

## KCR 0016 Capital Programme

Corporate Lead Bill Woolley & Pete Dwyer

*The Capital Programme delivers a number of capital schemes that directly contribute to the achievement of the Corporate Strategy. All capital schemes are included into the Capital Programme via the annual capital budget process which allocates resources to the projects that facilitate with service delivery and contribute toward the Corporate Strategy. Currently the Capital Programme contains 85 projects over a 5 year period with a budget of over £206m.*

### City Strategy

### Community Stadium

#### Costs of running project cannot be sustained.

Risk Owner: Tim Atkins

**Risk Ref: 1840**

**High**

**18**

Cause *Insufficient funds to effectively resource project.*

Consequence *Key risks are not effectively managed. Quality of feasibility and development work insufficient.*

#### Controls

Resource plan with commitment of necessary funds.  
Review and management of resource plan on rolling basis.

#### Owner

Tim Atkins  
Tim Atkins

#### Commercial Development does not progress

Risk Owner: Tim Atkins

**Risk Ref: 1844**

**High**

**18**

Cause *The developer has problems raising funds.*

Consequence *No enabling funds available resulting in a shortfall of capital. Scheme delayed and / or alternative developer required.*

#### Controls

Financial protocols

#### Owner

Tim Atkins

#### Actions

Due diligence

#### Target Date

28/02/2011

#### Revised Date

Soft market test another developer-partner

30/04/2011

### Making the planning policy case for the major development.

Risk Owner: Tim Atkins

Risk Ref: 1849

High

18

Cause Retail and / or transport impact assessments do not support the case for development. The community benefits of the overall proposal do not outweigh the harm of the enabling development.

Consequence This could result in the stadium project not going forward or cause a delay while an alternative enabling proposal is worked up.

#### Controls

Planning Strategy.  
Specialist Planning Advice.  
Benefits of Stadium Development identified.

#### Owner

Tim Atkins  
Tim Atkins  
Tim Atkins

#### Actions

Schedule of pre-application meetings between developer and LPA.  
Alternative options for site development.

#### Target Date

30/12/2010  
28/02/2011

#### Revised Date

### Call-in / legal challenge results in refusal of planning permission.

Risk Owner: Glen McClusker

Risk Ref: 1851

High

18

Cause A third party may wish to challenge the decision made and / or the SOS may call-in the application and decision making power from the LPA.

Consequence Planning permission maybe refused or legal challenge may be successful.

#### Controls

Statutory advice on agreements.  
Open book appraisal.  
Retail Impact Assessment.  
Transport Impact Assessment.  
Specialist legal advice.

#### Owner

Glen McClusker  
Glen McClusker  
Glen McClusker  
Glen McClusker  
Glen McClusker

#### Actions

Reduce specification options.  
Contingency: Alternative Development Plan.

#### Target Date

28/02/2011  
28/02/2011

#### Revised Date

### Highways Agency objection.

Risk Owner: Richard Bogg

Risk Ref: 1855

High

18

Cause HA consider impact on the Hopgrove roundabout and ring road to be significant.

Consequence HA could make direction for refusal.

#### Controls

Transport Impact Assessment.  
Mitigation options as part of S106.

#### Owner

Richard Bogg  
Richard Bogg

#### Actions

Develop options for mitigation in line with views of HA and outcome of HIA.  
Initiate discussions with HA.  
Option to challenge HA decision.

#### Target Date

31/01/2011  
31/03/2011  
30/04/2011

#### Revised Date

## Capital Funding

Risk Owner: Tim Atkins

**Risk Ref: 1759**

**Medium**

**14**

Cause *Insufficient funds to effectively fund capital for project.*

Consequence *Fail to meet vision for community benefit.*

### Controls

Planning Strategy  
CYC capital programme  
Other external funding sources

### Owner

Tim Atkins  
Tim Atkins  
Tim Atkins

### Actions

Undertake S106 discussions to assess available capital-finalise development appraisals.  
Assess alternative commercial components.  
Develop prioritised specification for cost - quality reduction.

### Target Date

31/01/2011  
28/02/2011  
28/02/2011

### Revised Date

## Council's ability to continue to provide funding for project

Risk Owner: Tim Atkins

**Risk Ref: 1843**

**Medium**

**14**

Cause *Financial pressure on council or change in policy.*

Consequence *The project does not progress or the number of community benefits and specification / quality of the stadium is reduced. This will affect its commercial viability.*

### Controls

Other identified funding streams  
Consider reduced specification scheme

### Owner

Tim Atkins  
Tim Atkins

### Actions

Develop fall-back option and investigate alternative funding streams  
To ensure achieve best value through S106, design and operating structures  
Ensure on-going communication with funding bodies and stakeholders

### Target Date

28/02/2011  
31/03/2011  
30/06/2011

### Revised Date

## Commercial funds not sufficient to meet CYC vision.

Risk Owner: Tim Atkins

**Risk Ref: 1845**

**Medium**

**14**

Cause *Developer cannot offer sufficient enabling funds through S106 agreement.*

Consequence *CYC cannot support the scheme as it fails to deliver community stadium vision.*

### Controls

Planning Strategy  
Development Appraisal process

### Owner

Tim Atkins  
Tim Atkins

### Actions

Reduced specification options  
Contingency: identification of alternative schemes

### Target Date

28/02/2011  
28/02/2011

### Revised Date

**Scope for potential community and commercial uses within the stadium in relation to the title.**

Risk Owner: Philip Callow

**Risk Ref: 1846**

**Medium**

**14**

Cause *Limitations of the restricted covenant.*

Consequence *This will have a knock-on impact to the commercial viability of the development or may result in the scheme not progressing.*

**Controls**

Master Planning  
Planning Strategy

**Owner**

Philip Callow  
Philip Callow

**Actions**

Establish validity of the covenant

31/01/2011

**Revised Date**

Establish options for removal of the covenant

31/01/2011

Understand potential of case laws to override covenant

31/01/2011

Potential to alter the development of the scheme

28/02/2011

Determine validity of transfer document

28/02/2011

**Time delay / cost of Call-In or legal challenge.**

Risk Owner: Tim Atkins

**Risk Ref: 1850**

**Medium**

**14**

Cause *A third party may wish to challenge the decision made and / or the SOS may call-in the application and decision making power from the LPA.*

Consequence *The planning decision is called-in or subject to judicial review which could cause a time delay (6-12 mths in each case), increased costs and could impact York City Football Clubs position on FSIF loan.*

**Controls**

Project Plan.  
Resource Plan.  
Planning Strategy.

**Owner**

Tim Atkins  
Tim Atkins  
Tim Atkins

**Actions**

Assess potential costs.

28/02/2011

**Revised Date**

Develop contingencies in project plan.

31/03/2011

**Planning submission is delayed.**

Risk Owner: Tim Atkins

**Risk Ref: 1852**

**Medium**

**14**

Cause *Project slippage or deferral or delay of the planning decision.*

Consequence *Scheme is delayed and critical path is pushed back. Potential to threaten other funding streams and partner confidence.*

**Controls**

Planning strategy.  
Resource and procurement strategies.  
Communications strategy.  
Review of project timetable and communication - discussions with developer and LPA.  
Review of resource and procurement plan and strategy.  
Update meetings with partners, stakeholders and other funding bodies.

**Owner**

Tim Atkins  
Tim Atkins  
Tim Atkins  
Tim Atkins  
Tim Atkins  
Tim Atkins

### Potential procurement routes and associated timescales.

Risk Owner: Tim Atkins

Risk Ref: 1760

Medium

13

Cause The procurement route chosen can have an effect on the timescales / costs of the project.

Consequence Increased costs, impact on delivery and reputation.

#### Controls

Exploration of potential procurement frameworks and associated timescales.

#### Owner

Zara Carter

#### Actions

Review of available frameworks-contracts.

#### Target Date

28/02/2011

#### Revised Date

Group decision regarding which procurement route to take.

30/04/2011

### Stadium Operational Revenue Funding

Risk Owner: Tim Atkins

Risk Ref: 1763

Medium

13

Cause Stadium development is not commercially sustainable.

Consequence Could result in future CYC revenue pressure.

#### Controls

Inclusion of sufficient commercial activity to ensure positive revenue streams.

#### Owner

Tim Atkins

#### Actions

Development and ongoing management of robust business model.

#### Target Date

28/02/2011

#### Revised Date

### Call-in / legal challenge results in refusal of planning permission.

Risk Owner: Tim Atkins

Risk Ref: 1764

Medium

13

Cause A third party may wish to challenge the decision made and / or the SOS may call-in the application and decision making power from the LPA.

Consequence Planning permission maybe refused or legal challenge may be successful.

#### Controls

Retail Impact Assessment.

Transport Impact Assessment.

Advice from Independent specialists.

#### Owner

Tim Atkins

Tim Atkins

Tim Atkins

#### Actions

Contingency: Alternative Development Plan.

#### Target Date

28/02/2011

#### Revised Date

### Ability to meet FSIF's grant funding requirements

Risk Owner: Tim Atkins

**Risk Ref: 1842**

**Medium**

**13**

Cause FSIF 'call-in' loan or timescales exceed loan agreement.

Consequence Capital available for project reduces by £2M.

#### Controls

Procurement strategy  
Funding model  
Communications with FSIF  
Regular review of project timetable and communication - discussions with FSIF

#### Owner

Zara Carter  
Tim Atkins  
Tim Atkins  
Tim Atkins

#### Actions

Consider options for reduced specification  
Alternative funding options

#### Target Date

28/02/2011  
31/03/2011

#### Revised Date

### Athletics facility cannot be built at University.

Risk Owner: Charlie Croft

**Risk Ref: 1847**

**Medium**

**13**

Cause Unable to reach terms with University regarding new shared provision.

Consequence Replacement athletics facility cannot be provided. Planning case for stadium redevelopment may be harder to make.

#### Controls

Discussions with the University.  
University have outline planning permission for an athletics track.

#### Owner

Charlie Croft  
Charlie Croft

#### Actions

Contingency: Develop alternative options for other sites.  
Sign Heads of Terms with University.

#### Target Date

28/02/2011  
28/02/2011

#### Revised Date

### Financial impact of breaking the Nuffield lease.

Risk Owner: Philip Callow

**Risk Ref: 1848**

**Medium**

**13**

Cause Planning permission not achieved prior to lease expiring.

Consequence Impact on the stadium development budget because of potential compensation.

#### Controls

Planning Strategy.

#### Owner

Philip Callow

#### Actions

Explore other legal channels.  
Dialogue with Nuffield.  
Secure Planning Permission

#### Target Date

28/02/2011  
31/05/2011  
30/11/2011

#### Revised Date

31/07/2011

### Impact on Scheduled Ancient Monument.

Risk Owner: John Oxley

**Risk Ref: 1853**

Medium

13

Cause Scheme backs on to Scheduled Ancient Monument.

Consequence English Heritage may object to scheme or requirements may increase complexity.

#### Controls

Planning Strategy.  
Discussions with English Heritage.

#### Owner

Tim Atkins  
John Oxley

#### Actions

Environmental Impact Study.  
Community Heritage Proposals.

#### Target Date

31/01/2011  
30/04/2011

#### Revised Date

### Challenge to the selected final bidder/procurement process.

Risk Owner: Zara Carter

**Risk Ref: 1856**

Medium

13

Cause Unsuccessful bidders may challenge the chosen bidder decision.

Consequence A court can stop proceedings, time impacts to project, might have to start process again, chosen bidder may want damages.

#### Controls

Tender- Contract documentation with legal review and support throughout the process.  
Audit trail.  
Procurement lawyers.

#### Owner

Zara Carter  
Zara Carter  
Zara Carter

#### Actions

Ensure legal services are involved as early as possible.

#### Target Date

31/01/2011

#### Revised Date

### Insufficient bidders.

Risk Owner: Tim Atkins

**Risk Ref: 1857**

Medium

13

Cause Due to economic climate there could be a lack of interest from bidders in this development.

Consequence This could mean that there is a limited choice of bidders for achieving best value as well as potential impact on timescales and costs.

#### Controls

Procurement strategy and commercially viable scheme.

#### Owner

Tim Atkins

#### Actions

Due diligence.  
Commercially viable proposal.  
Market testing.

#### Target Date

30/04/2011  
30/04/2011  
30/06/2011

#### Revised Date

### Impact VAT may have on capital / revenue model and council's VAT Partial Exemption Limits.

Risk Owner: Ross Brown

**Risk Ref: 1841**

**Medium**

**12**

Cause VAT payable on capital spend.

Consequence Council may exceed practical exemption limit.

**Controls**

Procurement Strategy.  
Cost model.

**Owner**

Zara Carter  
Ross Brown

**Actions**

Cost modelling.  
Specialist VAT advice relating to procurement strategy.

**Target Date**

30/04/2011  
30/04/2011

**Revised Date**

### Increased demand on Sustainable Transport Measure and Highways Agency Network.

Risk Owner: Richard Bogg

**Risk Ref: 1854**

**Low**

**9**

Cause Extent of the enabling development will impact on the volume and nature of transport strategies required to minimise the impact of such a development.

Consequence Potential for cost of Sustainable Transport Measures to impact on S106 monies for the stadium development and associated community facilities.

**Controls**

Evidence of future demand.  
Open book appraisal.  
Negotiation with developer.  
Transport Impact Assessment.  
Retail Impact Assessment.  
Halcrow assessment.

**Owner**

Richard Bogg  
Richard Bogg  
Richard Bogg  
Richard Bogg  
Richard Bogg  
Richard Bogg

**Actions**

Highways Agency Consultation.

**Target Date**

31/01/2011

**Revised Date**