

Hungate Review – Covering Report

Summary

1. The report presents the draft final report arising from the Hungate Ad-hoc Scrutiny Review and asks Members to conclude that every effort have been made to seek all the relevant information pertinent to the review, and to agree the recommendations arising.

Background

1. On 8 July 2008 following consultation with Group Leaders, the Chief Executive withdrew the planning application for the proposed development of the Council's new office accommodation at Hungate. This followed receipt of a formal written response from English Heritage that although the proposed building was a very impressive, sustainable and fit for purpose civic building, they were concerned that the building, by virtue of its height and massing could not be developed without harming the setting of the cluster of historic buildings and spaces around it. In summary, they objected to the proposal.
2. Members of the public commented on this decision and previous decisions taken in regard to the Hungate development and as a result of the concerns expressed, Cllr Brooks submitted this topic for scrutiny review in order to fully understand those decisions and the costs involved to date.
3. A feasibility report was presented to Scrutiny Management Committee (SMC) on 15 September 2008, and having agreed to proceed with the review, an Ad-hoc Scrutiny Committee was formed and the following remit was agreed:
4. **Aim**
To clarify whether the correct strategy for the accommodation project was set and adhered to, in order to ensure any future council projects are delivered on time and on budget.

Objectives

- i. In light of the overall budget, to identify whether the initial budget set was correct i.e. that all the relevant factors had been identified and included for, including the volume of all fees both agreed and incurred
- ii. To understand the decision taken in respect of agreeing which part of CYC would act as internal 'client' and to understand the relationship between Planning and the client.

- iii. To identify whether the consultation process was conducted properly and whether due consideration was given to the responses received when deciding how to proceed
 - iv. To identify whether best practice was followed throughout the process in seeking the views of statutory consultees and English Heritage specifically, and whether those views unduly influenced the decisions made
 - v. To identify whether time was a factor in reaching the decisions made throughout the process e.g. in agreeing the design
5. On 10 November 2008 the Ad-hoc Scrutiny Committee met for the first time and agreed a timetable of meetings and a methodology for carrying out this review.

Consultation

6. The Committee held a number of informal information gathering sessions and a number of formal public meetings. Information on all consultation carried out is shown in paragraphs 6-8 in the draft final report at Annex A.

Outstanding Issues

7. The Committee has previously identified a number of queries arising from the documentation provided as a result of a 'Freedom of Information' request made to English Heritage. Those queries are:
- i. Bearing in mind the content and tone of English Heritage's letter of objection to the Council's planning application, the Committee would like to understand the surprise expressed by the Regional Director of English Heritage at the meeting of this Committee on 27 January 2009, in regard to the Council's decision to withdraw the application and the view she expressed that the content of the letter was 'up for negotiation'
 - ii. Inconsistencies in comments recorded in the minutes of the 'Important Application Review Meeting' of 23 June 2008
 - iii. English Heritage email dated 26 June 2008, which included the comments "We are not wholly convinced that it does achieve these objectives but will have a more clear view early next week." - The query is, what happened early the following week or at any time up to the sending of the letter of objection, as the Committee received no documentation or correspondence relating to that period as part of their Freedom of Information request ?
 - iv. There was no record of any discussions/meetings taking place between 26 June and 8 July or any correspondence/documentation relating to that period provided as part of the FOI. Therefore, how was the content for the letter of objection based English Heritage's last IAR meeting of 23 June 2008 arrived, given the more positive nature of the documentation prior to that period ?

8. In order to seek clarification on the points listed above, the Committee has previously invited the Regional Director of English Heritage to attend a its meeting in March, but this offer was declined. A further invitation has subsequently been issued for the Regional Director to attend this meeting, and her response is shown at Annex D.

Options

9. Having considered the information contained within this report and its annexes, Members may choose to agree either that:
 - a. all efforts have been made to gather the relevant information (including a response from English Heritage to the queries listed above in paragraph 7), and therefore the Committee is now in a position to agree the recommendations arising from the review allowing the final report to be approved and presented to SMC and the Executive, or;
 - b. this review requires further investigation and therefore the draft final report shown at Annex A should be presented as an interim report to SMC, and the review concluded by this ad-hoc Scrutiny Committee in the new municipal year 2009/10.

Implications

10. **Human Resources** – If having considered all of the information provided to date, members decide that further clarification is required, it will be necessary to hold further interim meetings requiring the involvement of members of the project team.
11. **Financial** – Originally there were only limited financial implications associated with this review, based on the expectation that only a minimum number of meetings would be required. That limited number of meetings has already been exceeded and if further meetings are held there will be additional financial implications attached.
12. There are no equalities, legal or other implications associated with the recommendations within this report.

Corporate Strategy

13. The provision of the new accommodation and the consequential improvements in services to our customers will contribute to all of the Council's priorities and key change programmes.

Risk Management

14. SMC agreed with the view of Cllr Brooks that this review should be conducted quickly and in a minimum number of meetings, in order not to adversely affect or delay the ongoing work of the Project Team and to enable the findings and resulting recommendations to benefit that process. If no response is received from English Heritage in regard to the Committee's

outstanding queries, there is a risk that the recommendations arising will not be based on the fullest of information.

Recommendations

15. Members are recommended to agree:
- i. that every effort has been made to seek all the relevant information and that all the available information has been fully considered.
 - ii. the draft conclusions relating to each objective of the review (as shown at paragraphs 17, 26, 34 & 47 of Annex A).
16. Members are also recommended to amend and/or agree the draft recommendations arising from the review as shown in paragraph 54 of Annex A.

Reason: To enable the review to be completed in line with scrutiny working practices and protocols

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Interim Report Approved **Date** 22 April 2009

Wards Affected:

All

For further information please contact the author of the report

Background Papers

Information on background papers and supporting documentation can be found and the end of the Final Report attached at Annex A

Annexes

Annex A – Draft Final Report

Annex B – Budget History

Annex C – Image provided by Civic Trust

Annex D – Response from English Heritage