshire County Council Structure Plan (adopted by North Yorkshire County Council in October 1995) the City of York local plan (4 change revision) which was approved by the Council for development control purposes on 12 April 2005. Hungate, including the Order Land, was designated as an Action Area under Policy SP9(c).

### **Hungate Development Brief**

- 4.6 The Council produced a Hungate Development Brief outlining the development principles to be applied to this area of the town in April 2005. The 2005 guidance replaces the previous guidance dated October 1999. Consultation on the updated guidance was carried out for 8 weeks between December 2004 and January 2005. As part of the consultation, the Council sent letters to local residents and businesses. Copies of the guidance were sent to statutory consultees and were made available online, at local libraries and at the Council's planning office, between December 2004 and January 2005. The Council's Planning Committee formally approved the document on 28 April 2005.
- 4.7 The Development Brief sets out a number of objectives for a redevelopment scheme, which includes providing for a mix of uses, pedestrian access, office accommodation, residential accommodation, leisure and retail facilities.

## **5 POWER TO ACQUIRE THE ORDER LAND**

- 5.1 The Council have the power to acquire the Order Land under section 226(1)(a) of the Town & Country Planning Act 1990, as amended. This power authorises the Council, as the local planning authority, to compulsorily purchase any interest in land in circumstances where the acquisition will facilitate the carrying out of development, redevelopment or improvement of the land being acquired.
- 5.2 The Council may only exercise the power in section 226(1)(a) of the Town & Country Planning Act 1990 if it thinks that development, redevelopment or improvement of the land is likely to contribute to the social, economic or environmental well being of their area.



**6 PURPOSE OF ACQUIRING THE ORDER LAND AND JUSTIFICATION FOR THE ORDER**

- 6.1 The purpose of acquiring the Order Land is to amalgamate the Order Land with other land and ensure that the land is developed as part of the implementation of the 2005 planning permission.
- 6.2 The Order Land will be used to construct Block G of the development, which will house mixed uses of retail, residential and office uses. The Council, as part of the planning application, has already approved the position of Block G within the overall development site. Not including the Order Land in the Council's redevelopment proposals will prevent construction of the approved development which is an important part of the overall development on the Hungate site.
- 6.3 The Council is using its power of compulsory purchase because it believes that the acquisition of the Order Land is necessary for the redevelopment of the Hungate Action Area and that such redevelopment will promote the economic and social wellbeing of the area.
- 6.4 The Order Land is currently owned by Hungate (York) Regeneration Limited; the site Developer and leased to the York Bedding Company. A number of approaches have been made to the Company to purchase their outstanding leasehold interest by the Developer but agreement has not been reached by the parties.
- 6.5 The Order Land occupies a pivotal part of the Council's redevelopment scheme. In order to proceed with the scheme within a reasonable time, the Council has no option but to exercise its compulsory purchase powers.
- 6.6 To secure development of the whole site allocated in the development plan it is imperative there is a comprehensive approach to planning and redevelopment at Hungate. The City Council, initially through the mixed use allocation of the area in the Local Plan, encouraged comprehensive redevelopment of the area in 1996. the draft Local Plan, 1998 identifies the area as an Action Area for mixed use development (policy SP9). This has been reinforced with the production of the development brief and the grant of planning permission.
- 6.7 The developer has acquired all the land on the remainder of the site, and acquisition of the remaining parcel of land is crucial and necessary in order to implement the development as set out in the approved outline application. Without it the development as approved cannot go ahead and the wider public benefits arising from the regeneration of the area will not be achieved.

6.8 Economic and environmental improvements to the area which will arise from its proposed redevelopment include:

- Contribution to the wider regeneration proposals taking place in the Foss Basin area and provision of a substantial financial contribution towards the first phase of the James Street link road, as well as improvements to the existing local road network.
- Redevelopment of a brown field site, recently occupied by demolished or rundown/underused commercial buildings, which would bring commercial and employment benefits to the city.
- Relocation of currently rundown and fragmented Council Offices into a new proposed built city centre office space within the Hungate scheme.
- Provision of city centre housing, including over 20% affordable provision for local people, which is in line with national and local guidance to provide new housing on underused and previously used land rather than on new green field sites.
- Provision of convenience retail facilities in the city centre in line with the recommendations of the Roger Tym Retail Study 2005.
- Provision of a new focal building which will provide a city-based hub for arts and small businesses leisure cultural opportunities and community facilities.
- Improvements to the Foss corridor and Kings Pool nature reserve.
- Improved cycle and pedestrian links between the site, the city centre and the housing and commercial areas to the east (Foss Islands, Layerthorpe, Heworth Green), including a new footbridge across the Foss.
- Contributions towards the Council's sport and leisure strategy and education strategy through financial contributions to play space and public open space within or near to the site and to local schools.
- Substantial financial contributions towards major archaeological excavations in the area.

## **7 HUMAN RIGHTS**

7.1 The Order Land does not contain any residential properties. The Council has considered whether powers exist to exercise are compatible with Article 1 of the First Protocol in Schedule 2 of the Human Rights Act 1998.

7.2 Article 1 of the First Protocol provides that every person is entitled to the peaceful enjoyment of his possessions and should only be deprived of those possessions if it is in the public interest and subject to the condition provided by law. The Council believe that the acquisition of the Order Land by compulsory purchase order is proportionate to the aim of redeveloping the Hungate Action Area and that the redevelopment of the town

centre is in the public interest. The Council is satisfied that the Order Land is the minimum amount of land necessary to achieve its aims.

## **8 SPECIAL CONSIDERATIONS AFFECTING THE ORDER**

- 8.1 The Order Land is not within any conservation area. The Order Land does not consist of any listed buildings. There are also no ancient scheduled monuments within the site.

## **9 OTHER APPLICATIONS AND RELATED ORDERS**

- 9.1 There are no Orders or applications that are required to be dealt with in conjunction with the compulsory purchase order.

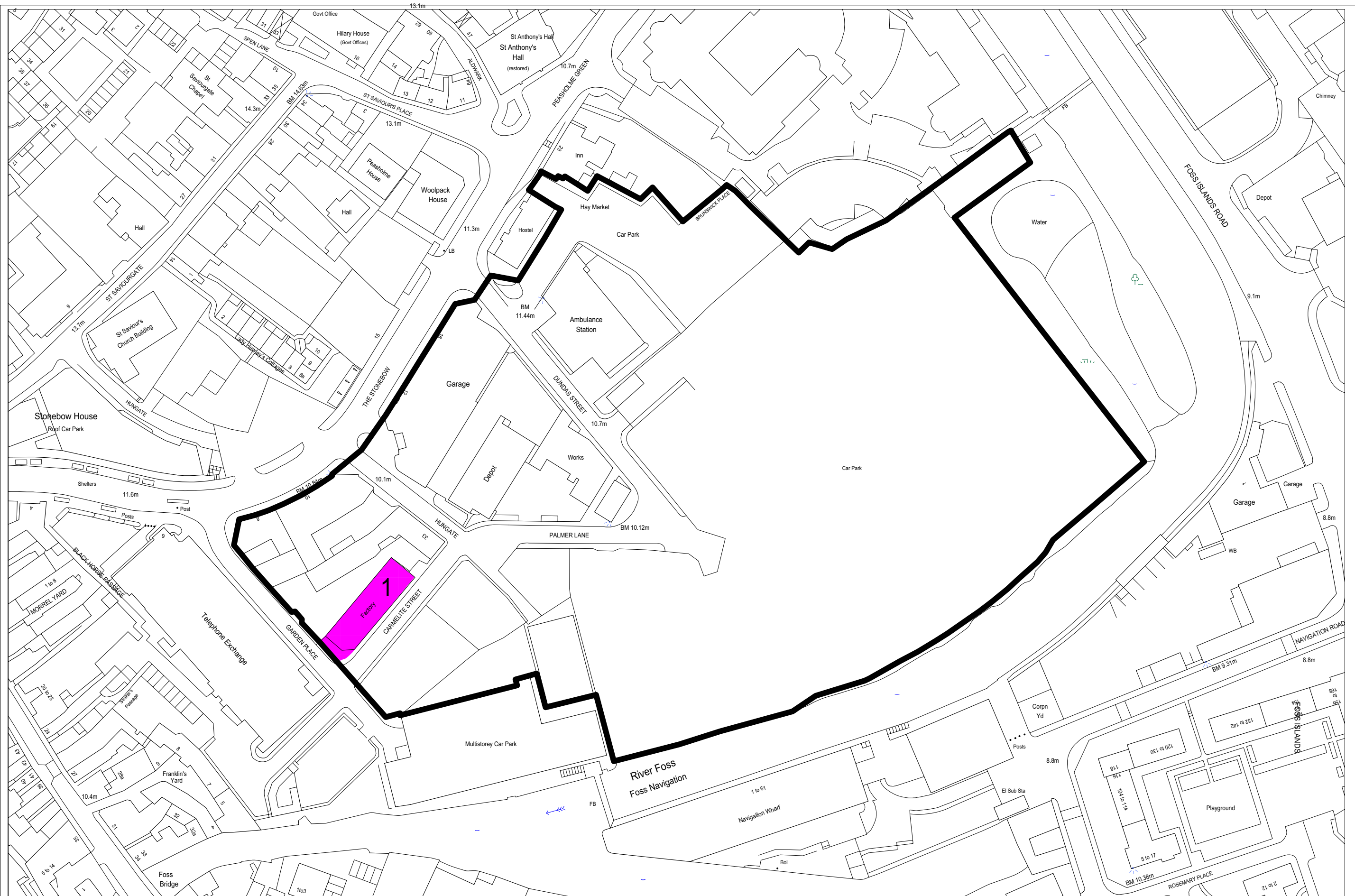
## **10 INFORMATION FOR PEOPLE AFFECTED BY THE ORDER**

- 10.1 Any person requiring information about the Council's proposal should contact Derek Gauld, at the Directorate of City Strategy, 9 St Leonard's Place, York, YO1 7ET. Telephone Number: 01904 613161. Email: derek.gauld@york.gov.uk

## **11 LIST OF DOCUMENTS**

- 11.1 In the event of a public inquiry to consider any objections to the compulsory purchase order the Council may refer to the following document:
- (a) North Yorkshire County Council Structure Plan (relevant extracts);
  - (b) City of York Draft Local Plan (relevant extracts);
  - (c) Hungate Development Brief (April 2005);
  - (d) City of York Retail Study (October 2004);
  - (e) Strategy for Yorkshire and Humber Revised Regional Spatial;
  - (f) PPS3 – Housing (relevant extracts);
  - (g) PPS6 – Planning for Town Centres (relevant extracts);
  - (h) PPG25 – Development and Flood Risk (relevant extracts);
  - (i) Planning Application and Consent - 02/03741/OUT.

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 Hungate Action Area Boundary



9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 613161

Map referred to in the City of York Council (Garden Place)  
Compulsory Purchase Order 2007

SCALE 1:1250

DRAWN BY JB

DATE 24/1/2007

Originating Group

Project

Drawing No.

City Strategy

CD/07/08



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York City Council LA 1000 20818

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## Report of the Director of City Strategy

24 April 2007

### Report of the Lord Mayor's World Heritage Working Group

#### Summary

1. The Lord Mayor decided as part of her Mayoralty to examine the question "should York be a World Heritage site?". She invited a range of individuals and representatives of Institutions to form a small Working Group to address this question and explore the benefits and disadvantages of World Heritage status. This report to Executive presents the findings of the Lord Mayor's World Heritage Working Group and asks the Executive to consider the options for action.

#### Background

2. The World Heritage (WH) Convention (adopted by UNESCO in 1972) was ratified by the United Kingdom (UK) in 1984. The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of "outstanding universal value", and requires a WH List to be established under the management of an inter-governmental WH Committee.
3. The Department for Culture, Media and Sport (DCMS) is responsible for the UK's general compliance with the Convention, and for nominating sites in England.
4. In 1999, the DCMS announced that 25 sites (including three in the UK's Overseas Territories) would form the UK Tentative List of sites from which nominations to UNESCO WH status would be made. Inclusion of a site on a Tentative List is a pre-requisite for formal nomination to UNESCO.
5. The DCMS have confirmed that a review of the 1999 Tentative List will take place in 2007. To inform the Review the UK Government will commission an assessment of the costs and benefits of World Heritage Site status, the balance currently achieved between them, and the implications for the future management, promotion and funding of such sites. It will then produce practical guidance for potential sites on what is involved.
6. The work initiated by the Lord Mayor is therefore timely in that it allows the City to take an informed decision on whether or not it should pursue World Heritage status and seek nomination to the revised Tentative List. It is probable that once this review of the Tentative List has been carried out, there will be no further review of the list until 2017.

7. The Lord Mayor's Working Group met five times (in October and December 2006, and January, February and March 2007). The report of the Working Group is presented here as Annexe One. There is an Executive Summary which presents the main findings and recommendations of the Working Group.
8. The Working Group report summarises the UNESCO World Heritage and UK Tentative List history and procedures. It advises that seeking World Heritage Status is a three stage process: stage 1, Report of the York World Heritage Working Group; stage 2, nomination to the UK revised Tentative List; stage 3, application to UNESCO for World Heritage status.
9. The report concludes that York has a very strong case for designation as a UNESCO World Heritage site. It acknowledges that York will have a difficult, though not impossible, task of achieving a place on the revised UK Tentative List (Stage 2) and being designated a World Heritage site by UNESCO (Stage 3).
10. The report considers that the process of applying for UK Tentative list status will be a valuable contribution to and inform the Local Strategic Partnership (LSP, Without Walls) and Local Development Framework (LDF) processes and to Tourism and Economic Development promotions of the City.
11. It recommends that the boundary of the World Heritage site should be the area contained within the City Walls and St Mary's Abbey Walls, and that a buffer zone should consist of those parts of the Central Historic Core Conservation Area and the central Area of Archaeological Importance which lie outside these walled areas.
12. It presents the results of its matrix analysis of advantages and disadvantages and reports on information received from Edinburgh and from individual discussions members of the Group have had.
13. It advises that the financial cost of Stage 2 is likely to be around £15k. The report identifies that stage 2 funding will be required in 2007/08 and that this funding must come from a broad based public and private partnership within the City and Region led by the City of York Council.
14. It recommends that the model of the York Millennium Bridge Trust could be used as a vehicle which could take a bid forward. It recommends that if York is successful at stage 2 a York World Heritage Trust should be created and that it should be responsible for raising the money to carry out and manage Stage 3.
15. It advises that the costs of a Stage 3 Bid could be in the region of £80k-£100k (at current prices). The very earliest this Stage 3 expenditure would occur would be in 2010/11, but would probably be no later than 2015/16.
16. It recommends that the City Council
  - a) adopts the recommendations of the Working Group and that York should make a bid for UK Tentative List status
  - b) should take the lead in pushing this project forward to Stage 2



17. if successful in achieving UK Tentative List status initiates a formal review of the Stage 3 and creates a York World Heritage Trust to lead the application process to UNESCO for World Heritage status.

### **Consultation**

18. At this stage, no formal external consultation has been carried out by the City Council.

### **Options**

19. Option A: That the City of York Council does not pursue inclusion on the Tentative List.
20. Option B: That the City of York Council accepts the recommendations of the Working Group to pursue World Heritage status.
21. Option C: That the Executive asks the Working Group a) to consult with the Without Walls group and the wider community on this subject, b) to wait for and assess the publication of the DCMS assessment of costs and benefits and practical guidance for potential sites c) to revise their Report accordingly and then for Executive then receives a further report from officers in the light of a) b) and c) on whether or not to pursue World Heritage status and what should be the boundary of the World Heritage site.

### **Analysis**

22. Option A, *That the City of York Council does not pursue World Heritage status and inclusion on the revised Tentative List.* The Working Group report makes it clear that there are disadvantages to gaining World Heritage status. The UK government intends to strengthen the protection for World Heritage sites, although this appears to be restricted to increasing call-in powers and revoking certain permitted development rights. There is the possibility of outside scrutiny of decisions taken by the City Council (by UNESCO and its advisors). There are costs associated with both Stage 2 (£15000) and Stage 3 (estimated at £80,000-100,000). There is no guarantee that a bid from York would be successful.
23. Option B, *That the City of York Council accepts the recommendations of the Working Group to pursue World Heritage status.* The Report draws on a Scrutiny Report prepared by the City of Edinburgh Council. Edinburgh has been a World Heritage site since 1995. The Scrutiny Report makes it clear that designation has had positive benefits for the City. It has not been a constraint on major developments, it has promoted better design, and it has been a major factor in tourism initiatives. Recent figures published by the Association of Leading Visitor Attractions show that Edinburgh Castle (with 1,213,907 in 2006, a 2% rise over 2005) is the most popular historic visitor attraction with charges outside London. The Report considers that substantial advantages would accrue to York in the areas of Status and Recognition and Tourism benefits for the City. The costs of pursuing Stage 2 nomination to the Tentative List are, at

£15000 modest, and could be raised from a wide range of sources within the City and beyond. This would pay for a consultant to put together the documentation and prepare, if necessary a presentation to DCMS, on the case for York as a World Heritage site. A financial commitment from the Council would be less than £5000. The more substantial costs for Stage 3 would not be incurred until 2010/11 at the earliest and 2015/16 at the latest. The Working Group recommends establishing a York World Heritage Trust to take on and manage this task.

24. Option C, *That the Executive asks the Working Group a) to consult with the Without Walls group and the wider community on this subject, b) wait for and assess the publication of the DCMS assessment of costs and benefits and practical guidance for potential sites c) revise their Report accordingly and then the Executive then receives a further report from officers in the light of a) b)and c) on whether or not to pursue World Heritage status and what should be the boundary of the World Heritage site.* It is clear from the Working Party Report that there are costs and benefits to applying for and gaining World Heritage status. The Working Group has carried out its own assessment of these. However, the DCMS have stated that it will commission and publish an assessment of the costs and benefits of World Heritage Site status, the balance currently achieved between them, and the implications for the future management, promotion and funding of such sites. It will then produce practical guidance for potential sites on what is involved. It would be appropriate to wait for this information to be made available. It was not part of the remit of the Working Group to carry out public consultation. There appears to be a window of opportunity prior to the publication of the DCMS research to carry out a public consultation exercise. It will also be possible to consult the Without Walls Local Strategic Partnership group. It would be appropriate to receive a further report and make a decision on whether to pursue World Heritage status once this additional information is available.

### **Corporate Priorities**

25. The proposal contained in this report will contribute to the following Corporate Priorities:
26. *Improve the way the council and its partners work together to deliver better services for the people who live in York.* The process of pursuing World Heritage status will involve significant work with partners across the City. If Option C is chosen, the Without Walls will be consulted and will thereafter play a significant role in shaping this initiative.
27. *Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces.* The process of pursuing World Heritage status will involve production of a management Plan at Stage 3. This would contribute to the process of assessment and improvement of the historic core of the City.

## Implications

28. **Financial** Option A carries no financial implications for the City. Option B means that the City would have to identify and commit a sum of up to £5000 to go towards the £15000 cost of Stage 2. The precise extent of this potential future commitment will not be clear until the results of the fundraising carried out by the Lord Mayor are known. Option C carries no immediate financial cost. It is suggested that the Community Planning team in City Strategy will be able to assist with design and implementation of the Public Consultation exercise. The main financial implications arise only if York is successful at Stage 2. The Report recommends that if York achieves this then a formal review of the costs and potential sources of funding is carried out by the proposed York World Heritage Trust. This would occur in 2010/11 at the earliest.
29. There are no known HR, Equalities, *Legal*, Crime and Disorder, IT, Property or Other implications

## Risk Management

30. There are no known risks associated with this report.

## Recommendations

31. That the Lord Mayor is thanked for the work carried out by her and her York World Heritage Working Group and that Option C is adopted

Reason: It would be appropriate to consult the community and await the publication of guidance from DCMS on this issue and then to receive a further report and make a decision on whether to pursue World Heritage status once this additional information is available

## Contact Details

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Sustainable Development  
Tel No. 551346

### Chief Officer Responsible for the report:

Bill Woolley  
Director City Strategy

**Report Approved**  **Date** 26 March 2007

### Financial Implications Officer

Patrick Looker  
Finance Manager  
Tel No. 01904 551633

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

**All**



**For further information please contact the author of the report**

**Background Papers:**

Heritage Protection for the 21st Century - White Paper available at [http://www.culture.gov.uk/Reference\\_library/Consultations/2007\\_current\\_consultations/hpr\\_whitepaper07.htm](http://www.culture.gov.uk/Reference_library/Consultations/2007_current_consultations/hpr_whitepaper07.htm)

**Annexes**

**Annex A** Report of the York World Heritage Working Group March 2007 plus appendices

**Should York be a World Heritage site?**

**The Report of the  
York World Heritage Site Working Group**

**19<sup>th</sup> March 2007**

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5	Financial Considerations
6	Recommendations

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Appendix Three	1999 UK Tentative List
Appendix Four	UNESCO Criteria for Assessment of Outstanding Universal Value
Appendix Five	Matrix of Advantages and Disadvantages
Appendix Six	Draft Timeline

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## Executive Summary

This report by the York World Heritage Working Group:

- summarises the UNESCO World Heritage and UK Tentative List history and procedures;
- advises that seeking World Heritage Status is a three stage process:
  - stage 1, Report of the York World Heritage Working Group
  - stage 2, nomination to the UK revised Tentative List
  - stage 3, application to UNESCO for World Heritage status
- advises that the UK government will create a new Tentative List, that an announcement from DCMS on the revision of the Tentative List is some weeks away and that the process is likely to begin with a piece of research on the costs and benefits of World Heritage status to inform people's decisions on whether or not to bid for inclusion on the new tentative list;
- advises that York has a very strong case for designation as a UNESCO World Heritage site and that it will have a difficult, though not impossible, task of achieving a place on the revised UK Tentative List (Stage 2) and being designated a World Heritage site by UNESCO (Stage 3);
- advises that the process of applying for UK Tentative list status, even if it turns out to be unsuccessful, will be a valuable contribution to and inform the Local Strategic Partnership (LSP, Without Walls) and Local Development Framework (LDF) processes and to Tourism and Economic Development promotions of the City;
- recommends that the boundary of the World Heritage site should be the area contained within the City Walls and St Mary's Abbey Walls, and that a buffer zone should consist of those parts of the Central Historic Core Conservation Area and the central Area of Archaeological Importance which lie outside these walled areas;
- presents the results of its matrix analysis of advantages and disadvantages and reports on information received from Edinburgh and from individual discussions members of the Group have had;
- considers that designation as a World Heritage site will be a vital contribution to the future economy of the City through promoting a quality tourist product in a highly competitive market and attracting and retaining entrepreneurs, investors, risk-takers and students who, in the modern world, can choose to locate anywhere;
- advises that the financial cost of Stage 2 is likely to be around £15k. The report identifies that stage 2 funding will be required in 2007/08 and that this funding must come from a broad based public and private partnership within the City and Region led by the City of York Council;

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- recommends that the model of the York Millennium Bridge Trust could be used as a vehicle which could take a bid forward. It recommends that if York is successful at stage 2 a York World Heritage Trust should be created and that it should be responsible for raising the money to carry out and manage Stage 3;
  - advises that the costs of a Stage 3 Bid could be in the region of £80k-£100k (at current prices). The very earliest this Stage 3 expenditure would occur would be in 2010/11, but will probably be no later than 2015/16;
  - recommends that the City Council
    - adopts the recommendations of the Working Group and that York should make a bid for UK Tentative List status
    - should take the lead in pushing this project forward to Stage 2
    - if successful in achieving UK Tentative List status initiates a formal review of the Stage 3 and creates a York World Heritage Trust to lead the application process to UNESCO for World Heritage status.



## **YORK AS A WORLD HERITAGE SITE**

### **OUTLINE OF CONCEPT**

York is submitted for listing as a world heritage site as a continuously inhabited historic city. It qualifies for inclusion because of the architectural and historical interest of its buildings, exceptional both in quality, number, age, state of preservation and conservation, and of the deep, extensive and well-preserved archaeological deposits below which between them testify to York's continuous role as central place for much of the North of England for 2000 years, from Roman until recent times.

Because of its central role in many periods of British history York has more or less wholly-preserved remains typical of many periods and cultures, often, because of the depth of archaeological deposits that contain them, largely unaffected by subsequent developments. Its story is documented in unusually rich, varied and complete civic, ecclesiastical and private archives, in exemplary inventories including over 1700 listed historic buildings and scheduled monuments, and by extensive archaeological investigation and publication.

In Roman times York was both a legionary fortress whose garrison played a large part in building Hadrian's Wall, and a provincial capital. A number of Roman emperors visited or resided there, notably Septimius Severus and Constantius Chlorus, both of whom died in the city, and Constantine the Great, who was proclaimed emperor there. In Anglo-Saxon times York was the scene of conversion to Christianity of Edwin King of Northumbria and the emergence of ecclesiastical institutions that became the focus of Northumbrian culture in its Golden Age, producing amongst others Alcuin, a scholar of continent-wide reputation and the leading figure in the Carolingian renaissance. York became a Viking age capital city in the 9<sup>th</sup> and 10<sup>th</sup> centuries, the only Viking royal seat in Britain, at which time much of the still-surviving street and property layout was established.

In the later Middle Ages York had two castles, five gates and continuous city walls, almost all of which survive in good condition; the largest medieval cathedral in Northern Europe, York Minster; and over 45 other churches 20 of which survive. The Minster contains one of only two masons' tracing floors known in the world, demonstrating practices that lay behind all major medieval architecture anywhere. There were many guildhalls, four of which survive including the best preserved anywhere, and thousands of lesser buildings a good proportion which survive. York, second in importance only to London in the Middle Ages, is, on a world scale, exceptionally well-preserved as a medieval city. It was the scene of important events and activities such as the Jewish pogrom of 1190 at York Castle, commemorated annually by Jews the world over, the Pilgrimage of Grace (1536-7), royal government through the Council of the North (1530-1641), and the Siege of York (1644).

York retained its regional importance into the eighteenth century and contains some of the best and most influential examples of town architecture of the period including Lord Burlington's seminal Assembly Rooms, the civic Mansion House, one of the earliest of its kind anywhere, and Fairfax House, one of many well-preserved 18<sup>th</sup> century town houses.

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The city's two 18<sup>th</sup> century mental hospitals Bootham Park Hospital and The Retreat were leaders in treatment of mental disorder.

In the 19<sup>th</sup> century York became a focus in the early development of railways with fine surviving Victorian stations and administrative buildings, and a manufacturing town with products -Terry's and Rowntrees' chocolate and T Cooke and Sons' optical instruments - of world-wide importance. It was also the subject of Seebohm Rowntree's pioneering social studies of poverty, leading to social reforms and, at the city's New Earswick suburb, some of the earliest idealised urban planning. The 19<sup>th</sup> century city was a centre of innovation. York's scientific society the Yorkshire Philosophical Society (1822) helped initiate the British Association for the Advancement of Science (1831) and the Museums Association (1889), the earliest museums association in the world. Both were inaugurated at the YPS's Yorkshire Museum. This museum and the later York Castle Museum, Jorvik Viking Centre and National Railway Museum have become exemplars to the world in presentation and interpretation of the heritage. The city's initiatives in building and heritage conservation from the 1827 York Footpath Association (for the preservation of the city walls) through early post-war conservation of the street The Shambles to Lord Esher's *York: A study in Conservation* (1968), have provided similarly influential exemplars. The city's role as a military headquarters has been maintained through much of two millennia, its ecclesiastical role for 14 centuries, and its civic, judicial and administrative roles continuously for over 1200 years.

York therefore is of outstanding universal value.

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

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

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

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

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## 1 Background

- 1.1 As part of her Mayoralty, the Lord Mayor decided to examine the question “should York be a World Heritage site?”. In order to carry this out, she invited representatives of Institutions and individuals from the City to form a small Working Group to address this question and to explore the benefits and disadvantages of World Heritage status. Members of the Working Group are listed in Appendix One.
- 1.2 This Report is the product of the deliberations and research undertaken by the Working Group in the period from October 2006 to March 2007.

## 2 UNESCO World Heritage Sites and the UK Tentative List

- 2.1 UNESCO seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world which is considered to be of outstanding universal value to humanity. This is embodied in the international treaty called the *Convention concerning the Protection of the World Cultural and Natural Heritage*, (World Heritage Convention) adopted by UNESCO in 1972. Since then, national governments which have ratified the World Heritage Convention (State Parties) have been encouraged to nominate sites within their national territory for inclusion on the World Heritage List.
- 2.2 The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of "outstanding universal value". It requires a World Heritage List to be established under the management of an inter-governmental World Heritage Committee.
- 2.3 State Parties are responsible for creating Tentative Lists of potential World Heritage sites under their jurisdiction. A State Party may nominate one site per year from their Tentative List to UNESCO for inscription on the list of World Heritage sites. Nominations are subjected to a rigorous assessment by UNESCO's advisers (IUCN and ICOMOS) over an 18 month period. Decisions on whether to inscribe sites in the World Heritage List are taken by the World Heritage Committee at its annual meeting each July. The Committee comprises 21 of the member states of the Convention, each elected for a six year term.
- 2.4 The World Heritage List currently includes 830 properties around the world which the World Heritage Committee considers as having outstanding universal value. The World Heritage List can be viewed at <http://whc.unesco.org>. There are currently 27 UK World Heritage sites, of which three are in the UK overseas Dependent Territories (see Appendix Two)
- 2.5 The World Heritage Convention was ratified by the United Kingdom in 1984. The Department for Culture, Media and Sport is responsible for the UK's general compliance with the Convention, and for nominating sites in England.
- 2.6 In 1999, the Secretary of State for Culture, Media and Sport, announced the UK Tentative List (see Appendix Three). This consisted of 25 sites (including three in

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the UK's Overseas Territories) which might be nominated for WH status over the period 1999 to 2010; the inclusion of sites on such a list is a pre-requisite for formal nomination to UNESCO. Six of the sites on the 1999 Tentative List have now achieved World Heritage status.

- 2.7 In December 2005, the Parliamentary Under-Secretary of State for Culture Media and Sport (Mr David Lammy) stated that he would announce the start of a review of the tentative list in spring 2006. We have been advised by English Heritage that an announcement from the DCMS on the revision of the Tentative List is still some weeks away and that the process is likely to begin with a piece of research on the costs and benefits of World Heritage status to inform people's decisions on whether or not to bid for inclusion on the new tentative list. If York wishes to pursue nomination as a World Heritage Site it is essential that it be first placed on the revised tentative list. Therefore, this is an appropriate time to address the question raised by the Lord Mayor.
- 2.8 The York World Heritage Working Group has identified three stages in the process of gaining World Heritage Status:  
stage 1, Report of the York World Heritage Working Group and acceptance by the City of York Council;  
stage 2, nomination to the UK revised Tentative List;  
stage 3, application to UNESCO for World Heritage status.

### **3 York: a World Heritage Site?**

- 3.1 York has come late to the World Heritage process. There were inconclusive discussions about York applying for World Heritage status in the early 1990's. It is clear that an application at that time would have stood a considerably greater chance of success than an application today. The York World Heritage Working Group believes that York should not miss out on this opportunity to pursue World Heritage status.
- 3.2 There is now also a serious problem for York in that the nomination process and attitudes to the types of site suitable for nomination have moved on. The World Heritage list is biased towards western European sites, and there are a number of medieval walled cathedral cities on the List. It is probable that this may make a bid from York difficult to take forward. Indeed, when the UK Tentative List was drawn up in 1999, it specifically excluded this type of site. However, it did state that it would review this decision next time round.
- 3.3 York has a very strong case for designation as a UNESCO World Heritage site. It is clear that York will have a very difficult, though not impossible, task of achieving a place on the revised UK Tentative List (Stage 2) and being designated a World Heritage site by UNESCO (Stage 3).
- 3.4 The wealth of the historic environment in York is considerable. There are 22 Scheduled Ancient Monuments, some 1800 listed buildings, 34 Conservation Areas, and one of only five Areas of Archaeological Importance in the country. York Minster and York City Walls are two of the best examples of such monuments in Europe. These are representative of the well-preserved and well-

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managed historic buildings and structures that survive in the City.

- 3.5 York is unique in having evidence for being a living City over almost 2000 years. It possesses a complete set of archaeological deposits from the Roman period onwards. Significant parts of these deposits are deep, waterlogged and anoxic; they constitute a probably unique sequence of well-preserved Roman, Viking and medieval features and deposits.
- 3.6 York's street plan is a testimony to successive episodes of planning by Romans, Vikings, medieval, Georgian, Victorian and modern administrations.
- 3.7 The primary documentary archives of the City of York, the Dean and Chapter, the Borthwick Institute, coupled with the archives of many private organisations such as the Merchant Adventurers Company represent an almost unparalleled body of archival material for academic and popular study.
- 3.8 The historic environment and the archival and archaeological resources have been studied extensively and are well documented through the numerous histories of the City (from Francis Drake's *Eboracum* published in 1736 to *York* edited by Prof P Nuttgens, 2001) and through volumes and journals such as those published by the Royal Commission on Historic Monuments (England), the York Archaeological Trust fascicule series and web publications, and the Esher Report of 1968.
- 3.9 However, if York is to be successful in gaining nomination to the UK Tentative List it must demonstrate that it meets the criteria adopted by UNESCO for Assessment of Outstanding Universal Value. These criteria are listed in Appendix Four.
- 3.10 The Working Group has considered these criteria and believes that York meets criteria i) ii) iii) iv) and vi)
- i. to represent a masterpiece of human creative genius;
  - ii. to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
  - iii. to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
  - iv. to be an outstanding example of a type of building, architectural or technological ensemble or landscape
  - vi. to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria).
- 3.11 Dr Addyman has produced an outline of concept for York as a World Heritage site (see above). It summarises the historic and cultural characteristics of the City and demonstrates how these criteria are matched:

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*preservation and conservation, and of the deep, extensive and well-preserved archaeological deposits below which between them testify to York's continuous role as central place for much of the North of England for 2000 years, from Roman until recent times..*

It is clear from the outline concept that the City is of outstanding universal value and is a strong candidate for World Heritage status.

- 3.12 The Working Group also considered potential boundaries for a York World Heritage site and associated Buffer Zone. In York there are already a number of statutory conservation designations which cover the historic core of the City. The central historic core, Bootham, Clifton, The Mount and Blossom Street are contained within three contiguous Conservation Areas designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 and its predecessors. A significantly larger area was designated in 1984 as an Area of Archaeological Importance under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The Working Group considered the benefits of including other parts of the City in a World Heritage site. New Earswick and the Retreat were discussed but rejected on the grounds that although significant they did not add greatly to the case made in the draft Inscription.
- 3.13 The Working Group considers that there is a very close match between the draft Inscription and a boundary which encompasses the walled historic core of the City and St Mary's Abbey precinct. This boundary includes the area of the Foss Valley to the south-west of Foss Islands Road, which although excluded from the Central Historic Core Conservation Area lies within the Area of Archaeological Importance.
- 3.14 Therefore, the Working Group recommends that the boundary of the World Heritage site should be the area contained within the City Walls and St Mary's Abbey Walls, and that a buffer zone should consist of those parts of the Central Historic Core Conservation Area and the central Area of Archaeological Importance which lie outside these walled areas
- 3.15 The Working Group considers that the process of applying for UK Tentative list status will be a valuable contribution to and inform the Local Strategic Partnership (LSP) and Local Development Framework (LDF) processes and to Tourism and Economic Development promotions of the City in that it will bring another, wider, perspective to considerations of the historic environment and its role in the life and economy of the City.

#### **4 Assessment of Advantages and Disadvantages of World Heritage Status**

- 4.1 Inscription as a World Heritage Site and the international recognition that the Site is of outstanding universal value is perhaps the highest accolade a place can receive and brings with it significant international prestige. The UNESCO World Heritage Convention considers that there are three main benefits to gaining World Heritage status:

- 4.1.1 *Public awareness.* Inscribing a site for heritage preservation on the World Heritage List can serve as a catalyst to raising awareness for heritage preservation on the part of governments and citizens alike. Heightened awareness, in turn, should lead to greater consideration and a general rise in the level of protection and conservation afforded to heritage properties. The World Heritage Committee can provide financial assistance and expert advice as support for promotional activities for the preservation of sites as well as for developing educational materials.
- 4.1.2 *International assistance.* It is the State Parties' responsibility to provide adequate protection and management for their sites. In this regard, a key benefit of ratification, particularly for developing countries, is access to the World Heritage Fund. Annually, about US\$3 million is made available, mainly to Least Developed Countries and Low Income Countries, to finance technical assistance and training projects. Emergency assistance may also be made available for urgent action to repair damage caused by human-made or natural disasters. Inscription of a site on the World Heritage List may also open the way for financial assistance from a variety of sources in heritage conservation projects.
- 4.1.3 *International recognition.* The overarching benefit of joining the World Heritage Convention is that of belonging to an international community of appreciation and concern for unique, universally significant properties that embody a world of outstanding examples of cultural diversity and natural wealth
- 4.2 At present, designation as a World Heritage site does not introduce any additional conservation or planning controls. Para 2.22 of Planning Policy Guidance 15: Planning and the Historic Environment specifically states that "*No additional statutory controls follow from the inclusion of a site in the World Heritage list.*"
- 4.3 On March 12 2007 The Department for Culture Media and Sport issued a White Paper *Heritage Protection for the 21<sup>st</sup> Century*. In the White Paper, there are proposals which would clarify and strengthen protection for World Heritage Sites in England and Wales. In paras 52-55, it states that
- 4.3.1 *while in general WHSs are adequately protected, there is a case for some small changes that will clarify and, in some cases strengthen, current protections ... First, as part of a wider review of the Call-in Directions, we intend to introduce specific notification and call-in requirements for significant development affecting World Heritage Sites. Second, we will update planning policy to strengthen the consideration of World Heritage Sites within the planning system ... We will therefore issue a planning circular which will further recognise in national policy the need to protect World Heritage Sites as sites of outstanding universal value, and will make more prominent the need to create a management plan for each WHS, including, where needed, the delineation of a buffer zone around it ... We will also include World Heritage Sites as Article 1(5) land under the Town and Country Planning (General Permitted Development) Order 1995. This would put them on the same footing as other protected areas such as conservation areas, National Parks and Areas of Outstanding Natural Beauty, where permitted development rights are more restricted, not being available for minor changes such as artificial stone cladding or dormer windows."*

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- 4.4 The Working Group recognises that York has clear economic development ambitions and plans and that York needs to build a new economic future and capitalise on its historic assets. It recognises that the City Council has a responsibility to ensure the continued economic and social well-being of its citizens through a period of rapid change. Therefore, the Working Group has carefully assessed the impacts that might arise as a consequence of designation as a World Heritage site. The Working Group has produced a Matrix of advantages and disadvantages of World Heritage status (Appendix Six). It is clear from the Matrix that there are both pros and cons to World Heritage Status.
- 4.5 These were analysed under the headings of *Status and Recognition, Tourism Benefits, External involvement in City Decisions, Possible Attraction of Increased Funds, Stage 2 Bid, and Stage 3 Bid*. From the matrix it can be seen that the Group considered that the disadvantages came from the possibility of external influence and interest in planning decisions in the City and from the issues of leadership, costs and other resources required to make a Stage 2 and Stage 3 bid.
- 4.6 In order to explore these issues further, the Working Group obtained information from the City of Edinburgh Council to assist in assessing the weight that should be given to these disadvantages. The City of Edinburgh Council supplied a copy of a report to the City Scrutiny Panel called World Heritage Sites Costs Benefits. In that report, officers stated that:
- 4.6.1 *The World Heritage Site ... has played a central role in the development of Edinburgh's intellectual life and economy, becoming the base for many of the financial and cultural institutions which have shaped Edinburgh, and Scotland's development. It is also the City's main retail centre and houses a thriving residential community (increased by 11% from 19,600 to 21,700 over the period 1994 to 2004).*
- 4.6.2 *World Heritage Site status represents a key opportunity to further the development and implementation of protection and conservation measures aimed at enhancing the historic environment and preserving the features which contribute to its character and visual cohesion. The Council also promotes architectural quality, excellence and innovation in new build within the World Heritage Site. World Heritage Site status acts as a catalyst for the improvement of works to the built environment and sets a quality level that supports the principles of the Design Initiative.*
- 4.7 They went on to state that
- 4.7.1 *inscription has no immediate consequences in terms of additional statutory protection, [in an area] which is already subject to the strictest of controls consequent on the 'outstanding' conservation area status ... World Heritage status does not seem to have resulted in any reduction in the development potential of the Site; reflected in the increasing number of substantial new development projects which over the period 2000-03 increased from 2 to 7.*
- 4.7.2 *Inscription can be viewed very positively in the extent to which it has stimulated*



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*more intensive management considerations and implementation of a management plan. The establishment of the Edinburgh World Heritage Trust in April 1999, from an amalgamation of the Edinburgh New Town Conservation Committee and the Edinburgh Old Town Renewal Trust, represents a new revitalised approach to the management format for the area. The single organisation has also resulted in cost efficiencies in terms of staff and premises.*

- 4.7.3 *Conservation of the historic fabric of the World Heritage Site relies on investment and viable economic use ... Recent reports indicate that Edinburgh has the fastest growing economy of twenty of the world's top cities. This is ten years following inscription as a World Heritage Site, and indicates a very positive link between heritage and the economy.*
- 4.7.4 *World Heritage Site status contributes most to the local economy and employment through the potential for increased tourism. The most popular reason for visiting Edinburgh is its heritage assets and World Heritage status, which is an indicator of heritage quality, enhances its attractiveness to tourists. The Site also benefits from increased marketing activity, exemplified by VisitBritain's website which features World Heritage Sites prominently in both its overseas marketing activities and domestic campaigns.*
- 4.8 The report concluded that
- 4.8.1 *There are considerable benefits of World Heritage Site. The hallmark of an environment of international quality provides a positive setting for the economic well-being of the city.*
- 4.9 The Working Group consider that these comments from a well-established UK World Heritage site with similar economic development aspirations to those of York demonstrate that the disadvantages noted in the matrix should not be given much weight. The exception to this is the issue of the resource issues which are discussed in Section 5.
- 4.10 The historic environment of York is one of its key assets. World Heritage status will promote the need for outstanding new developments and will continue the careful management of the historic environment which together will contribute to the quality of life which sets York aside from its competitors. The Working Group consider that designation as a World Heritage site will be a vital contribution to the future economy of the City through promoting a quality tourist product in a highly competitive market and attracting and retaining entrepreneurs, investors, risk-takers and students who, in the modern world, can choose to locate anywhere.
- 4.11 Letters supporting the principle of applying for World Heritage status have already been received from York Tourism Bureau, York Civic Trust, Company of Merchant Adventurers, and York Business Pride.

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## **5 Financial Considerations**

- 5.1 The analysis of advantages and disadvantages has highlighted that the issues of leadership, costs, and other resources are significant problems
- 5.2 It is probable that the Stage 2 process will be carried out over the next 12 months. Given this relatively short timescale, the Working Group believes that it is at this stage that the City of York Council can provide effective leadership.
- 5.3 The Working Group believes that the financial cost of Stage 2 is likely to be around £15000 and that this funding will be required in 2007/08. If possible this funding must come from a broad based public and private partnership within the City and Region led by the City of York Council. At present, charities and other organisations are being approached by the Lord Mayor to obtain expressions of financial support. It is anticipated that perhaps seven organisations could contribute between £2000 and £3000 in order to meet the overall £15000 cost of Stage 2.
- 5.4 If York is successful at Stage 2, it is recommended that the Stage 3 process is subject to a formal review in order to clarify the timescales, processes and costs. In particular, it will be necessary to decide if a new vehicle is required in order to manage the Stage 3 bid to UNESCO. The City is lucky in that a successful model exists in the City for managing and resourcing a major project. The York Millennium Bridge started as a community initiative. This was taken forward and given leadership by York City Council. The City Council then created the York Millennium Bridge Trust which managed the bid to The Millennium Commission and took the project forward to completion. The Working Group recommends that the model of the York Millennium Bridge Trust should be used as a vehicle which can take carry out the post-Stage 2 review, take a bid forward and that it should be responsible for raising the money to carry out and manage Stage 3.
- 5.5 The Working Group advises that the costs of a Stage 3 Bid could be in the region of £80k-£100k (at current prices). The very earliest this Stage 3 expenditure would occur would be in 2010/11, but will probably be no later than 2015/16;

## **6 Recommendations**

- 6.1 The York World Heritage Working Group recommends that the City Council
1. adopts the recommendations of the Working Group and that York should make a bid for UK Tentative List status
  2. should take the lead in pushing this project forward to Stage 2
  3. if successful in achieving UK Tentative List status initiates a formal review of Stage 3 and creates a York World Heritage Trust to lead the application process to UNESCO for World Heritage status.

**Members of York World Heritage Working Group**

The Lord Mayor of York, The Right Honourable Cllr Janet Hopton OBE

Dr Peter Addyman

Ms Janet Barnes (Chief Executive York Museums Trust)

Mr Darryl Buttery (York Civic Trust)

Sir Ron Cooke

Ms Gill Cooper (City of York, Head of Arts and Culture)

Ms Gillian Cruddas (York Tourism Bureau)

Ms Alison Fisher (English Heritage)

Professor Jane Grenville (University of York)

Ms Kay Hyde (York Tourism Bureau)

Professor Anthony Hyland

Mr Peter Johnson (City of York) *to February 2007*

Mr Hugh Murray

Mr John Oxley (City of York, Archaeologist)

Professor David Palliser

Mr Richard Shepherd (Dean and Chapter of York Minster)

Ms Alison Sinclair

Mr Roger Ranson (City of York Assistant Director Economic Development and Partnerships) *from March 2007*

And Ms Maddy Jago (Regional Director English Heritage) in an Advisory Capacity only

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### **UK Properties inscribed on the World Heritage List**

#### **The UK currently has 27 World Heritage Sites:**

- Durham Cathedral and Castle (inscribed 1986)
- Castle and Town Walls of King Edward in Gwynedd (1986)
- Studley Royal Park including the ruins of Fountains Abbey (1986)
- St Kilda (1986 extended in 2004 and 2005) (natural and cultural)
- Giant's Causeway and Causeway coast (1986) (natural site)
- Ironbridge Gorge (1986)
- Stonehenge, Avebury and associated sites (1986)
- Blenheim Palace and Park (1987)
- Palace of Westminster, St Margaret's Church and Westminster Abbey (1987)
- City of Bath (1987)
- Frontiers of the Roman Empire: Hadrian's Wall (1987, extended in 2005)
- The Tower of London (1988)
- Canterbury Cathedral (with St Augustine's Abbey and St Martin's Church) (1988)
- Henderson Island, South Pacific Ocean (1988) (natural site)
- Edinburgh Old and New Towns (1995)
- Gough island Wildlife Reserve, South Atlantic Ocean (1995, extended 2004) (natural site)
- Maritime Greenwich (1997)
- Heart of Neolithic Orkney (1999)
- Historic Town of St George and Related Fortifications Bermuda (2000)
- Blaenavon Industrial Landscape (2000)
- Dorset and East Devon Coast (2001) (natural site)
- Derwent Valley Mills (2001)
- New Lanark (2001)

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- Saltaire (2001)
  - Royal Botanic Gardens, Kew (2003)
  - Liverpool Maritime Mercantile City (2004)
  - Cornwall and East Devon Mining Landscape (2006)

### **Current Nomination**

The Darwin at Downe nomination will be considered by the World Heritage Committee in July 2007.

### **Future Nominations**

The Antonine Wall as an extension to the transnational Frontiers of the Roman Empire World Heritage Site will be submitted to UNESCO in January 2007 for consideration by the World Heritage Committee in June/July 2008.

Pontcysyllte Aqueduct will be submitted in January 2008 for consideration by the Committee in 2009

The Twin Monastery of Wearmouth and Jarrow will be submitted in January 2009 for consideration in 2010.

**1999 UK Tentative List of Properties**

**State Party:** The United Kingdom of Great Britain and Northern Ireland.  
**Prepared by:** Department for Culture, Media and Sport, Government of the UK.  
**Date:** June 1999

**ENGLAND**

- 1 Chatham Naval Dockyard
- 2 Cornish Mining Industry
- 3 Darwin's Home & Workplace: Down House & Environs
- 4 Derwent Valley Mills, Derbyshire
- 5 The Dorset & East Devon Coast
- 6 Royal Botanic Gardens, Kew
- 7 The Lake District
- 8 Liverpool Commercial Centre and Waterfront
- 9 Manchester and Salford (Ancoats Castlefield and Worsley)
- 10 Monkwearmouth & Jarrow Monastic Sites
- 11 The New Forest
- 12 The Great Western Railway: Paddington-Bristol
- 13 Saltaire
- 14 Shakespeare's Stratford
- 15 The Wash and North Norfolk Coast

**SCOTLAND**

- 16 The Cairngorm Mountains
- 17 The Flow Country

**18** The Forth Rail Bridge

**19** New Lanark

**WALES**

**20** Blaenavon Industrial Landscape

**21** Pont-Cysyllte Aqueduct

**NORTHERN IRELAND**

**22** Mount Stewart Gardens

**OVERSEAS TERRITORIES**

**23** Fountain Cavern, Anguilla

**24** The Historic Town of St. George and Related Fortifications, Bermuda

**25** The Fortress of Gibraltar



**UNESCO Criteria for Assessment of Outstanding Universal Value**

- i. to represent a masterpiece of human creative genius;
- ii. to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
- iii. to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- iv. to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;
- vi. to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);
- vii. to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;
- viii. to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;
- ix. to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
- x. to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

Outstanding universal value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. The Committee defines the criteria for the inscription of properties on the World Heritage List.

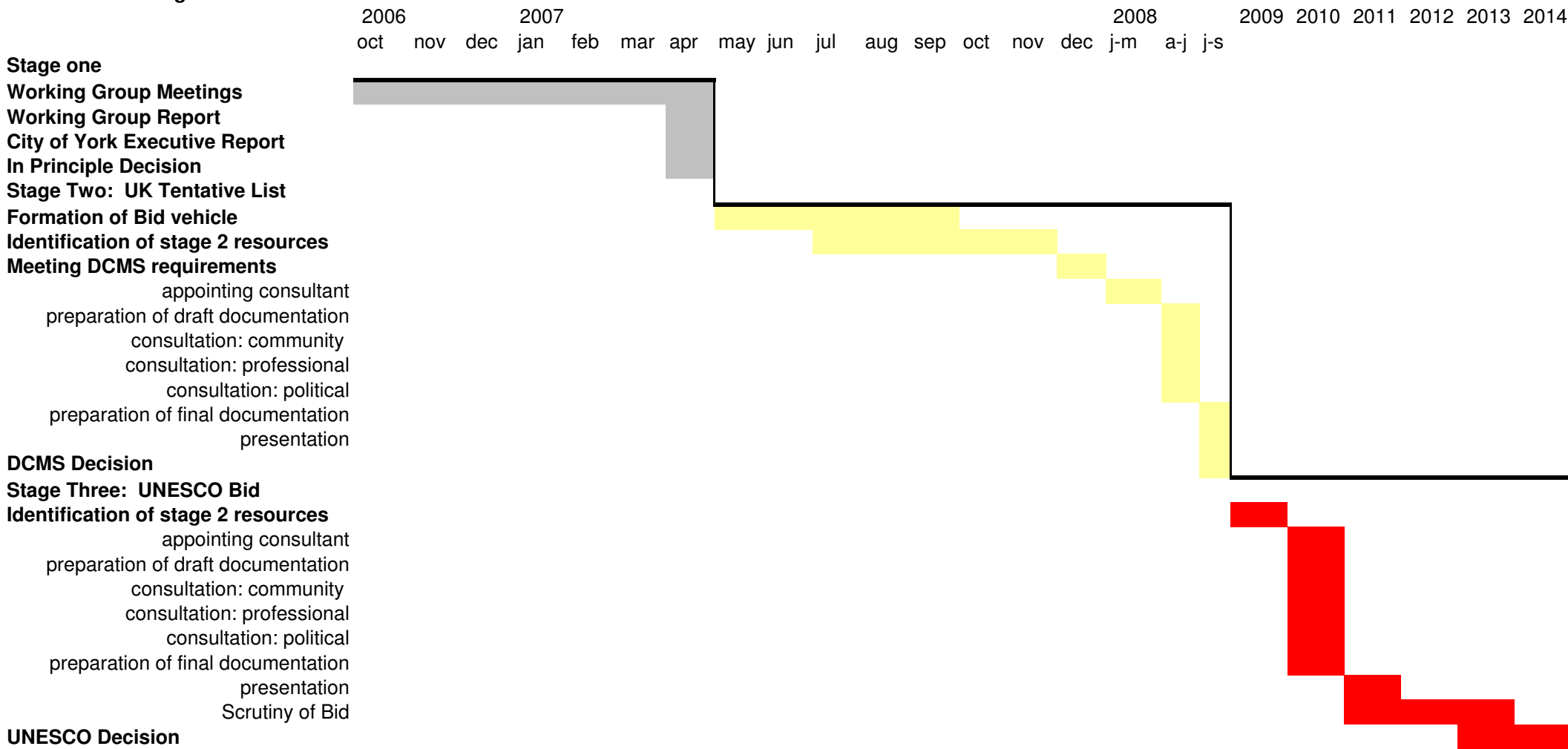
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**Matrix Assessment of Advantages and Disadvantages**

<b>advantages</b>	<b>disadvantages</b>
<p><i>Status and Recognition</i></p> <p>opportunity to raise York's perception, pride, local visibility and recognition (cf Esher)</p> <p>selling point for inward investment (eg Bath) and economic development</p> <p>selling point for tourism</p> <p>Improves marketing potential  Publicity  Branding  Advertising  World Market</p> <p>Opportunity to promote a sense of place, Developing a continuing community, civilised living, quality of life</p>	<p>Increased tourism pressure on City</p>
<p><i>External involvement in City Decisions</i></p> <p>Possible positive influence on planning decisions</p> <p>Possible beneficial restriction of inappropriate development and poor design</p> <p>Possible positive influence on conservation practice</p> <p>Possible strengthening of case for archaeological conservation</p> <p>Influence on better quality design</p>	<p>Possible unwelcome negative influence on planning decisions</p> <p>Possible constraint on new development</p> <p>Possible external conservation constraints on development</p> <p>Possible ossification of a vibrant City by external constraints, eg archaeological remains limit development</p>

<p><i>Tourism Benefits</i></p> <p>Encourage quality tourism in an increasingly competitive market</p> <p>Encourage 5* Hotel</p> <p>Greater Archaeological and historical research understanding Greater sense of place and purpose</p>	
<p><i>Possible Attraction of Increased Funds</i></p> <p>Sharpens arguments for cash Heritage issues Improvement of infrastructure RDA / EU Opportunities</p>	<p>If new developments are limited by WHS inward investment could be restricted</p>
<p><i>Stage 2 Bid</i></p> <p>Limited access to funds to get on UK list: choice to continue or not then remains</p>	<p>Costs</p> <p>Staffing arrangements</p>
<p><i>Stage 3 bid</i></p> <p>Success at this stage should see all above advantages realised</p>	<p>Political requirements (local regional national international) and White Paper Requirements must be secured</p> <p>Competition High Risk of failure Need for a Management Plan Relationship to existing City Initiatives and Policies Need for Time staff money Need for Leadership Potential Local Authority costs – application costs and especially subsequent running costs</p>

York World Heritage Status Timeline



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Executive

24 April 2007

Report of the Director of Housing and Adult Social Services

## **Responses to statutory notices placed proposing the development of land for affordable housing at Dane Avenue, Morritt Close and Chapelfields Road**

### **Summary**

1. At the March 13<sup>th</sup> meeting of the Executive, Members considered and approved the recommendations of a report to sell three Housing Revenue Account land sites for the development of up to 20 affordable homes at Dane Avenue, Morritt Close and Chapelfields Road
2. The sale of the sites cannot proceed without first considering any responses to statutory notices placed in the local press advertising the intention to dispose of them.
3. This report requests confirmation of the approval to sell these sites for affordable housing subject to the terms and conditions agreed at the March 13<sup>th</sup> Executive.

### **Background**

4. Following the March 13<sup>th</sup> meeting of the Executive statutory procedures laid down in the Local Government Act 1972 were followed and notices advertising the intention to sell three sites at Dane Avenue, Morritt Close and Chapelfields Road were posted in the York Press for two consecutive weeks.
5. Only the Chapelfields Road site is designated as “open space” in the Draft Local Plan but all three sites have public access and because of this it was considered good practice to advertise the intention to sell and develop them all.

### **Consultation**

6. Statutory notices were posted in the York Press on Friday 16<sup>th</sup> and Friday 23<sup>rd</sup> March. Respondents had until 5<sup>th</sup> April to make representations to the Head of Civic Democratic and Legal Services.
7. One respondent visited Legal Services to look at the site plan for the Dane Avenue scheme. No other representations were made in response to the notices placed in the Press.

8. However, a letter from Hugh Bayley MP to the Director of Housing and Adult Social Services was received on 10<sup>th</sup> April. The letter is not in direct response to the statutory notices, but includes a petition titled 'Petition of residents against the proposed new housing development in Morritt Close' signed by 31 residents of Morritt Close.
9. Hugh Bayley's office were immediately advised of the deadline (12<sup>th</sup> April) if they wished an elected Member to present this petition to the Executive. At the time of writing this report it is not known if the petition will be presented.
10. However, of the 31 signatories on the petition, 18 had also replied to a consultation letter sent to them in early February and their comments were included (with officer responses) in the March 13<sup>th</sup> report to the Executive.

### **Options**

11. There are two options presented for consideration:

Option One: To confirm approval for the development of the three sites for affordable housing on the terms and conditions agreed at the March 13<sup>th</sup> meeting of the Executive – this is the recommendation of this report.

Option Two: To reconsider the previous approval of the March 13<sup>th</sup> Executive.

### **Analysis**

12. The approval in principal for the sale of these sites was granted at the March 13<sup>th</sup> Executive. The lack of any direct public representations/objections following the posting of the statutory notices in the press suggest there are no reasons to re-consider the approval. It is worthwhile emphasising that development proposals for each site will also be subject to statutory consultation through the planning process.

### **Corporate Priorities**

13. Enabling the building of 200 affordable homes in York each year is an agreed action in the Council Plan 2006 - 2007 and is highlighted as a priority in the council's 2006-2009 Housing Strategy. The proposed developments will also contribute to the council's 2006 – 2009 Corporate Priorities including:
  - Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces.
  - Improve the life chances of the most disadvantaged and disaffected children, young people and families in the city
  - Improve the quality and availability of decent affordable homes in the city.

### **Implications**

14. Except for those indicated below there are no further implications to those already identified in the Executive report of 13<sup>th</sup> March.



15. **Financial.** The cost of posting the statutory notices will be accommodated from existing Housing Revenue Account budgets.

### **Risk Management**

16. The risks associated with the sale and development of the three sites remain as described in the March 13<sup>th</sup> Executive report. Following the posting of the statutory notices and the lack of representations made, the risk of the sites not being developed rests largely on not obtaining an acceptable planning approval for any or all of them.

### **Recommendations**

17. The Executive is recommended to approve Option One of this report.

Reason: To confirm approval for the development of the three sites for affordable housing on the terms and conditions agreed at the March 13<sup>th</sup> meeting of the Executive.

### **Contact Details**

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**Chief Officer Responsible for the report:**

Steve Waddington  
Head of Housing Services

**Report Approved**  **Date** 10th April 2007

### **Specialist Implications Officer(s)**

**Financial:** Debbie Mitchell, Head of HASS Finance. Tel 554161

**Legal:** John Smales, Senior Solicitor, Chief Executives. Tel 551046

**Wards Affected:** Acomb, Heworth, Westfield

**For further information please contact the author of the report**

### **Background Papers:**

Proposed sale of Housing Revenue Account land for the development of affordable housing at Dane Avenue, Morritt Close and Chapelfields Road - Meeting of the Executive, 13 March 2007.

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