

**Notice of public meeting of
Cabinet**

To: Councillors Alexander (Chair), Crisp, Gunnell, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams

Date: Tuesday, 4 December 2012

Time: **5.45 pm** (please note amended start time)

Venue: Marriott Room, York Explore Library, Museum Street, York YO1 7DS

A G E N D A

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:

4:00 pm on Thursday 6 December 2012, if an item is called in *after* a decision has been taken.

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

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 26)

To approve and sign the minutes of the last Cabinet meeting held on 6 November 2012.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or a matter within the Cabinet's remit can do so. The deadline for registering is **5:00 pm on Monday 3 December 2012.**

4. Forward Plan (Pages 27 - 34)

To receive details of those items that are listed on the Forward Plan for the next two Cabinet meetings.

5. Minutes of Working Groups (Pages 35 - 60)

This report presents the minutes of meetings of the Local Plan Working Group and the Equality Advisory Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Cabinet.

6. Final Report of the E-Planning Facilities Review
(Pages 61 - 86)

This report sets out the recommendations arising from the Scrutiny Review into E-Planning Facilities. A copy of the full Final Report is attached and Councillor Runciman, the Chair of the Task Group who undertook the work around this topic, will be in attendance at the meeting to present the report.

7. Council Tax Support Decision Paper (Pages 87 - 160)

This paper provides Cabinet with details of the options for a Council Tax Support Scheme for York to be implemented from 1 April 2013. It asks Cabinet to recommend a scheme to Full Council for approval at its meeting on 13 December 2012.

8. Review of Fees and Charges (Pages 161 - 174)

This report seeks approval to increase a range of the council's fees and charges with effect from the 1 January 2013.

9. Economic Infrastructure Fund - Proposals (Pages 175 - 194)

This report sets out three proposals for Economic Infrastructure Fund allocations, the first for representation at Le Marché International des Professionnels de l'immobilier 2013; the second for City Centre Holiday Footfall Measures and the final for an Arts Barge project; as well as an update on EIF spend to date.

- 10. Implementing the Living Wage** (Pages 195 - 208)
Cabinet Members are asked to agree recommendations for implementing the Living Wage for employees with council contracts from 1 April 2013 with a further phase of activity promoting the Living Wage with all suppliers and partners during 2013/14.
- 11. Transfer of responsibility of Social Fund to Local Authorities and establishment of the York Financial Assistance Scheme** (Pages 209 - 218)
This report outlines the transfer of funding previously used for 'Community Care Grants' and 'Crisis Loans' by the Department of Work & Pensions and proposals for a replacement scheme that will also help to deliver the priorities set down in the Financial Inclusion Strategy as approved by Cabinet on 6th November 2012.
- 12. Tethered Horses - Proposed Policy Framework** (Pages 219 - 228)
This report aims to raise awareness of the problems associated with horses being deliberately tethered on land without the landowner's permission and to propose the development of a joint protocol which sets out how these issues can be managed by the Council and partner organisations within the legal framework and resources available.
- 13. Proposals Regarding the Introduction of a Voluntary Landlord Accreditation Scheme in York** (Pages 229 - 252)
This report builds on earlier recommendations regarding the introduction of a Citywide Private Landlord Accreditation Scheme in York to support and improve the Private Rented Sector.
- 14. Approval of the City of York Council Surface Water Management Report** (Pages 253 - 346)
This report presents a Surface Water Management Plan covering the whole of the Council's area for member approval. It has been prepared following flooding experienced nationally in 2007 which resulted in the publication of the Pitt Review which included a key recommendation for Lead Local Flood Authorities to prepare Local Surface Water Management Plans.

15. Lord Mayoralty 2013-14

(Pages 347 - 350)

This report asks Cabinet to consider the points system for the annual nomination of the Lord Mayor for City of York Council and confirms that the Group with the most points under that system should be invited to appoint the Lord Mayor for the coming municipal year, 2013/2014.

16. Urgent Business

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

Democracy Officer:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services 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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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

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The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

| | |
|---------------|---|
| MEETING | CABINET |
| DATE | 6 NOVEMBER 2012 |
| PRESENT | COUNCILLORS ALEXANDER (CHAIR), CRISP, GUNNELL, LEVENE, LOOKER, SIMPSON-LAING (VICE-CHAIR) AND WILLIAMS |
| IN ATTENDANCE | COUNCILLORS CUTHBERTSON, DOUGHTY, HEALEY AND STEWARD |
| APOLOGIES | COUNCILLOR MERRETT |

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

36. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Simpson-Laing declared a personal non prejudicial interest in respect of agenda item 18 (Community Stadium Update) as her daughter was a member of York Athletics Club.

Cllr Simpson-Laing also declared a prejudicial interest in respect of agenda item 19 (Refurbishing Newgate Market) related to her employment and left the room and took no part in the discussion or voting thereon.

Cllr Levene declared a personal non prejudicial interest in respect of agenda item 12 (Future Credit Union Arrangements in York) as his employer had been a Director of the Credit Union.

Cllr Looker declared a prejudicial interest in respect of agenda item 12 (Future Credit Union Arrangements in York) as a member of the Credit Union, prior to it being wound up and she left the room and took no part in the discussion or voting thereon.

37. EXCLUSION OF PRESS AND PUBLIC

Members indicated that, the report and Annex to Agenda Item 12 (Future Credit Union Arrangements in York – Supporting the North Yorkshire and York Credit Union) had now been made public. This followed the announcement from the Financial Services Authority that the North Yorkshire Credit Union had been placed into liquidation, there was therefore no longer a need to make a resolution to exclude the press and public from the meeting for consideration of this item.

They also indicated that they did not intend to make a resolution to exclude the press and public from the meeting for consideration of, Agenda Item 18 (Community Stadium Update), as they would not be entering in to detailed discussion on the exempt information contained in Annexes 2 and 3.

38. MINUTES

RESOLVED: That the minutes of the last Cabinet meeting held on 9 October 2012 be approved and signed by the Chair as a correct record subject to:

In Minute 30 – Delivery and Innovation Fund – Funding Decisions, the addition of the following resolution:

- ii) That data on DIF funded projects be provided to a future meeting to ensure that this funding is delivering the anticipated results. ¹

Action Required

1. Provide EIF data to a future Cabinet Meeting. RR, KS

39. PUBLIC PARTICIPATION/OTHER SPEAKERS

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme, and that three Members of Council had requested to speak on various agenda items.

Gwen Swinburn spoke as a local resident, firstly in respect of Agenda item 12 (Future Credit Union Arrangements in York)

suggesting that a better case/evidence base should have been put forward for the grant funding proposed to the South Yorkshire Credit Union. Secondly, in relation to the minutes of the October Cabinet meeting she had asked that, as standard protection, service level agreements should be required. Finally, that Community Contracts should be embedded in a number of reports on the agenda and that these needed revisiting.

Councillor Healey made representations in respect of Agenda item 12 (Future Credit Union Arrangements in York) expressing major concerns and hoping that lessons had been learnt and questioning how similar problems could be avoided in the future.

Councillor Steward also spoke in relation to Agenda item 12 (Future Credit Union Arrangements in York) questioning the difficulties encountered as it appeared there had been issues at every level leading to the current situation.

Councillor Steward also spoke in relation to Agenda item 16 (CYC Financial Inclusion Policy and Action Plan) confirming that whilst welcoming the policy and plan he expressed concerns at the large number of initiatives and requested some tangible measurable outcomes. Education was put forward as one of the most useful tools and stress as a major result which required management.

40. FORWARD PLAN

Members received and noted details of those items listed on the Forward Plan for the next two Cabinet meetings, at the time the agenda was published.

41. 2012/13 PERFORMANCE AND FINANCE MONITOR 2

Members considered a report which set out the performance of the Council in delivering its Council Plan priorities and reported progress on delivering the revenue budget, covering the period 1 April 2012 to 30 September 2012. Headline performance in the delivery of the Council Plan and projected performance against budget were also reported.

Despite a challenging context it was confirmed that there had been strong performance in a number of areas and that the recent 'Big York Survey' had provided details of the concerns

and priorities of residents which would assist in funding decisions.

The Council's net General Fund budget was just over £122m for 2012/13 and the mid year forecasts had indicated that the Council faced financial pressures of £2,513k, a significant improvement to the £5,937k reported at Monitor 1.

Further detailed information on Council Plan performance in each of the areas together with strategies put in place to address these issues was set out in paragraphs 12 to 62 of the report with details of performance and financial outturns of each directorate in paragraphs 63 to 111.

The Cabinet Member referred to the rewarding proactive working currently being undertaken by all Cabinet Members in conjunction with Officers and to the achievements to date. Following discussion it was

RESOLVED: That Cabinet agrees to:

- i) Note the current projected pressures of £2,513k.
- ii) Approve the strategies in place to mitigate the forecast as outlined in the body of the report
- iii) Approve the earmarking of the total contingency balance of £599k against the spending pressures, subject to further review at final outturn¹.

REASON: In order to ensure expenditure is kept within budget.

Action Required

1. Make necessary budget amendments.

DM

42. TREASURY MANAGEMENT MONITOR 2 MID YEAR REVIEW AND PRUDENTIAL INDICATORS 2012/13

Members considered a report which provided an update on treasury management activities for the period 1 April 2012 to 30 September 2012, to ensure that the Council was implementing

best practice in accordance with the CIPFA Code of Practice for Treasury Management.

Details of the present economic background and its effect on the Annual Investment Strategy and Portfolio were set out at paragraphs 4 to 29 of the report.

Information on the monitoring of the Prudential Indicators (PI's to ensure that the Council had operated within the treasury limits and PI's) was also attached at Annex A.

RESOLVED: That in accordance with the Local Government Act 2003 Cabinet agrees to:

- i) Note the treasury management activities in 2012/13.
- ii) Note the movements in the Prudential Indicators at Annex A.

REASON: To ensure the continued performance of the Council's Treasury Management function.

43. TECHNICAL REFORMS TO COUNCIL TAX

The Cabinet considered a report which provided them with details of the Governments technical reforms to Council tax and recommended changes to council tax exemptions in light of new powers.

In summary the changes were:

- (a) giving billing authorities power to levy up to full council tax on second homes;
- (b) replacing exemption Classes A and C with discounts, the amount of which would be for billing authorities to determine;
- (c) abolishing Class L exemptions, and making mortgagees in possession of empty dwellings liable to council tax in respect of them;

- (d) allowing billing authorities to levy an 'empty homes premium' in respect of dwellings which had been left empty for two years or more;
- (e) setting a default assumption that payment of council tax by instalments will be over twelve months rather than (as is currently the case) ten;
- (f) allowing authorities to publish online the 'Information to be supplied with demand notices', but with a duty to supply it in hardcopy to any council tax payer requesting it – as an efficiency measure, and to encourage the take-up of electronic billing;
- (g) changes to eliminate potential tax complications from arrangements involving third party suppliers where solar panels were placed on the roofs of dwellings without coming into the paramount control of the residents.

Further information regarding the financial benefits, recommendations and potential risks were set out at paragraphs 6 to 33 of the report together with the following suggested options:

Option 1 – To agree the recommendations at Paragraphs 6 – 33 and approve them on the basis that the Finance Bill was enacted;

Option 2 – To not agree the recommendations and leave exemptions as they currently were

Option 3 – To approve different levels of exemption to those recommended.

Following discussion it was

- RESOLVED: i) That Cabinet agrees to approve the recommendations for changes to council tax exemptions as set out at Paragraphs 6 to 33 of the report. ¹
- ii) That a report back be provided to Cabinet in 12 months to include collection data to ensure

that the proposed changes are working correctly. ²

REASON: To increase the amount of council tax liability in 2013/14 and keep Members updated.

Action Required

- | | |
|--|----|
| 1. Proceed with proposed changes. | DW |
| 2. Schedule report back on forward plan. | DW |

44. LEEDS CITY REGION - BUSINESS RATES POOL

Consideration was given to a report which provided Members with initial information as to how a Leeds City Region Business Rates pool would work, this followed changes, from April 2013, in the way Local Government would be funded.

It was reported that under the new funding system Business Rates would be localised, with local authorities keeping any money they collected. As amounts would vary, Local Authorities would be able to group together to form into local pools which would share the risks of any volatility in income and the potential of removing the need for a levy payment on growth.

Further details on these proposals were set out at paragraphs 4 to 11 and a suggested set of governance arrangements for a Leeds City Region rates pool at Annex A of the report.

It was noted that final involvement in the pool would only be recommended if it was found to be of financial and economic benefit to the city. Following further discussion it was

RESOLVED: That Cabinet agree to the Chief Executive and Director of Customer & Business Support Services (as S151 Officer) signing the final pool proposal for the Leeds City Region Pool, subject to subsequent assessment once the implications of the 2013/14 Local Government Finance Settlement are known. ¹

REASON: To ensure that York's options are kept open with how best to benefit from the localisation of business rates.

Action Required

1. Proceed with final pool submission to DCLG. AC

**45. CITY OF YORK COUNCIL ANNUAL AUDIT LETTER 2011/12 -
AUDIT COMMISSION**

Consideration was given to a report which provided Members with the Audit Commission's Annual Letter summarising the 2011/12 audit of City of York Council. The Commission's letter and summary of their findings were set out in Annex 1 and in the Appendix attached to the report.

The Commission had confirmed the Council provided value for money and had successfully met one of its most significant financial challenges of delivering a balanced budget and achieving savings of £21m this year.

Audit Commission Officers were in attendance and confirmed that the authorities' financial planning process had been found to be robust and supported by regular update reports throughout the year.

Members expressed their appreciation to the District Auditor and his staff for their work during the 2011/12 year.

RESOLVED: That Cabinet notes the Audit Commission's City of York Council Annual Audit Letter 2011/12

REASON: It is a statutory requirement that the Annual Audit letter is issued on completion of the audit.

**46. FUTURE CREDIT UNION ARRANGEMENTS IN YORK -
SUPPORTING THE NORTH YORKSHIRE & YORK CREDIT
UNION**

Members considered a report which outlined work undertaken to establish a level of support from the City of York Council to secure an on-going Credit Union presence in York and North Yorkshire.

Officers updated Members confirming that North Yorkshire Credit Union had, over a couple of years, encountered severe

financial difficulties mainly as a result of a high level of bad debts and overheads and over dependence on non-recurring grants. This had resulted in the recent Financial Services Authority announcement that the North Yorkshire Credit Union had now been placed into liquidation.

It was confirmed that Members of the Council had been on the Union's Board as members in their own right, responsible to the Credit Union and not representing the Local Authorities interests.

Further information on work undertaken to secure an on-going Credit Union presence in York and North Yorkshire and consultation undertaken was set out at paragraphs 5 to 13 of the report.

The possibility of the South Yorkshire Credit Union working out of York Explore and ultimately the new West Office building was also noted.

Councillor Cuthbertson, spoke as Treasurer of the Credit Union from April 2010, pointing out that set up of the Credit Union had had cross party support. He spoke at length of his concerns that the Union had not been run as a business, to the wide range of problems including high overheads and management and operational issues. He expressed support for the recommendation pointing out that the Union should have a financial inclusion aim and a delivery strategy but that there was also a requirement for a monitoring role at meetings.

The two options then considered were to:

1. Approve the one-off cost of £50k to South Yorkshire Credit Union and a Credit Union presence remains in York.
2. Not approve the £50k one-off cost and South Yorkshire Credit Union do not operate a Credit Union in York.

Members questioned the possibility of an officer in an 'observer role' attending meetings and the remit of this role.

Following further discussion it was

RESOLVED: That Cabinet agree to:

- i) Approve a grant contribution of up to £50k to be allocated from the Economic Infrastructure Fund towards the development of the South Yorkshire Credit Union.
- ii) Note that the £50k allocated from the EIF is included in the £300k being recommended within the financial inclusion policy report, also included on this agenda.
- iii) Recommend appointment of an officer with 'observer status' to monitor the work of the new Union by attendance at Credit Union Board Meetings. ¹.

REASON: In order to promote a Credit Union offering in North Yorkshire and York in line with the Council's Plan to 'build stronger communities' and 'grow the economy'

Action Required

1. Await decision of CSMC (Calling In) meeting, 19 November 2012.

LB

47. ASSET MANAGEMENT STRATEGY UPDATE

Consideration was given to a report which set out a refined set of drivers to update the existing Asset Management Strategy and identified mechanisms for delivering the strategy and delivery plan for 2012-13.

Following significant reductions in public sector funding there had been a need to reduce the costs of Council assets, rationalise their number and share assets with other public sector bodies. It was therefore proposed to undertake a comprehensive review of all assets and develop a 10 year long term plan for the delivery of efficiencies and planned investment.

Details of the principles for the evaluation, information database and proposals for Year 1 projects and delivery were set out at paragraphs 7 to 14 of the report.

Following discussion it was

RESOLVED: That Cabinet agree to:

- i) The principles set out in the report which will drive a comprehensive review of all CYC assets.
- ii) The Year 1 work plan as set out in Para 13 of the report.
- iii) Note the prospective development of a Delivery and Innovation Fund bid to support a comprehensive Asset Review as an invest to save initiative. ¹

REASON: To ensure that CYC assets deliver business priorities and value for money through maximising opportunities to generate income and reduce revenue costs

Action Required

1. Proceed with programme as outlined in the report.

TC

48. THE BIG YORK SURVEY

Consideration was given to a report which provided an initial view of the findings from the Big York Survey, marking a new approach to gathering customer insight, which is was hoped to repeat on an annual basis.

Views had been sought on a broader range of outcomes than previous citywide surveys with the results providing useful data for service planning, ward work and identifying areas of residents concern.

An initial overview of the findings was set out at paragraphs 7 to 12 of the report, with positive areas detailed at paragraphs 13 and 14 and concerns at paragraphs 15 and 16. A summary of the key findings were reported at Annex A of the report and response rates and consultation at paragraphs 17 to 23.

Cabinet Members referred to the valuable statistical information received which would be supplemented by ongoing feedback from residents in localities throughout the year. Reference was made to the areas of concern which would be examined and actions put in place to address where at all possible.

RESOLVED: That Cabinet agrees to:

- i) Note the findings of the Big York Survey.
- ii) Note the actions being taken as a result of the Big York Survey.
- iii) Commit to repeating the Big York Survey on an annual basis. ¹

REASON: To ensure that the council gains representative feedback from residents to inform service design and delivery.

Action Required

1. Include survey in work plan on an annual basis. IG, NB

49. RESPONDING TO THE FINAL REPORT OF YORK FAIRNESS COMMISSION: A BETTER YORK FOR EVERYONE

Consideration was given to the following three reports on the agenda submitted to Cabinet for approval:

- Responding to the final report of the York Fairness Commission
- Single Equality Scheme 2012-2016
- CYC Financial Inclusion Policy and Action Plan

To fulfil the Council's ambition of creating a fairer and more inclusive city these reports had been prepared with each making a different contribution to this ambition.

The first report contained the Council's proposed response to the Fairness Commission's final report, published on 27 September 2012 – A better York for everyone, attached at Annex A. With Annex B containing the proposed 10 Fairness Principles, headline recommendations and 100 Ideas for Action.

The Council had already made significant progress since publication of the interim report, details of which had been set out at paragraphs 11 to 23 of the report.

Details of the proposed responses to each of the Headline Recommendations – A to G, outlining how each aligned with the Council’s priorities and progress already made and that planned were set out in paragraphs 35 to 60.

Financial implications arising from these recommendations would be reflected in the forthcoming 2013/14 Capital and Revenue budget reports.

Members confirmed the need to address the issues of life expectancy and child and fuel poverty in all areas of the city.

RESOLVED: That Cabinet agrees to:

- i) The proposed response to each of the Headline Recommendations noting how they will contribute to the delivery of the Council Plan priorities.
- ii) Proposals for the ongoing ownership and monitoring of the Fairness Principles and Recommendations as described in paragraph 30 of the report.
- iii) Note that the financial implications of implementing the Living Wage and extending concessionary fares will be brought forward in the 2013/15 budget papers for decision.¹

REASON: To ensure that the fairness principles and recommendations are implemented in line with the Council’s commitment to protect vulnerable people.

Action Required

1. Implement proposals arising from recommendations.

JC

50. CITY OF YORK COUNCIL FINANCIAL INCLUSION POLICY AND ACTION PLAN

Consideration was given to the second report, the City of York Council Financial Inclusion Policy and Action Plan, at Annex A which had also been prepared to realise the vision for a fair and inclusive city.

The Policy had been prepared as a new initiative to direct additional resource to support people becoming financially marginalised, adopting a more preventative approach to promoting financial inclusion.

Management of the Council's approach to income collection through its Debt and Income Collection Policies was set out at Annex B which included the establishment of a cross directorate Financial Inclusion Network for delivery of the financial inclusion agenda. Information on current financial inclusion services across the Council were set out at Annex C.

It was noted that the success of the Policy and Action Plan was heavily dependent on the involvement and buy in of partner agencies. To ensure that the Council was at the forefront of financial inclusion in the city and in order to progress the identified actions a 3 year package of Economic Infrastructure Funding was proposed. To deliver the outcomes, £300k would include the provision of a Project Manager and advice services details of which were set out at paragraph 15 of the report.

Following further discussion it was

RESOLVED: That Cabinet approve:

- i) CYC's proposed overarching approach to Financial Inclusion, in particular the draft Action Plan, for the next 12 months, as set out at Annex A of the report, including proposed arrangements for Economic Infrastructure Funding.
- ii) The draw-down of £300,000 identified from the Economic Infrastructure Fund to facilitate the above approach.¹

REASON: CYC's policy approach to financial inclusion is intended to increase the scope and build the capacity of CYC and other partners to deliver a more co-ordinated approach to financial inclusion across the City, bringing about the following outcomes:

- The creation of a Citywide financial safety net, with good information and advice available for all residents.
- The identification of a programme of proactive outreach campaigns in areas of specific need.
- The embedding of financial inclusion within all council strategies and all directorates / service plans.

Action Required

1. Implement agreed policy using funds from EIF. JC, AG

51. SINGLE EQUALITY SCHEME 2012-2016: REALISING THE VISION FOR A FAIR AND INCLUSIVE COUNCIL

Consideration was then given to the final report of the three which would make a contribution to the ambitions for a fair and inclusive city, the Single Equality Scheme (SES) for 2012 to 2016, attached at Annex A to the report.

The report described a new Council wide approach to equality and diversity which had been informed by evidence from the Fairness Commission. The updated equality vision statement had been put forward for approval together with the Scheme and its objectives. The scheme would be led by the Cabinet Member for Leisure, Culture and Tourism supported by the Council Management Team, the Equality Leadership Group and advised by the Equality Advisory Group (EAG).

Key changes were also proposed to the EAG, which included Councillors no longer being members of the Group.

It was confirmed that members of the public and community groups would be invited to comment on the scheme and that comments received would be taken on board during the

scheme's annual review. Although the Council was no longer required to have a SES it was felt that it would, amongst other things, support members, increase knowledge and encourage and support council partners in sharing equality objectives and outcomes in the city.

RESOLVED: That Cabinet approves:

- The Council's current equality vision
- The Single Equality Scheme 2012 to 2015
- The governance arrangements set out in the report, including changes to the Equality Advisory Group as set out in paragraph 12 of the report. ¹

REASON: To help the Council to achieve its vision for a fair and inclusive council and city

Action Required

1. Implement new vision, scheme and governance arrangements.

EC

52. COMMUNITY STADIUM UPDATE

Consideration was given to a report which updated Members on the Community Stadium project.

Further information on the procurement timetable, the proposals for new project management/governance arrangements, an update on the business case and risk register and details of the interim arrangements for the current Waterworld contract were set out at paragraphs 3 to 31 of the report.

Proposals for new governance arrangements together with new roles, responsibilities and delegations were reported at paragraphs 11 to 18 and in Annex 1. An update on the business case including the capital costs of the scheme, as approved in March 2012, and those proposed were set out at Table 1 with the project costs at Table 2.

The Cabinet Member presented the report confirming the total scheme costs were unchanged. She also made reference to the proposed interim arrangements for the current Waterworld facility following receipt of notice from the current operator.

Consideration was then given to the following options open to the Cabinet in respect of the Waterworld premises:

Option A – Close the facility

Option B – Accept keys back from GLL and the Council operate

Option C – Agree new terms with GLL to secure them as operators until the end of the procurement exercise
(Confidential Annex 3 provided details of the rental discount).

Officers referred to the key risks set out at paragraphs 48 to 55 and in Confidential Annex 2 of the report which it was confirmed would be managed throughout the project. It was also reported that the current procurement timetable to select an operator for the stadium and existing leisure facilities was due for completion in December 2013 which included a period of slippage up to 30 June 2014.

Following further discussion it was

RESOLVED: That Cabinet agrees to:

- i) Note progress on the project to date and the timetable for the procurement and associated decisions, in particular the key issues, set out in paragraph 9 of the report, relating to the financial challenges facing the future provision of the existing leisure facilities in the City.
- ii) Agree the key amendments to the business case and note the financial implications.
- iii) Note the updated risk register, the potential financial impact of any abortive costs.
- iv) Agree the proposed Governance arrangements for the project.
- v) Note the roles, responsibilities and delegated powers of the key individuals and bodies within the governance structure (set out in detail in Annex 1) and in particular the role of the Project Board set out in paragraph 14 of the report.

- vi) Agree Option C set out in paragraph 35 as the new interim contract arrangements for the Huntington Stadium Leisure Complex (Waterworld).
- vii) Note the financial implications of the interim arrangements for the Huntington Stadium Leisure Complex (Waterworld) contract. ¹.

REASON: To update Cabinet on this scheme, agree key amendments and new arrangements for Waterworld in order to progress the project.

Action Required

1. Await decision of CSMC (Calling In) meeting, 19 November 2012.

TA, AL

53. REFURBISHING NEWGATE MARKET

Members considered a report which put forward proposals for a £1.5m capital investment into Newgate Market, from the Economic Infrastructure Fund (EIF).

It was confirmed that the proposed investment was to reinvigorate the market to increase footfall and spend and to uplift the appearance of the existing market place. If approved, additional detailed consultation would be undertaken and a steering group established to move the project forward.

The Cabinet Member reported back on consultation undertaken with shoppers and traders which had raised awareness of the proposed investment and asked for priorities for that investment. It was reported that there had been good feedback and suggestions made which would provide a good base on which to move forward. More detailed consultation would be undertaken if investment in principle was received.

The key deliverables, aims of the scheme and the business case were set out at paragraphs 10 and 24 of the report.

Considerations was then given to the following options:

- 1. A reduced scheme could be delivered at £1m. This would have the same key features. It would, however, omit the repaving and resurfacing work proposed in the full scheme.

2. A small scheme could be taken forward, for example, by developing only Areas A and B.
3. A bigger scheme could be delivered. A multi-million pound investment could create a covered market.

However none of these options were recommended as the £1.5m capital investment was considered a critical element of the city centre action and investment plan being developed to reinvigorate the future of York's city centre.

Following further discussion it was

RESOLVED: That Cabinet approve a £1.614m investment from the Economic Infrastructure Fund in Newgate Market, phased over the following periods:
£100k (2012/13),
£1.4m (2013/14)
and to agree a further £114k revenue funding in 2013/14 from the EIF to cover the lost income during refurbishment with a repayment profile as set out in Annex 1 of the report. ¹

REASON: To position Newgate Market as a unique and high performing asset for the city centre.

Action Required

1. Proceed with proposed works and EIF investment following further consultation.

CC

54. URGENT ITEM - STATUTORY REPORT OF THE MONITORING OFFICER

Consideration was given to the statutory report of the Monitoring Officer in respect of the Local Government Ombudsman's (LGO) finding of maladministration in respect of the way the Council managed the housing allocation process for a resident.

The report of the LGO, attached at Annex 1 to the report, found that the Council placed the complainant and his family in a property which was too small for him. This had resulted in the family living in overcrowded conditions for over two years and meant that the Council had not met its legal duties.

The authority were now required to consider the report and, within 3 months, notify the Ombudsman of the action which the authority had taken or which it proposed to take. It was confirmed that the family had now been rehoused and that the Council had agreed to pay compensation of £2000 and review its guidance and provide training to relevant Officers.

Details of the Officers response to these findings were set out at Annex 2 of the report and following further discussion it was

RESOLVED: That Cabinet agrees to:

- i) Note the Local Government Ombudsman's findings and recommendations and to endorse the steps already taken by Officers by way of offering a remedy.

REASON: To satisfy the legal requirement to consider the report and to confirm the appropriateness of the remedy recommended by the Ombudsman.

- ii) Take no further action in relation to the matters set out in this report.

REASON: The steps already taken have been accepted by the Ombudsman as representing an appropriate remedy.

- iii) Adopt this report as the Council's formal response under section 5A of the Local Government and Housing Act 1989 and section 31 of the Local Government Act 1974 and arrange for it to be sent to every member of the Council and the Ombudsman.

REASON: To comply with legal requirements.

Action Required

1. Forward copy of report to the Ombudsman and all members.

AD

PART B - MATTERS REFERRED TO COUNCIL

55. 2012/13 CAPITAL PROGRAMME MONITOR 2

Consideration was given to a report which set out the likely outturn position of the 2012/13 Capital Programme based on the spend profile and information to October 2012.

Changes made throughout the year had resulted in a current approved capital programme for 2012/13 of £65.103m, financed by £28.987m of external funding and internal funding of £36.116m.

An increase of £3.930m, made up of new schemes and net profiling of schemes from the current year had resulted in a revised capital programme budget of £69.033m, full details of which were set out in paragraphs 4 to 7 and at Table 2 of the report. It was noted that the portfolios had been aligned with the new Council Structure from 1st April 2012.

A summary of the key exceptions and implications for the capital programme were reported in each service area at paragraphs 9 to 30 and summarised in Table 3.

The projected call on Council resources going forward to 2016/17 capital programme were set out at paragraphs 32 to 35, Table 2 and Annex A of the report. It was confirmed that the overall funding position was closely monitored by the Director of Customer and Business Support to ensure that the capital programme remained balanced, with any issues being reported to Cabinet.

RECOMMENDED: That Council agree:

- the adjustments in the Capital programme of an overall increase of £3.930m in 2012/13 and re-profiling from 2012/13 to 2013/14 and 2014/15 of £553k as detailed in the report and contained in Annex A including the following new schemes:
 - £248k for the provision of a Looked after Children's Contact Centre funded by £190k departmental borrowing with the associated costs being funded by the savings realised from this service area as a

result of delivering this scheme and £58k funded from DfE Children's Social Care Capital Grant.

- £2.213m for the outright purchase of Fleet Vehicles previously leased to be funded by prudential borrowing with the associated revenue costs being met from existing departmental revenue budgets.
 - £34k Parks and Open Spaces schemes all funded from S106.
 - £10k S106 CCTV Digital Infrastructure
- To note the 2012/13 revised budget of £69.033 as set out in paragraph 6 and Table 2 of the report.
 - To note the restated capital programme for 2012/13 – 2016/17 as set out in paragraph 30, Table 3 and detailed in Annex A of the report.
 - To note the re-profiling and adjustments of the Economic Infrastructure fund to align to spend and approval as set out in the Economic Infrastructure reports to Cabinet noting the overall fund remaining at £28.5m.
 - To note the inclusion of the £618k for works at Hazel Court for the Office of the Future funded by prudential borrowing with the associated costs being met from annual revenue savings of £235k from moving out of the Guildhall, St Anthony's and 50 York Road as approved by Council on the 11 October 2012.
 - To approve the use of capital contingency:
 - £31k for Flood Pump Resilience (paragraph 12)
 - £85k for CCTV Digital Infrastructure (paragraph 15)

REASON: To enable the effective management and monitoring of the Council's capital programme

Action Required

1. Forward recommendations to Council.

JP

Cllr J Alexander, Chair

[The meeting started at 5.30 pm and finished at 7.25 pm].

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Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 8 January 2013

| Title & Description | Author | Portfolio Holder |
|---|--|--|
| <p>Safer York Partnership Hate Crime Strategy</p> <p>Purpose of Report: The Hate Crime Strategy is a multi-agency strategy which, to be successful, requires the support of all key agencies who can contribute to it's delivery. It forms an important part of the CYC Equalities agenda and support of vulnerable communities within the Council Plan.</p> <p>Members are asked to: agree the content of the Hate Crime Strategy and give the commitment of CYC to contributing to its delivery and development.</p> | <p>Jane Mowat, Director, Safer York Partnership</p> | <p>Cabinet Member for Crime and Stronger Communities</p> |
| <p>Access York Phase 1 - Submission of Full Approval Application to the Department for Transport</p> <p>Purpose of the report is to update members on the tenders received for the Access York Phase 1 project and asked for authority to submit the Full Approval application to the Department for Transport.</p> <p>Members are asked to approve the submission of the Full Approved application to the Department for Transport and progress the scheme if the funding is confirmed.</p> | <p>Tony Clark, City Strategy Capital Programme Manager</p> | <p>Cabinet Member for Transport, Planning and Sustainability</p> |

Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 8 January 2013

| Title & Description | Author | Portfolio Holder |
|--|----------------------|--|
| <p>Alternative Delivery Models for Cultural Services</p> <p>Purpose of report: This report asks the Cabinet for permission to further develop a proposal for an alternative delivery model for cultural services. The report will ask the Cabinet to note the initial feasibility work undertaken; Agree to the proposal being further developed; Agree a consultation plan on the proposal.</p> <p>This report was slipped to the April meeting to allow time for public consultation and then to the June meeting to allow time for public consultation. It was then slipped to the September meeting to allow more time to consider the implication of the review of learning skills strategy. The report has now been deferred to the December meeting to allow more time for consultation.</p> <p>This report has been deferred to the January meeting to allow time to evaluate the consultation.</p> | <p>Charlie Croft</p> | <p>Cabinet Member for Leisure, Culture and Tourism</p> |
| <p>York800 and 2012: The Legacy</p> <p>Purpose of Report: To update Cabinet on events held during 2012 and to plan the legacy.</p> <p>Members are asked: To agree a legacy strategy for both participation in active leisure and for events in the city.</p> <p>This report has been slipped from the December to January meeting as the directorate has a large number of other reports being presented to the December meeting.</p> | <p>Jo Gilliland</p> | <p>Cabinet Member for Leisure, Culture and Tourism</p> |

Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 8 January 2013

| Title & Description | Author | Portfolio Holder |
|--|---------------|---|
| <p>Neighbourhood Working Update</p> <p>Purpose of Report: To update Cabinet on progress with the new Neighbourhood Working model.</p> <p>Cabinet will be asked to note the progress to date</p> <p>This report has been slipped from the December to January meeting as the directorate has a large number of other reports being presented to the December meeting.</p> | Charlie Croft | Cabinet Member for Leisure, Culture and Tourism |
| <p>Smarter York</p> <p>Purpose of Report: To update Cabinet on progress with Smarter York.</p> <p>Members will be asked to agree a "Smarter Charter".</p> <p>This item has been deferred from November to December Cabinet in order to develop a 'Smarter Charter'. The report has now slipped to the January meeting as the directorate has a large number of other reports being presented to the December meeting.</p> | Charlie Croft | Cabinet Member for Environmental Services |

Table 2: Items scheduled on the Forward Plan for the Cabinet Meeting on 12 February 2013

| Title & Description | Author | Portfolio Holder |
|--|---|---|
| <p>Review of Fees and Charges</p> <p>Purpose of report: This report presents the financial strategy 2013 - 2018, including detailed revenue budget proposals for 2013/14 and 2014/15.</p> <p>Members are asked to recommend to Council approval of the proposals.</p> | <p>Debbie Mitchell, Corporate Finance Manager</p> | <p>Cabinet Member for Corporate Services</p> |
| <p>Business Plan/HRA Finance</p> <p>Purpose of Report: The report sets out a 30 year business plan on how the HRA money will be allocated with a more detailed plan for the next 5 years.</p> <p>Members are asked to approve the Business Plan.</p> | <p>Tom Brittain, Housing Operations Manager</p> | <p>Cabinet Member for Health, Housing and Adult Social Services</p> |
| <p>Q3 Finance and Performance Monitor 2012-13</p> <p>Purpose of Report: To provide members with an update on the 2012/13 finance and performance information.</p> <p>Members are asked to note the issues.</p> | <p>Debbie Mitchell, Corporate Finance Manager</p> | <p>Cabinet Member for Corporate Services</p> |
| <p>Discretionary & Mandatory Business Rate Relief & Discounts</p> <p>Purpose of report: To ask Cabinet to approve policies for dealing with Business Rate relief and Business rate discounts.</p> <p>Members are asked to approve the proposed policies.</p> | <p>David Walker, Head of Financial Procedures</p> | <p>Cabinet Member for Corporate Services</p> |

Table 3: Items slipped on the Forward Plan

| Title & Description | Author | Portfolio Holder | Original Date | Revised Date | Reason for Slippage |
|---|--|--|---------------------|---|---|
| <p>Public Conveniences: Service Provision and Procurement Options</p> <p>Purpose of Report: to consider the options for this service provision. Cabinet is asked to agree to a joint procurement with Bristol City Council and Bath.</p> | <p>Russell Stone, Head of Neighbourhood Pride Services</p> | <p>Cabinet Member for Environmental Services</p> | <p>Dec 2012</p> | <p>Withdrawn from Cabinet.</p> | <p>As it is not a key decision.</p> |
| <p>Garden Waste Collection</p> <p>Purpose of the report is to set out options for the delivery of savings approved for green waste collection. Cabinet is asked to consider the options and recommendations contained within the report.</p> <p>This report has been slipped to the December meeting because further investigation is required into alternative options before the report can be presented to Cabinet.</p> | <p>Roger Ranson, Highways, Waste and Fleet</p> | <p>Cabinet Member for Environmental Services</p> | <p>Nov 2012</p> | <p>Withdrawn</p> <p>The report is expected to come forward early in the new year once this work has been completed.</p> | <p>As it requires further examination and analysis of the proposed options and more research into the viability of some of the options.</p> |

Table 3: Items slipped on the Forward Plan

| Title & Description | Author | Portfolio Holder | Original Date | Revised Date | Reason for Slippage |
|--|---------------|---|---------------|---|--|
| <p>Waste Services - Budget Savings Options for 2012/13 and 2013/14</p> <p>Purpose of Report: A number of waste services have been reviewed in order to bring forward proposals to achieve approved budget savings for 2012/13 and 2013/14. The review process has included household waste recycling centre, the provision of waste containers and the provision of the bulky and clinical waste collection services.</p> <p>Cabinet is asked to consider and approve options as set out in the report.</p> | Geoff Derham | Cabinet Member for Environmental Services | Dec 2012 | <p>Withdrawn</p> <p>The report is expected to come forward early in the new year once this work has been completed.</p> | As it requires further examination and analysis of the proposed options and more research into the viability of some of the options. |
| <p>Alternative Delivery Models for Cultural Services</p> <p>Purpose of report: This report asks the Cabinet for permission to further develop a proposal for an alternative delivery model for cultural services. The report will ask the Cabinet to note the initial feasibility work undertaken; Agree to the proposal being further developed; Agree a consultation plan on the proposal.</p> | Charlie Croft | Cabinet Member for Leisure, Culture and Tourism | March 2012 | Jan 2013 | To allow time to evaluate the consultation. |

Table 3: Items slipped on the Forward Plan

| Title & Description | Author | Portfolio Holder | Original Date | Revised Date | Reason for Slippage |
|---|---------------|---|---------------|--------------|--|
| <p>This report was slipped to the April meeting to allow time for public consultation and then to the June meeting to allow further time for public consultation. This report was then slipped to the September meeting to allow more time to consider the implication of the review of learning skills strategy and then deferred to the December meeting to allow more time for consultation.</p> | | | | | |
| <p>Smarter York Purpose of Report: To update Cabinet on progress with Smarter York. Members will be asked to agree a "Smarter Charter". This item was deferred to December Cabinet in order to develop a 'Smarter Charter'.</p> | Charlie Croft | Cabinet Member for Environmental Services | Nov 2012 | Jan 2013 | Due to the directorate having a large number of other reports being presented to the December meeting. |
| <p>Neighbourhood Working Update Purpose of Report: To update Cabinet on progress with the new Neighbourhood Working model. Cabinet will be asked to note the progress to date.</p> | Charlie Croft | Cabinet Member for Leisure, Culture and Tourism | Dec 2012 | Jan 2013 | Due to the directorate having a large number of other reports being presented to the December meeting. |

Table 3: Items slipped on the Forward Plan

| Title & Description | Author | Portfolio Holder | Original Date | Revised Date | Reason for Slippage |
|--|---------------------------|---|---------------|--------------|---|
| <p>York800 and 2012: The Legacy</p> <p>Purpose of Report: To update Cabinet on events held during 2012 and to plan the legacy.</p> <p>Members are asked: To agree a legacy strategy for both participation in active leisure and for events in the city.</p> | Gill Cooper, Jo Gilliland | Cabinet Member for Leisure, Culture and Tourism | Dec 2012 | Jan 2013 | Due to the directorate having a large number of other reports being presented to the December meeting. |
| <p>Use of Mosquito Devices to Tackle Anti-Social Behaviour</p> <p>Purpose of the report: The report outlines options for the local authority to ban the use of mosquito devices as a mechanism to address anti-social behaviour involving young people in York.</p> <p>Members are asked to consider the options and take a decision on the banning of Mosquitos in York.</p> | Jo Mowatt | Cabinet Member for Crime and Stronger Communities | Dec 2012 | N/A | The decision will now be taken by the Cabinet Member for Crime and Stronger Communities during December 2012 instead of full Cabinet. |



Cabinet**4 December 2012**

Report of the Cabinet Member for Corporate Services

Minutes of Working Groups**Summary**

1. This report presents the minutes of meetings of the Local Plan Working Group (formerly known as the LDF Working Group) and the Equality Advisory Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Cabinet.

Background

2. Under the Council's Constitution, the role of Working Groups is to advise the Cabinet on issues within their particular remits. To ensure that the Cabinet is able to consider the advice of the Working Groups, it has been agreed that minutes of the Groups' meetings will be brought to the Cabinet on a regular basis. In accordance with the requirements of the Constitution, draft minutes of the following meetings are presented with this report:
 - Local Development Framework Working Group of 2 April 2012 (Annex A)
 - Local Plan Working Group of 3 September 2012 (Annex B)
 - Equality Advisory Group of 30 July 2012 (Annex C)

Consultation

3. No consultation has taken place on the attached minutes, which have been referred directly from the Working Groups.

Options

4. Options open to the Cabinet are either to accept or to reject any advice that may be offered by the Working Groups, and / or to comment on the advice.

Analysis

5. The recommendations contained in the minutes of the Local Development Framework Working Group of 2 April 2012 were considered by Cabinet at its meeting on 3 April 2012, although the minutes of the meeting were not available at that time. Cabinet endorsed the Working Group's recommendations. These minutes are therefore presented for completeness only.
6. The comments of the Local Plan Working Group in respect of the Local Development Framework (minute 4 of annex B), were presented to Cabinet when they considered this issue at their meeting on 9 October 2012.
7. Members are asked to consider the comments of the Local Plan Working Group in respect of the City of York Council Subdivision of Dwellings Supplementary Planning Document (minute 5 of Annex B) and in respect of Council House Extensions and Alterations (minute 6 of Annex B).

Council Plan

8. The aims in referring these minutes accord with the Council's recognition that to achieve the priorities set out in the Council Plan it needs to be a confident, collaborative organisation completely in touch with its communities.

Implications

9. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered:
 - **Financial**
 - **Human Resources (HR)**
 - **Equalities**

- **Legal**
- **Crime and Disorder**
- **Property**
- **Other**

Risk Management

10. In compliance with the Council's risk management strategy, there are no risks associated with the recommendations of this report.

Recommendations

11. Members are asked to:
- (i) Note the minutes attached at Annexes A -C.
 - (ii) Consider whether they would wish to respond to the comments of the Local Plan Working Group on the issues referred to in paragraph 7 of this report.

Reason:

To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

Contact details:

Author:

Jayne Carr
Democracy Officer
01904 552030

**Cabinet Member and Chief Officer
Responsible for the report:**

Councillor Julie Gunnell, Cabinet
Member for Corporate Services

Andrew Docherty
Assistant Director Governance and ICT

**Report
Approved**

✓ **Date** 23.11.12

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – Minutes of the meeting of the Local Plan Working Group of 2 April 2012.

Annex B – Draft minutes of the meeting of the Local Plan Working Group of 3 September 2012.

Annex C – Draft minutes of the meeting of the Equality Advisory Group of 30 July 2012.

Background Papers

Agendas and associated reports for the above meeting (available on the Council's website).

City of York Council

Committee Minutes

| | |
|-----------|--|
| MEETING | LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP |
| DATE | 2 APRIL 2012 |
| PRESENT | COUNCILLORS MERRETT (CHAIR), BARTON, D'AGORNE, FITZPATRICK, GUNNELL, LEVENE, REID, SIMPSON-LAING AND WATT (VICE-CHAIR) |
| APOLOGIES | COUNCILLORS POTTER AND RICHES |

29. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

30. **MINUTES**

RESOLVED: That the minutes of the last meeting held on 5 March 2012 be approved subject to the following amendment:

Minute Item 24 – Councillor Merrett's declaration of interest be amended to state that he is an 'honorary Member of the CTC'.

31. **PUBLIC PARTICIPATION**

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

32. **CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION - SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION OUTCOMES.**

Members considered a report which followed on from the earlier report considered by Members on 9th January 2012. Its purpose was to inform Members on the outcome of the recent consultation on the draft Supplementary Planning Document (SPD). The report also sought approval for the revised SPD

attached at Annex 2, in order for it to be used to determine planning applications following the commencement of Article 4 Direction on 20th April 2012.

The SPD would remain a draft SPD until such a time as the Core Strategy has been through examination and was formally adopted by the Council.

The role of the SPD was to provide guidance on how planning applications for change of use to Houses of Multiple Occupation (HMO's) would be determined in order to allow the Council to manage the spread of HMO's. It would also ensure that unsuitable large concentrations of HMO's in neighbourhoods were not created.

Officers advised that they had commenced the consultation on the document on 23 January 2012 and had used the LDF database which has approximately 2900 consultees held on it. In addition key stakeholders relevant to HMO issues and individuals who had made expressions of interest were also consulted. The Consultation documents are available on the Council's website.

Members commented and questioned a number of points including:

- How a neighbourhood area is defined. Officers advised this could be looked into further if Members wished.
- Whether a planning application for a HMO could be called in by Members if there were planning grounds to do so, but otherwise would be delegated officer decision. Officers confirmed this to be the case.
- Some Members queried the impact of article 4 on house sales in streets that already have over 50% HMO's. Members were concerned that the policy could hinder individuals when selling property. Officers advised that as with any planning application, material considerations would be taken into account.
- Data on concentrations should be made readily available to ensure transparency for landlords. Officers confirmed that mapping would be available on the Council website.

Officers advised that in light of Members comments and due to the Article 4 Direction being a relatively new policy area, they would monitor the situation in York as well as nationwide, and

bring a report back in approximately a year's time to update them on how York's approach is working.

RESOLVED: That the LDF Working Group recommended that Cabinet:

- i. Approve the draft SPD to be used for Development Management Purposes in accordance with Option 1.
- ii. Delegate to the Director of City Strategy in consultation with the Cabinet member for City Strategy that are necessary as a result of the recommendations of the Working Group.
- iii. That a review of how the scheme is operating be carried out after a year and a monitoring report be brought to Members.

REASON: So that the SPD be approved and used for Development Management purposes to support the emerging LDF Core Strategy and the Article 4 Direction which comes into force on 20 April 2012.

33. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT UNDER THE LOCAL GOVERNMENT ACT 1972.

Officers provided a brief verbal update on the National Planning Policy Framework which was published on 27 March 2012 and its implications for the LDF Core Strategy.

A report would be brought to a future meeting to fully inform Members and a training session on the framework would also be arranged.

Cllr D Merrett, Chair
[The meeting started at 5.00 pm and finished at 5.45 pm].

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City of York Council

Draft Committee Minutes

| | |
|-----------|--|
| MEETING | LOCAL PLAN WORKING GROUP |
| DATE | 3 SEPTEMBER 2012 |
| PRESENT | COUNCILLORS MERRETT (CHAIR), BARTON, D'AGORNE, HORTON, REID, RICHES, SIMPSON-LAING, WATT (VICE- CHAIR) AND ALEXANDER (SUBSTITUTE) |
| APOLOGIES | COUNCILLOR BARNES |

1. **DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any interests they may have in the business on the agenda. None were declared.

2. **MINUTES**

RESOLVED: That the minutes of the meeting held on 2 April 2012 be approved and signed by the Chair as a correct record.

3. **PUBLIC PARTICIPATION**

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

4. **CITY OF YORK LOCAL DEVELOPMENT FRAMEWORK**

Prior to consideration of this agenda item, Councillor Barton queried when the working group would be considering the motion on assisted housing which had been put forward by the Conservative Group and carried by full Council at the 12th July Council meeting.

The Chair advised that officers required some time to put together a detailed report on such an important and complex issue.

Councillor Barton expressed his dissatisfaction with this response, as he felt that following Council on 12 July an urgent item should have been brought to the working group for consideration. He then left the meeting.

Members then considered a report which outlined the way forward for the Council with regard to the City of York Development Plan following the decision of Council on 12th July to withdraw the Local Development Framework Core Strategy from the examination process.

A written representation had been received from Mr Chas Jones, in which he requested that consideration be given to restoring Green Belt protection of the land along Germany Beck. It was confirmed that Mr. Jones's comments would be fed into the consultation process and his comments would also be passed to Officers in Development Management and Design and Conservation for information.

Officers outlined the report and drew Members' attention to the Local Plan Work Programme, highlighted on page 12 of the agenda. Officers advised that it was imperative that York produced a Local Plan which was viable and deliverable.

Members commented as follows:

- Concerns were raised regarding how changes to government policy could affect the progression of the Local Plan. Officers advised that this was difficult to predict but the priority was to ensure that the plan was viable, represented the city's wishes and could be delivered with local support.
- In response to Members' questions about the Neighbourhood Shopping Parade Study, mentioned as part of the evidence base, officers advised that the study was not as crucial as some of the other studies but it would be time consuming. Members also queried progress with the Public Realm study. Officers confirmed that the work may cross reference with some of the work undertaken for Reinvigorate York.
- There was a need to ensure that there were no delays in delivering the plan so as to remove any uncertainty.

- Referring to paragraph 32 of the report, it would be beneficial to receive more detailed information regarding the estimated financial costs.
- Further work needed to be carried out in terms of gathering comments from local residents on issues such as transport – information should be available for residents to view on-line at the very least.
- Further consideration should be given as to how best to work collaboratively with neighbouring authorities and other relevant organisations on spatial planning and transport issues (including accessing minutes of their meetings).
- There needed to be a new retail study carried out.
- Members queried whether there will still be the same amount of money for local schemes if contributions are pooled for strategic schemes. Officers confirmed that Section 106 will still be used for smaller, local schemes and that it will be about finding the right balance.

- RESOLVED:
- (i) That Cabinet be made aware of the views of the LDF Working Group, as detailed above, on the contents of the report and the move towards the preparation of a new Local Plan for York.
 - (ii) That more detailed information be provided on the financial implications, as outlined in paragraph 32 of the report.
 - (iii) That it be recommended that the working group be renamed the Local Plan Working Group.

- REASONS:
- (i) To inform the preparation of a new Local Plan for York.
 - (ii) To ensure that the working group is able to able to make informed recommendations.
 - (iii) To recognise the working group's remit in terms of the development of a Local Plan.

**5. CITY OF YORK COUNCIL SUBDIVISION OF DWELLINGS
SUPPLEMENTARY PLANNING DOCUMENT**

Members considered a report which sought approval for the draft Supplementary Planning Document (SPD) on the 'Subdivision of Dwellings', attached at Appendix A to the report. The SPD would be published as Council policy for determining planning applications.

Officers outlined the report and advised that this SPD, along with the SPD to be considered at item 6, would be used by planning officers and Planning Committee members when considering planning applications. The SPDs once finalised would be checked to ensure they stood up at Planning Appeals.

Members made the following comments:

- This SPD was particularly welcomed as Members had been trying to argue against sub-division of dwellings for a number of years at Planning Committees.
- Although Members recognised that the incentive for sub-division would continue, the SPD struck the right balance and would protect residents from poor quality conversions.
- Members queried issues on page 39 of the report and queried why the word 'homes' had been changed to 'flats. Officers advised that they would look at the wording.
- In relation to the diagram on page 39, the height scale on the diagram should be moved from the right to the left in order to clarify that the 2.3m minimum standard applied to all units.
- Page 44 – reference to food waste recycling should be included as it may be available to York residents in the future. Officers advised that the list referred to 'as currently provided' facilities.
- In relation to page 45 and the conversion of attics and basements, some Members commented that reference to the balance between insulation and ventilation should be included.
- Page 47 – Members asked why there was no reference to sustainability or a breeam standards. Officers advised that planning policy would still apply to any application but they would be happy to look at where policies could be cross referenced in the document.

The Chair advised that he was happy to recommend the document to Cabinet with the above comments. He asked the working group to delegate the finalising of the wording of any amendments to the Chair and officers.

RESOLVED: (i) That the comments of the LDF Working Group on the issues raised in the report be forwarded to Cabinet.

(ii) That it be recommended that the finalising of the wording of any amendments be delegated to the Chair and officers.

REASONS: (i) To help inform Cabinet when they consider the issues.

(ii) In order to finalise the document.

6. CITY OF YORK COUNCIL HOUSE EXTENSIONS AND ALTERATIONS SUPPLEMENTARY PLANNING DOCUMENT

Members considered a report which sought approval for the draft Supplementary Planning Document (SPD) on House Extensions and Alterations (attached at Appendix A of the report), to be published as Council policy for determining planning applications.

Officers outlined the report and Members had the following comments:

- Paragraph 6.3 – Members asked that the implications for neighbours is made clear in respect of side windows.
- There should be the consistent use of metres or millimetres when referring to distances in the document.
- In reference to section 7.4 paragraph H, add the words ‘to enable the tree to reach maturity’.
- Paragraph 12.5 that relates to side extensions should refer to an additional set back sometimes being required where there is not a straight building line.

- Paragraph 13.6 – add the words ‘in plan’ so that the sentence reads ‘ Extensions that project beyond a 45 degrees line in plan will normally be unacceptable...’

RESOLVED: That the comments of the LDF Working Group on the issues raised in the report be forwarded to Cabinet.

REASON: To help inform Cabinet when they consider the issues.

Cllr Merrett, Chair

[The meeting started at 5.00 pm and finished at 6.10 pm].

City of York Council

Draft Committee Minutes

| | |
|-----------|--|
| Meeting | Equality Advisory Group |
| Date | 30 July 2012 |
| Present | <p>Councillor Crisp (Chair) Councillor Richardson (Vice-Chair) Councillor Aspden Councillor Jeffries Councillor Hodgson (substitute for Councillor Funnell)</p> <p>Community Representatives: David Brown – York Access Group John Burgess – York Mental Health Forum Chris Edmondson – York Independent Living Network Sue Lister – York Older People’s Assembly Irene Mace – York Carers Forum Diane Roworth – York Independent Living Network Rita Sanderson – York Racial Equality Network Dan Sidley – LGBT Forum Katie Smith – York Carers Forum Carolyn Suckling – York Access Group Paul Wordsworth – Churches Together in York George Wright – Humanist</p> |
| Apologies | <p>Councillor Funnell Marije Davidson David McCormick Daryoush Mazloum Fiona Walker</p> |

1. **Declarations of Interest**

Members were invited to declare at this point in the meeting any personal, prejudicial or disclosable pecuniary interests that they might have in the business on the agenda. Councillor Jeffries declared a personal non-prejudicial interest in items on the agenda as Co-Chair of York Independent Living Network.

Councillor Hodgson declared a personal non-prejudicial interest in agenda item 6 – “York City Centre Access and Mobility Audit”, as a council representative on Shopmobility York.

2. Minutes

Resolved: That the minutes of the meeting of 20 February 2012 be confirmed as a correct record and signed by the Chair.

An update was given on the following issues that had been raised at the previous meeting:

(i) Taxi Card Scheme

Officers confirmed that the taxi care scheme in York was provided as an alternative to the national concessionary bus pass scheme. The taxi card provision was discretionary and the council was under no obligation to provide both. Officers were asked to find out more information about the grounds on which the council could refuse to provide a pass and to look at schemes that were in place in councils such as Camden, as they did not preclude taxi card holders from also being issued with a bus pass¹.

(ii) Funding for YREN

Referring to the minutes of the previous meeting, clarification was sought as to when Cabinet had considered the resource implications for YREN arising from the growing demand for their service. The Chair stated that Cabinet had considered this matter when it had reviewed the funding for all organisations. YREN had also been made aware of the opportunities available through the Voluntary Sector Support funding.

Action Required

1. Provide further clarification re bus pass/taxi card eligibility CC

3. Public Participation

It was reported that there were two registrations to speak at the meeting under the council’s Public Participation Scheme.

(i) Accessibility

Colin Hall reminded the group that he had spoken at an EAG meeting a year ago about issues in respect of accessibility. Unfortunately many of the problems that he had raised remained unresolved including:

- A-Boards continued to cause obstructions despite officers stating that the council would take a zero tolerance approach to this matter. There were a significant number of A-boards in place and they caused particular problems for the disabled and the elderly.
- Although the problems in respect of the accessibility of ward committee meetings had been addressed, the council continued to hold other events in venues that were not accessible. It was important that senior managers provided a lead on this matter and ensured that events arranged by the council were in accessible venues.

Mr Hall stated that it was important that practical steps were taken to ensure that equalities policies were implemented.

(ii) Consultation on Fair Access to Care

Carolyn Suckling raised concerns about the questionnaire that had been drawn up as part of the consultation on Fair Access to Care. She stated that the questions were loaded and did not enable consultees to easily put forward their views. She had provided additional comments when completing the on-line questionnaire but had not had a response to the points made. The Chair stated that she would look into this matter.

4. Training for Taxi Drivers

As requested at the previous meeting, the Taxi Licensing Officer was in attendance, to hear the group's views about the disability awareness training that was provided for taxi drivers.

The group was informed that the training currently took the form of on-line disability awareness, based on a model provided by

Children AND Inclusion (CANDI). Drivers of wheelchair accessible vehicles were also required to undertake the Driving Standards Agency practical assessment for taxi and private hire vehicles. It was noted that some companies provided more in-depth training for their drivers.

Members of the group expressed concern that it was not possible to fail the on-line disability awareness training and that there also needed to be more emphasis on the level of customer care. Members suggested that training may be more effective if it was delivered on a face to face basis rather than on-line.

It was noted that drivers could not be required to undertake disability awareness training and so this could only be offered on a voluntary basis. Officers explained that an accreditation scheme for taxi drivers was also being developed.

It was agreed that Councillor Jeffries would meet with officers to discuss in more detail issues in respect of training for taxi drivers.

It was suggested that training in raising awareness of disability issues should not be limited to taxi drivers but should be recommended to all those involved in tourism in the city. Consideration should be given to putting into place an accredited scheme. Officers stated that work was currently taking place to develop a new tourism strategy, including work force development, and this suggestion could be taken on board.

The group also requested that contractors involved in providing home to school transport should be required to ensure that their drivers had undertaken disability awareness training¹.

Resolved: That the group's comments on disability awareness training for taxi drivers be forwarded to the relevant officers.

Reason: To improve the level of service provided by taxi drivers.

Action Required

1. Notify officers responsible for home to school transport arrangements

JC

5. Choice Based Lettings

As requested at the previous meeting, an officer was in attendance to provide an update on the Choice Based Lettings scheme.

Officers explained that the system had been in place for twelve months and was due to be reviewed. The new arrangements were more transparent than the previous scheme and, other than in exceptional circumstances, all properties were advertised. The feedback received indicated that most people preferred the Choice Based Lettings scheme.

In response to concerns expressed regarding people being disadvantaged if they did not have access to the on-line system, officers confirmed that a newsletter was available in council offices and libraries. In exceptional circumstances copies could be sent to individuals. Details were given of ways in which people could apply without doing so on-line, for example by text, at a council office or by authorising someone to bid on-line on their behalf. An automated bidding service was also in place, although this system did have some limitations.

Details were given of the number of allocations and the banding system that was in place. Clarification was sought as to whether sheltered care was included in the scheme. Officers stated that they would find out more about this and report back to the committee. At the request of the group, equalities data would also be circulated following the meeting¹. *[Following the meeting it was confirmed that it was only sheltered with extra care which was outside of the Choice Based Lettings Scheme, and that sheltered care remained in the system and worked well – with people generally preferring being able to see what properties were available]*

Concerns were expressed that when tenants moved out of properties, adaptations that had been made to the buildings were removed. The group suggested that this was not a good use of resources, particularly if the incoming tenant had similar needs. The group was informed that the relevant officers would be made aware of the concerns that had been raised regarding this matter.

Officers stated that, by January 2013 the council was required to have a new allocations policy in place. The work on compiling this policy would start in the near future. It was agreed that it would be useful for EAG to be involved in this process and hence it would be considered at a future Help us to Get it Right Day.

Resolved: (i) That the information on Choice Based Lettings be noted.

(ii) That the new allocations policy be considered at a future Help us to Get it Right Day².

Action Required

1. Circulate statistics and provide clarification BW
2. Include in programme for future Help us to Get it Right Day CC

6. **York City Centre Access and Mobility Audit**

The Group were given details of the York City Centre Access and Mobility Audit. As part of the Reinvigorate York initiative, the council was in the process of implementing a variety of strategies to improve the look and feel of public streets and spaces as well as developing a more accessible city centre. To inform the decision-making, the Centre for Accessible Environments had successfully tendered to carry out work to look at a series of key issues in respect of the city centre including:

- Movement within the city centre
- Maximising opportunities to appreciate the special characteristics of the city
- Access to facilities such as seating, shelters and toilets

The audit would look at:

- The experience of communities of interest who travelled by coach and rail, including coach drop-off points
- Provision of seating and other rest facilities
- Congestion in the city centre
- Shopmobility provision
- Blue badge access and parking
- Evening and night time experience
- Access to heritage and cultural attractions
- Health, safety and security

The information gathering would take the form of a street audit as well as consultation with groups. It was expected that the resulting report and recommendations would be completed within six weeks.

The group expressed their support for the carrying out of the audit but suggested that the timescale was unrealistic. They suggested that this be extended to enable more in depth consultation with focus groups. This would also enable them to seek the views of members of the groups they represented. Officers stated that they would feed back this request.

Resolved: That the arrangements for the York City Centre Access and Mobility Audit, including the opportunities to participate in the audit be noted.

Reason: To ensure that EAG members are able to contribute to the audit.

7. Refreshing the Council's Single Equality Scheme

The group considered a report that set out key issues for the Council's equalities agenda going forward. The report proposed specific priorities and sought the group's comments.

The council had adopted the Equality Framework for Local Government (EFLG) as its pathway to excellence in equality and, having been assessed as being at the "Achieving" level under the framework, action was being taken with the aim of the council being assessed as "Excellent". It was intended that the next assessment would take place early in 2014.

The group made the following comments:

- Paragraph 5 of the report had omitted "age" as a Community of Identity. The phrase "or non-belief" should also be included.
- Paragraph 10 – point four should read "most affected".
- Remove the term "people with disabilities" in paragraph 15.
- Some concerns were expressed regarding the change in terminology to "Communities of Identity".
- It was noted that although the report stated that the Single Equality Scheme would be based on Specific, Measurable, Achievable, Realistic and Timely (SMART)

objectives, the report at this stage presented only intended outcomes. At the next stage, following consultation on the outcomes, detailed targeted actions would be drawn up.

- Difficulties may arise in achieving targets that were not in line with Government policies.
- More consideration needed to be given to issues such as the proposed changes in the frequency of EAG meetings.
- The council's vision for care homes should be such that it made moving to a care home an attractive option which people looked forward to. The care homes should be recreated as households in which everyone was consulted on decisions that were made about their home.
- The maintenance of good health and well-being and the prevention of illness should be included as a priority. There was a need to promote preventative work in the city, including mental health.

It was agreed that it would be useful for EAG members to have the opportunity to consult with the groups they represented regarding the specific priorities set out in the report.

Resolved: That the report be considered in more detail at the next "Help us to Get it Right Day"¹.

Reason: To enable more detailed consideration prior to it being presented to Cabinet.

Action Required

1. Include on programme for next "Help us Get it Right Day" CC

8. Championing Equalities in York

Consideration was given to a report that made proposals as to how best to champion equalities in the city, including the role that EAG should play.

Discussion took place regarding the need to ensure that the agendas and work load of EAG could be managed effectively. It was also important that information was provided in a timely manner so that members had the opportunity to consult with the groups they represented. Details were given of the role that EAG might play in advising the council's Cabinet on key strategic Community of Identity Plans. It was proposed that a work plan would be developed for the group and that there

would be changes in the way in which the group carried out its role. Some concerns were raised, including the implications of having fewer formal meetings and alternative mechanisms for consultation.

The group requested that more information be provided on Community Contracts. It was agreed that this could be an item at the next “Help us to Get it Right Day”¹.

It was noted that a Customer Impact Assessment (CIA) Toolkit had been developed and was in place for council officers to use. At the request of EAG members, it was agreed that the electronic link to this document would be circulated following the meeting².

- Resolved: (i) That, at the next “Help us to Get it Right Day”, further consideration be given to the championing of equalities in York¹.
- (ii) That, prior to the “Help us to Get it Right Day”, information on the proposals be circulated to EAG representatives to enable them to consult with the groups they represent.

Reason: To enable EAG to give full consideration as to how it wants to carry out its function in the future as the council’s key advisory group on equalities.

Action Required

1. Include Community Contracts and Championing Equalities in next Help us Get it Right Day. Circulate info on Championing Equalities to reps prior to the event. CC
2. Circulate link to CIA Toolkit CC

9. Hate Crime Strategy

Copies of “Embracing Diversity – A Multi-agency Hate Crime Strategy for the City of York 2012-2015” had been circulated for consideration. EAG members were invited to give feedback on the strategy.

It was noted that the following objectives had been included:

1. Raise awareness of hate crimes to aid prevention
2. Make it easier for people to report hate crime

3. Improve the support available to victims of hate crime
4. Improve data capture and develop a more accurate reflection of the extent and breakdown of hate crimes and incidents

The following comments were made:

- Corrections were required to the information listing the legislation.
- A zero tolerance approach needed to be taken to bullying in schools. It was noted that Ofsted had recently published a report that looked at what schools could do to create a positive school culture and to prevent and tackle bullying.
- The importance of diversity training for care home staff.
- There was a need for the document to incorporate the Government's response to the Equality and Human Rights Commission report on disability related harassment.
- As this was a city-wide plan and not limited to the role played by the council and the police, there was a need to consider how best to include the contribution that would be made by the PCT and other services.
- Appropriate timeframes had to be in place, including allowing time for YREN to contribute to the strategy.
- The resource implications of implementing the plan, including the pressures on the name lead officers and the need to ensure that there was a sharing of responsibilities.

It was agreed that it was important that EAG representatives had the opportunity to seek the views of the groups they represented regarding the Hate Crime Strategy.

Resolved: That information on the strategy be circulated to EAG members following the meeting to enable them to seek feedback from the groups they represented.

Reason: To ensure that there is wider consultation on the strategy.

10. **Community Forum**

Community representatives were invited to raise equality and inclusion matters about council policy and services which were

of importance to the groups they represented. The following issues were raised:

(i) Swimming Facilities

In response to questions raised by George Wright, the group was informed that Yearsley Pool would continue to be part of the Council's leisure portfolio. In respect of the sports centre at the University of York that would be open to the public, the council's contract with the university under which the funding of £3m had been granted had stated that the provision must comply with equalities legislation and the Public Sector Duty.

Chris Edmondson expressed concern at recent cancellations of the hydrotherapy sessions at Energise because changes in staffing arrangements meant that no one was available who had been trained to use the hoist. Officers stated that they would look into this matter.

[Following the meeting it was ascertained that previously the sessions had relied on casual staff to act as lifeguards for the sessions but that this had not proved to be a satisfactory arrangement. It was now intended to recruit lifeguard staff on the basis of sessions run in longer blocks which would be better for customers].

(ii) YREN

- Details were given of events celebrating the 20th Anniversary of YREN.
- The group was informed that the International Shared Meal would be held on 27 October 2012.
- YREN was pleased that it had been able to provide office accommodation for the City of Sanctuary Co-ordinator.
- To mark the start of Refugee Week, YREN and the York City of Sanctuary had held an Open House event, this had included a myth-busting quiz.
- There were ongoing concerns regarding funding for YREN and the increasing demands for its services.

(iii) York Independent Living Network

Details were given of an event organised by York Independent Living Network at which representatives from the Vale of York Clinical Commissioning Group would provide information about what the new arrangements may mean to the community.

(iv) Bus Pass Renewals

Concerns were expressed that although some visually impaired people received reminders when their bus passes needed to be renewed some did not. Concerns were also expressed that proof of registration as blind or partially sighted had to be provided each time the pass was renewed. This was not the case when people reapplied for a Disabled Persons Railcard. It was agreed that these concerns would be forwarded to the officers concerned¹.

(v) York Older People's Assembly

Details were given of forthcoming events that were being organised by YOPA, including the 8th Annual 50+ Festival that would take place from 29 September to 7 October.

(vi) Mental Health Forum

An update was given on the work of the York Dementia Working Group. Its report on the implementation in York of the National Dementia Strategy was due to be completed in September. A separate Joseph Rowntree Foundation funded dementia research project 'Dementia Without Walls' was looking at how to make York a more dementia-friendly city. This was expected to report in late September/early October.

Action Required

1. Forward EAG's comments to relevant officer

JC

Councillor Crisp, Chair

[The meeting started at 6.00 pm and finished at 9.20 pm].



4 December 2012

Cabinet

Report of the Chair of the E-Planning Facilities Scrutiny Review Task Group

Scrutiny Review of E-Planning Facilities

Summary

1. This report sets out the recommendations arising from the Scrutiny Review into E-Planning Facilities. A copy of the full Final Report is at **Appendix 1** to this report and Councillor Runciman, the Chair of the Task Group who undertook the work around this topic, will be in attendance at the December Cabinet meeting to present the report.
2. Cabinet are asked to endorse the recommendations arising from the review.

Background to Review

3. At a meeting of Economic and City Development Overview and Scrutiny Committee in June 2012 Members considered a suggested scrutiny topic around E-Planning Facilities that had been submitted by Councillor Wiseman.
4. After consideration of the topic registration form and a briefing note prepared by the Head of Development Management the Committee decided to progress this topic to review to *'ensure that the Council had in place a user friendly and up to date E-Planning Portal.'* They agreed to form a Task Group¹ comprising of three Members of the Committee to undertake the work on this review.
5. Over a series of meetings the Task Group gathered the evidence set out in **Appendix 1** and its associated annexes and listened to all the concerns voiced. However, it soon became apparent that there was no 'one size fits all' solution to many of the issues raised. The Task Group therefore settled on a more generic approach when preparing the recommendations arising from the review. As a result the following recommendations arose:

¹ The Task Group were: Councillor Runciman, Councillor Semlyen and Councillor Watt

- i. That City of York Council officers provide a comprehensive training course for Parish Councils and Planning Panels on E-Planning facilities before March 2013; (initially offering 2 sessions at different times and thereafter a minimum of once a year)
- ii. That City of York Council provides a named officer that Parish Councils and Planning Panels can contact if they have any questions about using E-Planning facilities. Similarly that Parish Councils and Planning Panels have a named person for officers to contact by e-mail.
- iii. That the Head of Development Management , in conjunction with this Task Group, one Planning Panel representative and one Parish Council representative, develop a good practice guide which once completed be:
 - Reviewed annually
 - Circulated to all Parish Council and Planning Panel Clerks
 - Made available on City of York Council's website
- iv. That a room within West Offices and/or in local libraries be made available (within advertised opening hours) for use by Parish Councils and Planning Panels if they wish to use it and any room to offer audio visual equipment for their use (and where possible a PC or laptop).
- v. That the option to request a paper copy of plans for larger applications remain (a set of criteria to be produced by the Head of Development Management against which a request will be judged)
- vi. That officers continue to explore with IDOX the possibility of providing the function to download all documents associated with a single planning application as one PDF file. An update on how this is progressing to be provided to Economic and City Development Overview and Scrutiny Committee three months after these recommendations have been approved by Cabinet and thereafter on a six-monthly basis until this has been resolved.
- vii. That the Communities and Equalities Team ask those Parish Councils which are currently successfully using E-Planning to offer demonstrations to other Parish Councils and Planning Panels as to how to 'get the best out of E-Planning' or to invite others to attend their meetings to view how E-Planning facilities can be used effectively.

- viii. That the Communities and Equalities Team liaise with the Yorkshire Local Council's Association to resolve outstanding issues brought to their attention.
- ix. That the Administration and Business Support Manager ensures that all plans uploaded on to the E-Planning system have a good enough line density to enable them to be clearly viewed.
- x. That the Administration and Business Support Manager reviews the processes and timescales for uploading additional documentation received in relation to planning applications to ensure that all information is uploaded onto the Public Access Website within a reasonable timeframe.
- xi. That the Head of Commissioning, Design and Facilities and the Head of Libraries, Information and Archives explore ways of potentially offering rooms for use in both West Offices and local libraries at minimum cost to Parish Councils and Planning Panels.

Planning Panels

6. Whilst gathering evidence for this review several concerns were raised around Planning Panels. The Task Group felt that whilst not 100% within the remit of this review these issues were important and needed to be addressed. As such they wish to make the following additional recommendation regarding Planning Panels:
 - xii. That the Monitoring Officer investigate the Constitutional status of Planning Panels and report back to Economic and City Development Overview and Scrutiny Committee by the end of the 2012/13 municipal year on:
 - What authority, if any, the Council has in relation to Planning Panels
 - What support, if any, City of York Council should give to Planning Panels
 - If Planning Panels do remain, then to look at ways they can work in a more transparent and accountable way (e.g. published membership, transparent and public meetings, public agendas and minutes and declarations of interest)

Consultation

7. As part of the review process consultation took place with Parish Councils, Planning Panels and officers of the Council.

Analysis

8. Analysis of the evidence gathered is contained within the body and the analysis sections of the full final report at **Appendix 1**.

Council Plan 2011-15

9. E-Planning facilities are, amongst others, used by members of the Public, Parish Councils and Planning Panels. The Building Strong Communities priority in the Council Plan has a commitment to Community Engagement stating that *'we will introduce new ways for residents to interact with the Council using new technologies and improving communications'*.

Options

10. Having considered the final report at Appendix 1 and its associated annexes, Cabinet may chose to amend and/or approve or reject the recommendations arising from this review as set out in **paragraphs 5 and 6** of this report.

Implications

11. Implications are set out in **paragraphs 80 to 87** of the full final report at **Appendix 1**

Risk Management

12. There are no known risks associated with the recommendations within this report, however it is important that as many issues with the Public Access Website are addressed as soon as practicably possible in order that Parish Councils, Planning Panels and the public can be confident that all documentation has been uploaded in a timely manner and the system is as user friendly as possible.

Recommendations

13. The Economic and City Development Overview and Scrutiny Committee ask the Cabinet to:
 - i. Note the contents of the final report attached
 - ii. Consider the recommendations as shown at **paragraphs 5 and 6** of this cover report.

Reason: To fully inform the Cabinet of the outcome of the review

Contact Details

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Andrew Docherty
Assistant Director - Governance & ICT

Report Approved



Date 22.11.2012

Wards Affected:

All



For further information please contact the author of the report

Background Papers: N/A

Appendix 1 – Final Report

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4th December 2012

Cabinet

Report of the Economic and City Development Overview and Scrutiny Committee

Final Report – E-Planning Facilities Review

Summary

1. This report sets out the findings and recommendations from the E-Planning Facilities Review. It asks the Committee to endorse the recommendations arising from the review prior to them being presented to Cabinet for consideration.

Background

2. At a meeting of Economic and City Development Overview and Scrutiny Committee on 20th June 2012 it was agreed to proceed with a topic that had been put forward by Councillor Wiseman around E-Planning Facilities. A copy of her original topic registration form is at **Annex A** to this report.
3. In order that the Committee could make an informed decision as to whether to progress this topic to review the Head of Development Management prepared a short background briefing note for consideration. This is at **Annex B** to this report.
4. In summary the briefing note set out the fact that the Council, as Local Planning Authority, was obliged to introduce electronic working for dealing with planning proposals. Applicants no longer had to submit paper copies of applications and the Government had a programme of actively encouraging and supporting electronic only submissions. Currently over 40% of applications to City of York Council are received electronically¹.

¹ The Government's Priority Service Outcomes paper states that: 'For the Government to measure progress towards the PSA (Public Service Agreement) target, a set of e-government priority outcomes for each local authority in England has been proposed. It is expected that each local authority, as part of its e-government investment programme will deliver these Priority Service Outcomes by December 2005'

5. It was also announced last year that City of York Council would be looking to cease paper consultation in June 2012; a significant factor in this decision being the Authority's forthcoming move to West Offices, where there would be limited storage facilities available and new working practices would be adopted including 'hot desking'. However, in light of some of the difficulties that have been experienced and this scrutiny review into E-Planning facilities it has been decided to delay the implementation of the first phase of electronic consultation with Parish Councils and Planning Panels for a period of at least 3 months.
6. Currently, the submission of an application electronically has some additional cost as such applications have to be printed off to make them available in paper format for reception at 9 St Leonard's Place and for consultees.
7. The Council has been working to minimise printing costs and reduce the time taken to distribute consultations and Parish Councils and Planning Panels are now the only external consultees to still receive paper copies. Over the last few years various events and consultations have taken place to assess the readiness of this consultee group to receive electronic consultation in relation to new planning applications.
8. The briefing note goes on to explain the E-Planning process and how consultees are notified about new planning applications and how they can access documentation related to specific applications.
9. However, via a consultation undertaken by the Planning Department, in May 2012, a number of concerns had been raised by Parish Councils and Planning Panels². One of the most frequently raised being that not all Parish Councils and Planning Panels have the facilities to either print paper copies of applications themselves for consideration at meetings or have the appropriate equipment to display plans electronically at meetings.
10. Finally the briefing note sets out some further information about the Public Access Website, some of the issues there have been with this and the measures put in place to resolve them as well as some potential alternative arrangements.
11. On consideration of the Topic Registration Form and the Briefing Note from the Head of Development Management, the Committee agreed to

Priority Service Outcome E4 requires agreed baseline and targets for take-up of planning and regulatory services online

² These are summarised in Annex F to this report

progress this topic to review to ensure that the Council had in place a user friendly and up to date E-Planning portal.

Consultation

12. As part of the review process, consultation has taken place with Parish Councils and Planning Panels as well as officers within City of York Council.

Evidence Gathered During the Review

13. In the first instance the Task Group³ undertaking this review met informally on 2nd July 2012 to discuss how they would undertake the review. It was agreed that an event would be held, to which all Parish Council and Planning Panel Clerks would be invited to attend (plus one other member/Councillor from each organisation). The purpose of the event was to provide a demonstration of E-Planning facilities from officers (followed by questions from the floor) to aid the understanding of what City of York Council was trying to achieve with the introduction of E-Planning. The second part of the event was a discussion between the Task Group and the Parish Councils and Planning Panels to understand some of the challenges and concerns they had with the introduction of E-Planning.
14. The above mentioned event took place on the morning of 3rd August 2012 and was attended by 38 representatives of Parish Councils and Planning Panels. To begin with officers gave a short presentation on E-Planning facilities and a copy of this is attached at **Annex C** to this report. Questions and comments were invited from attendees and a summary of these and the responses given by officers is at **Annex D** to this report.
15. The Task Group then invited attendees to discuss the concerns they had and challenges they faced with the introduction of E-Planning. A summary of points raised and responses given is at **Annex E** to this report.
16. The Task Group then held a further informal meeting on the afternoon of 3rd August to consider all the evidence they had received from the Parish Councillors and Planning Panel Members at the morning session. In addition to this the Task Group also considered the consultation that had been undertaken in May 2012 by the Planning Department with Parish

³ The Task Group was comprised of three Members of the Economic and City Development Overview and Scrutiny Committee; namely – Councillors Runciman, Semlyen and Watt; with Councillor Runciman acting as Chair of the Task Group

Councils and Planning Panels. Responses were received from 18 Parish Councils and 3 Planning Panels and these are summarised at **Annex F** to this report.

17. On consideration of all information received to date the Task Group highlighted several key emerging themes. These are set out in the paragraphs below alongside further informally gathered evidence to clarify concerns:

Downloading Planning Documents from the Public Access On-Line WebPages as One PDF

18. This was a concern raised by several Parish Councils and Planning Panels, both at the event held on 3rd August and in the results from the consultation held in May 2012. Currently the Public Access Website only permits the downloading of individual documents associated with a planning application; thus if there are a large quantity of documents to look at then each must be downloaded separately which can be very time consuming. It can also be costly if monthly download data allowances are exceeded.
19. Parish Councils and Planning Panels wanted a facility where all documents could be downloaded in one go (as one PDF file). The IDOX⁴ system does not have this facility and enquiries from officers to the suppliers have indicated that this may not be possible to provide in the near future.
20. However the Task Group were informed that there was some software available (currently being used by some of the Parish Councils) which allows one to download all documents as a single PDF. However this software is understood to be unofficial and not formally supported by IDOX.
21. If this technical issue could be overcome easily by using some approved external software then this may go some way towards encouraging Parish Councils and Planning Panels to use E-Planning facilities. The Task Group felt there was a need for more discussions between officers and IDOX to attempt to resolve this.

Viewing More Than One Image At Once

22. Again this was a concern raised by more than one of the attendees at the event on 3rd August 2012. When considering planning applications it

⁴ IDOX are the suppliers of the software used to support the Public Access Website

was sometimes useful to compare documents, especially if revised plans had been submitted. This was not seen as straightforward to do electronically whilst still being able to view plans in detail. Officers have indicated that documents can be seen side by side by first saving the document under another name and then opening both (the original and the newly saved) documents at the same time thus being able to view different pages of the document side by side or alternate between the documents rather than scrolling up and down to find the existing and proposed drawing.

Using the Application Tracking System on the Public Access Website

23. Officers are currently working with suppliers to get this fixed as soon as possible. Once it has been rectified then it will be easier for both Parish Councils and Planning Panels to keep up to date with all of the relevant cases in their geographic areas, as the system will notify each user of any additional documents added. Notification will also be sent in relation to key stages during the processing of an application.

Technical Equipment

24. One of the main concerns raised was around technical equipment to display the information at meetings. This comprised several issues namely:
25. Cost of equipment – this was a concern raised by many present at the event on 3rd August 2012 and by those that had responded to the consultation document sent out in May 2012. Whilst some Parish Councils already had suitable equipment (laptop, projector, screen) there were others, mainly the smaller Parish Councils and the Planning Panels that did not. Purchasing this equipment could be costly for some of the Parish Councils as they had very small budgets, with Planning Panels having no budgets at all. Many Parish Councils did not have surplus funds and would need to find finances to buy this equipment. This may have to be through raising the Parish Precept, but if this was the case this could not be done until April/May 2013. Indicative costs of equipment are set out in **Paragraph 34** of this report.
26. The Task Group felt that if City of York Council offered any financial assistance to purchase equipment then this would need to be offered to both Planning Panels and Parish Councils alike. They also deemed that in the present economic climate it would be highly unlikely that monies could be made available for this purpose and decided against making a recommendation to Cabinet requesting funding.

27. Some Parish Councils suggested that any savings made from postage costs could be reinvested into helping Parish Councils and Planning Panels purchase the equipment they would need. Officers advised that there were procedural issues regarding the Council paying for Parish Council equipment. In addition to this the current and continuing severe financial situation would result in any savings made being used to maintain essential Council services. The Head of Development Management said that other external consultees including small voluntary organisations had converted to electronic consultation without financial assistance from the Council.
28. Concerns were also raised by some of the smaller Parish Councils about buying equipment to access E-Planning. There were at least two or three of the smaller Parish Councils who received less than 10 planning applications a year in their area. It was therefore, difficult to see how purchasing equipment could be cost effective for them if it was going to spend most of its time unused.
29. As it was unlikely that City of York Council could purchase equipment for all, the Task Group gave consideration as to whether it would be possible for City of York Council to lend equipment to Parish Councils and Planning Panels for use off site, which could potentially provide a solution to some of the concerns raised. On consideration this was thought to bring its own problems, due to issues around maintenance, setting up equipment and insurance.
30. The Task Group felt that there was a possibility that Parish Councils and Planning Panels could either consider their applications at West Offices or at a local library where equipment may be available for them to use. They did, however, acknowledge that this may mean travelling some distance to meet and understood that some Parish Councils and Planning Panels may be loathe to meet outside of their own geographic area. However, they did believe that it was right to give Parish Councils and Planning Panels the option of using West Offices and local libraries should they wish to do so.
31. Alternatively it might be useful to consider the possibility of sharing equipment. This, however, could still create issues around storage of equipment, insurance and operation of equipment. The Task Group felt that this was a matter for individual Parish Councils and Planning Panels to negotiate amongst themselves as they were in a position to take a more pragmatic view to solutions around some of the issues that sharing equipment might create. The Task Group did not believe that this should be a formal recommendation arising from this review.

32. However, it has since come to light that at the 4th October York Branch meeting of Yorkshire Local Councils Association (YLCA), the Chief Officer had suggested a method of sharing equipment, with YLCA acting as a depository. This may mean that those Parish Councils wishing to be involved in a 'share scheme' could contribute towards the cost of equipment but not have to pay the full cost. This was acknowledged but no firm decision was made.
33. The representative of YLCA also indicated that she had approached Parish Councils as to what equipment they required to use E-Planning facilities effectively. This was with a view to approaching a potential supplier to bulk buy the equipment. However, to date responses had only been received from 3 Parish Councils making it impossible to achieve cost savings through a bulk buy or for her to approach a supplier at this stage.
34. Specification and indicative Costs of Equipment – the Scrutiny Officer has taken advice from the IT department as to indicative costs and minimum specifications for equipment and this is set out below:
- Laptop – minimum specification of 2GHz processor and 2GB RAM – this would cost up to £400
 - Projector – this would cost in the region of £230
 - Screen – this may not be necessary as a white wall will do but would cost would be in the region of £80
 - USB Stick – minimum of 8GB would cost in the region of £5 to £10
 - Internet Connection – An internet connection would not be required at a meeting venue if all documentation was downloaded onto a USB stick prior to any meeting
35. These costs appear to be comparable with some of the major High Street Stores but it is highly probable that equipment could be obtained at a much cheaper cost on-line or locally with a little research or purchased second hand. City of York Council's IT department would be able to recommend some suppliers however it would probably not be practical for them to buy on behalf of a Parish Council or Planning Panel as any licences for the equipment would stay with the City Council, bringing its own implications.
36. Again, whilst this will not be a formal recommendation arising from this review Parish Councils and Planning Panels may like to give

consideration to purchasing equipment jointly, especially those that would be using the equipment frequently or looking at joining the 'share scheme' that had been put forward by YLCA, should it go ahead (**Paragraph 32 refers**).

37. Using IT equipment and the Public Access Website – this was a concern raised by a few who were not confident with using IT equipment. The Specialist Development Management Officer indicated that she could offer training courses to library staff on using the Public Access Website. This would mean that library staff could help library users (including Parish Councils and Planning Panels) with any queries they might have with this. The Chair of at least one of the Parish Councils also offered to assist others in using the Public Access Website and the Communities and Equalities Team were happy to co-ordinate this. Planning Officers would also be very happy to run a training session for Parish Councils and Planning Panels.
38. Reference was also made to the fact that at least one Planning Panel Secretary did not have a computer or access to e-mail. Officers suggested that another member of the Planning Panel could receive the documentation via e-mail instead of the Secretary.
39. Storing the equipment – this was an issue for quite a few of the Parish Councils and Planning Panels as many met in church and village halls and therefore did not have anywhere to store such equipment when it was not in use. This could potentially be solved for some Parish Councils if the share scheme put forward by YLCA were to go ahead.

Venue Availability and Costs

40. It was understood that some Planning Panels met frequently; meetings were scheduled in the evening and lasted for up to three hours; they would therefore need to be confident that premises and equipment would be available at convenient times to them.
41. It was acknowledged that it was already difficult for some of the smaller Parish Councils and for the Planning Panels (who had no budget) to find venues to meet and consider planning applications. To then have to either buy/rent equipment or find a venue that had the appropriate equipment available would be cost prohibitive for some. It was felt that the new West Offices could provide facilities for both Parish Councils and Planning Panels to meet in along with the appropriate equipment needed to view planning applications via the Public Access Website. The Task Group also thought that libraries might be a potential meeting place for

Parish Councils and Planning Panels. On further investigation it was understood that users of rooms at West Offices and Libraries would most likely be expected to use their own laptops but audio visual equipment would be available.

42. West Offices - The standard opening hours of the Customer Centre at West Offices would be 08:30 to 17:00; however access to meeting rooms could be made available outside of these hours to support the delivery of Council services. It was likely that room bookings would be managed by the Facilities Management Team. The detailed mechanism of how this would be achieved was still being discussed and was due to be finalised in the New Year. With regards to cost, a small charge was likely to be payable for external bodies to hire rooms, but again exact details around this were due to be finalised in the New Year.
43. The Council are intending to install audio visual equipment in a large number of meeting rooms, the final specification of which is still to be finalised. It was expected that external bodies would be able to connect their own laptops into this equipment. It is expected that meeting rooms will be made available to the public (such as Parish Councils and Planning Panels), outside of core opening hours, sometime in 2013 once it is understood how City of York Council will operate within a single space to meet its own demands.
44. Libraries - Rooms could be made available within current operating hours at local libraries for Parish Councils and Planning Panels to use and again a charge would apply to hire a room. However, due to current resource levels it would not be possible to look at opening libraries outside of their current opening hours.
45. Finally, in relation to this section of the report, it was noted that not all venues currently used by Parish Councils and Planning Panels had an internet connection. This meant that when using these specific venues documentation would need to be downloaded in advance of any meeting.

Location of Consultation Responses

46. Mention was made that there were currently two places where comments can be found on the Public Access Website which was confusing. Officers have now confirmed that they are looking at removing one of the 'tabs' on the screen so that users will be able to see all comments in one place.

Keeping the Website Up To Date

47. Various concerns and comments were raised around the accuracy of the information on the Public Access Website. Parish Councillors and Planning Panel members believed that not all documents were uploaded to the Public Access Website and felt that it was very important that electronic records were kept accurately. They gave various examples of missing information and instances where documents had not been uploaded, including when revised documents had been submitted. There were also concerns that after a decision had been made in relation to a planning application the Public Access Website was frequently indicating that there had been 'no comment' submitted by the Parish Council prior to the decision having been taken. Officers explained that comments needed to be 'made sensitive' i.e. no longer publically viewable after a decision had been taken. This was in order to comply with Planning and Regulatory Services Online (PARSOL) Guidance and to ensure that the Local Authority did not fall foul of the Data Protection Act. The Guidance explains that it is not considered good practice to display third party names and addresses on line for longer than is necessary for planning purposes. The Local Authority has and does receive complaints from residents about such information being displayed and not removed from view after a decision has been taken.

Paper Plans

48. Parish Councillors and Planning Panel members felt that there were certain instances where paper copies of plans should be made available, in particular for the larger applications. It was very difficult to view large plans on line. It was suggested that there should be a set of criteria put together to assess when paper plans would be provided. However, there was a need to avoid having a dual system in place and paper plans would only be provided should any criteria put together be met.
49. A question was asked about whether paper copies of plans would be available at site visits; for the time being paper copies would remain but in the not too distant future it was hoped that Members of Planning Committees would view these on a tablet device, such as an I-Pad whilst Parish Councillors and Planning Panel members would need to provide their own method of viewing plans.
50. Questions were also asked around how members of the public who were not familiar with IT would be able to view plans. At the moment paper plans were available to view at St. Leonard's Place however with the move to West Offices this would change. Computers would be available

in the reception area of West Offices for members of the public to view plans and staff would be on hand to help if required; however there were no plans to have paper plans available at West Offices due to a lack of storage space.

51. Some of the smaller Parish Councils (those receiving less than 10 applications a year) asked if it would be possible to continue receiving paper plans as buying equipment would not be cost effective for them. This was ruled out as there would be difficulties and costs involved with maintaining a dual system.

Planning Panels

52. Various issues were raised around Planning Panels as the Task Group were not familiar with how they worked, how you became a Planning Panel member or how the introduction of E-Planning facilities would affect them.
53. It was confirmed that Planning Panels were established through Ward Committees to enable a co-ordinated resident response to be given to planning applications for non-parished areas (however not all non-parished areas have a Planning Panel). Resident members of the Planning Panels were appointed through Ward Committees. They were not elected in the same way as Parish Councillors.
54. Support to the Panels was through the Communities and Equalities Team (previously known as Neighbourhood Management Unit) (e.g. access to training, room hire for meetings and out of pocket expenses); however they did not, unlike Parish Councils, have their own budget. The frequency of their meetings was variable dependent on the geographic area they were covering. The amount of support needed by each Panel was different and in some cases they met in a local venue and in others in private houses. Across the board there were very few expense claims as Planning Panel members prided themselves on being volunteers and getting involved. On investigation the Communities and Equalities Team could only identify £137.40 of expense claims over the past three years.
55. A representative of the Communities and Equalities Team informed the Task Group that a Planning Panel was a forum for those (in non-parished areas) interested in the built environment/the way their Ward looked to have an opportunity to come together to discuss and comment on local planning applications. There had been some really good examples of Planning Panels feeding back regularly at Ward Committees such as the Hull Road Planning Panel. However, it is acknowledged that

some Planning Panels are not so proactive in this respect and that more could be done to encourage transparency.

56. The representative of the Communities and Equalities Team also said that many Planning Panel members had given a lot of their own time over the years and were motivated by a strong desire to have a resident perspective involved in planning decisions. She also confirmed that there was a digital inclusion bid being prepared for submission to the Delivery and Innovation Fund and she had suggested that Wi-Fi for Council owned community centres be considered as part of this.
57. The Task Group were interested in further understanding Planning Panels, especially as they all seemed to work in different ways, did not appear to have any status within the Council's Constitution and did not hold their own budget. They were encouraged to work to a Terms of Reference and this is attached at **Annex G** to this report, but it appeared that not all Planning Panels were aware of these.
58. To help the Committee understand more about Planning Panels and the impact E-Planning would have on them a representative of Heworth Planning Panel undertook a short survey with the Planning Panel Clerks. A short summary of this is attached at **Annex H** to this report. Eight out of the nine Planning Panel Clerks responded.
59. The Task Group asked for further clarity on where Planning Panels fitted into the planning process and what weight was given to any comments they submitted. The Head of Development Management advised the Task Group that all submissions were treated equally and assessed against national planning considerations and thereafter attributed appropriate weight.
60. The Task Group had concerns about how City of York Council could support Planning Panels with the E-Planning process when they did not appear to have any Constitutional status or have their own budget. The only way forward they could see would be for those Ward Committees with appointed Planning Panels to devolve some of their budgets to enable the Planning Panels to buy appropriate equipment to use E-Planning facilities. However, they acknowledged that this could bring its own problems if some Wards chose to devolve some of their budget and some didn't.
61. Under the new neighbourhood working arrangements the only time that members could be appointed to a Planning Panel was at the Annual Ward Committee meeting. Ward Committees, had in the past, included

an amount to support Planning Panels on the list of potential local improvement schemes which had gone out to residents for consultation as part of the participatory budgeting process for agreeing Ward Committee budget allocations. In recent years this practice had ceased due to the very low cost of maintaining the Planning Panels and the difficulty in reallocating small amounts of budgets late in the financial year. It is not thought that Planning Panels have ever applied for funding from a Ward Committee in their own right and therefore they had not been in a position to be refused any funding.

62. A representative of the Communities and Equalities Team has advised that the effect of the Localism Act and potential development of Neighbourhood Panels is at this point unknown and to date the Communities and Equalities Team are not aware of any expressions of interest from existing or emerging groups in non-parished Wards.
63. Whilst realising that some of the issues in relation to Planning Panels were not directly linked to the remit set for this scrutiny review, the Task Group wanted to raise their concerns about the transparency and accountability of Planning Panels. Parish Council meetings were advertised in advance, were open to the public and the minutes publically available after the meeting. This was not the case with Planning Panels whose meetings weren't advertised in advance, did not appear to be open to the public, were sometimes held in private houses and had no publically available minutes and as far as the Task Group understood without members having to declare any personal, prejudicial or pecuniary interests. The Task Group were keen that the Constitutional standing of Planning Panels be looked at by the Council's Monitoring Officer.
64. They also raised several concerns around what they felt to be an obvious discrimination between Parished and Non-Parished Wards. The Task Group understood that under the new neighbourhood working arrangements Parish Councils were no longer eligible to bid for or receive Ward funding and they felt that this should be the same for Planning Panels.
65. They did however, realise that without a budget Planning Panels may struggle to advertise meetings and publish agendas and suggested that they could make use of Council publications such as Your Ward.

Developing a Good Practice Guide for Parish Councils and Planning Panels

66. Information set out in the above paragraphs indicates how Planning Panels work and this had raised several concerns. At a meeting between the Chair of the Task Group, a representative of Yorkshire Local Councils Association (YLCA), a representative of a Parish Council and a Planning Panel Member it was learnt that Parish Councils had an approved way of dealing with planning applications. A delegated group of Parish Councillors (usually for larger Parishes) formed a sub-group to consider what response to give in relation to a planning application in their area. This meeting was advertised in advance, open to the public and formally minuted with the minutes being publically available after the meeting and formally ratified by the Parish Council as a whole. The decision taken by the sub-group was forwarded to the planning department as part of their consultation process. The smaller Parish Councils used the same process but often considered applications as a whole body rather than splitting into a sub-group. Meetings were run in a transparent and accountable way with Members declaring any personal, prejudicial or pecuniary interests they might have.
67. The Task Group were keen to see a good practice guide produced and consideration would need to be given as to how this would apply to Planning Panels.

Options

68. Having considered this final report and its associated annexes, Cabinet may chose to amend and/or approve or reject the recommendations arising .

Analysis

69. Most of the analysis of the evidence gathered is contained within the body of this report and its associated annexes however a few further points are drawn out in this section namely;
70. The Good Practice Guide – as Members have recommended that the Monitoring Officer investigate the Constitutional status of Planning Panels Members are advised to wait for the outcomes of this review prior to putting together any good practice guide.
71. Charges for and availability of rooms – Rooms can be made available at West Offices during core operational hours and potentially out of hours as well on some occasions. However, further exploration found that the

library service could only offer room hire within their current operating hours. There would be a charge for external parties to hire a room. Notwithstanding the advice received from both the Head of Commissioning, Design and Facilities and the Head of Libraries, Information and Archives around charges for room hire, when this report was received by Economic and City Development Overview and Scrutiny Committee they requested an additional recommendation be added around working towards offering rooms to Parish Councils and Planning Panels at minimal cost.

72. Timeliness of uploading documents and comments - Councillor Wiseman, who had originally submitted this topic raised further concerns with the Scrutiny Officer around the timeliness of uploading comments, letters and documentation to the Public Access Website. The Administration and Business Support Manager has assured the Scrutiny Officer that staff always endeavour to post an application to the website immediately it is received. At the moment this is being done in less than three days for most applications, but there has to be an understanding that this is dependent on the number of applications received, over which we have no control. To give an example, the Administration and Business Support Manager recently carried out a check of the workload of the two members of staff who process the scanning, and in one week between them they scanned over 4000 items. However it appeared, when further discussed, that the concerns were more around the timeliness of uploading additional information, letters and comments received after the initial application had been uploaded. To this effect the Committee added an additional recommendation around reviewing the processes and timescales for this to happen. At their meeting on 20th November 2012, when the Committee considered the final report arising from this review, they heard from a representative of Dringhouses and Woodthorpe Planning Panel, a representative from Micklegate Planning Panel and a representative from YLCA who spoke under the Council's Public Participation Scheme. They expressed various views on the outcomes arising from this review.
73. Dringhouses and Woodthorpe Planning Panel were happy to move towards using E-Planning facilities and would like to use Dringhouses Library and/or West offices to meet in. They welcomed the recommendation around training provision.
74. Micklegate Planning Panel still felt there were issues around downloading documents individually and storing and purchasing equipment. They also felt that there would still be a need for printed documentation.

75. The representative of YLCA was pleased to see the offer of training and the recommendation around working towards a single PDF file for all documentation. However YLCA still felt that there were issues around equipment and the use of libraries and West Offices to hold meetings in.
76. These comments clearly show that both Parish Councils and Planning Panels still have concerns around the introduction of E-Planning. The Committee hopes that there will continue to be discussions around these at YLCA meetings and that they are able to work towards a solution.
77. The Task Group were aware of the wealth of different concerns arising from the introduction of E-Planning Facilities, some of which were pertinent to only one or two Parish Councils or Planning Panels and some more easily addressed than others. They were also aware that some Parish Councils had welcomed it and were using it successfully.
78. Unfortunately, it was impossible to address all concerns and the Task Group were aware that there was not a one size fits all solution. Nevertheless it is hoped that the recommendations arising from this review will go some way to addressing some of the more generic concerns that have been raised regarding the introduction of E-Planning.

Council Plan 2011 - 2015

79. E-Planning facilities are, amongst others, used by members of the Public, Parish Councils and Planning Panels. The Building Strong Communities priority in the Council Plan has a commitment to Community Engagement stating that *'we will introduce new ways for residents to interact with the Council using new technologies and improving communications'*.

Implications

80. There may of course be implications for both Parish Councils and Planning Panels with the introduction of E-planning and the body of the report covers many of these. However, this section of the report specifically highlights the implications for City of York Council in relation to the recommendations arising from this review.
81. **Financial:** The Head of Commissioning, Design and Facilities Management said that in terms of hire rates for rooms at West Offices had not yet been agreed. The principle of a reduced rate for particular groups could be considered but as it has not yet been fully discussed, the implications are as yet unknown. Outcomes of this are likely to be known in the New Year.

82. The Head of Libraries, Information and Archives indicated that there would be a charge for external bodies to hire rooms at local libraries. Room rates for non-commercial use vary dependent on the room hired and the length of time it is required for. Costs are publically available to view on the Council's website and can be accessed via the following link:
http://www.york.gov.uk/leisure/Libraries/Fees/room_hire/
83. There will clearly be additional implications for both officers and their budgets arising from the additional recommendation added by the Committee around offering rooms to Planning Panels and Parish Councils at minimal cost. However, at this stage the Committee have only asked the officers to explore the possibility of this.
84. **Human Resources:** In relation to recommendation (iv), if rooms were to be made available to external bodies, such as Planning Panels and Parish Councils at West Offices there may well be staffing implications in relation to managing space, in particular building security (more so if rooms were to eventually be made available outside of core working hours). Any charge for room hire would need to take this issue into consideration.
85. In addition to this Officer time will need to be found to implement the recommendations arising from this review, including time spent by the Monitoring Officer on the review of Planning Panels and officer time spent in relation to putting together a Good Practice Guide.
86. **Legal:** There are no legal implications associated with the recommendations arising from this scrutiny review. However, implications may arise when the Monitoring Officer undertakes his review around Planning Panels and these will be reported back to the Committee as part of this review.
87. **Other Implications:** There are no other known implications arising from the recommendations within this report.

Risk Management

88. There are no known risks associated with the recommendations within this report, however it is important that as many issues with the Public Access Website are addressed as soon as practicably possible in order that Parish Councils, Planning Panels and the public can be confident that all documentation has been uploaded in a timely manner and the system is as user friendly as possible.

Recommendations

89. Cabinet are asked to consider the final report and the associated recommendations (below) arising from this scrutiny review.
- i. That City of York Council officers provide a comprehensive training course for Parish Councils and Planning Panels on E-Planning facilities before March 2013; (initially offering 2 sessions at different times and thereafter a minimum of once a year)
 - ii. That City of York Council provides a named officer that Parish Councils and Planning Panels can contact if they have any questions about using E-Planning facilities. Similarly that Parish Councils and Planning Panels have a named person for officers to contact by e-mail.
 - iii. That the Head of Development Management , in conjunction with this Task Group, one Planning Panel representative and one Parish Council representative, develop a good practice guide which once completed be:
 - Reviewed annually
 - Circulated to all Parish Council and Planning Panel Clerks
 - Made available on City of York Council's website
 - iv. That a room within West Offices and/or in local libraries be made available (within advertised opening hours) for use by Parish Councils and Planning Panels if they wish to use it and any room to offer audio visual equipment for their use (and where possible a PC or laptop).
 - v. That the option to request a paper copy of plans for larger applications remain (a set of criteria to be produced by the Head of Development Management against which a request will be judged)
 - vi. That officers continue to explore with IDOX the possibility of providing the function to download all documents associated with a single planning application as one PDF file. An update on how this is progressing to be provided to Economic and City Development Overview and Scrutiny Committee three months after these recommendations have been approved by Cabinet and thereafter on a six-monthly basis until this has been resolved.

- vii. That the Communities and Equalities Team ask those Parish Councils which are currently successfully using E-Planning to offer demonstrations to other Parish Councils and Planning Panels as to how to 'get the best out of E-Planning' or to invite others to attend their meetings to view how E-Planning facilities can be used effectively.
- viii. That the Communities and Equalities Team liaise with the Yorkshire Local Council's Association to resolve outstanding issues brought to their attention.
- ix. That the Administration and Business Support Manager ensures that all plans uploaded on to the E-Planning system have a good enough line density to enable them to be clearly viewed.
- x. That the Administration and Business Support Manager reviews the processes and timescales for uploading additional documentation received in relation to planning applications to ensure that all information is uploaded onto the Public Access Website within a reasonable timeframe.
- xi. That the Head of Commissioning, Design and Facilities and the Head of Libraries, Information and Archives explore ways of potentially offering rooms for use in both West Offices and local libraries at minimum cost to Parish Councils and Planning Panels.

Planning Panels

90. Whilst gathering evidence for this review several concerns were raised around Planning Panels. The Task Group felt that whilst not 100% within the remit of this review these issues were important and needed to be addressed. As such they wish to make the following additional recommendation regarding Planning Panels:
 - xii. That the Monitoring Officer investigate the Constitutional status of Planning Panels and report back to Economic and City Development Overview and Scrutiny Committee by the end of the 2012/13 municipal year on:
 - What authority, if any, the Council has in relation to Planning Panels
 - What support, if any, City of York Council should give to Planning Panels
 - If Planning Panels do remain, then to look at ways they can work in a more transparent and accountable way (e.g. published

membership, transparent and public meetings, public agendas and minutes and declarations of interest)

Reason: To complete this scrutiny review

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Report **Date**
Approved 22.11.2012

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Report to Economic and City Development Overview and Scrutiny Committee dates 20th June 2012 – Proposed Scrutiny Topic - E-Planning Facilities. This can be accessed via the link below and item 5 refers:

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=668&MId=7187&Ve r=4>

Annexes (online only)

- Annex A** Topic Registration Form
- Annex B** Briefing Note – E-Planning Facilities
- Annex C** Presentation – E-Planning Facilities
- Annex D** Summary of Questions and Comments on Officer Presentation
- Annex E** Summary of Discussions - 3rd August 2012
- Annex F** Summary of Consultation Responses
- Annex G** Terms of Reference: Planning Panels
- Annex H** Survey of Planning Panels



Cabinet

4 December 2012

Report of the Cabinet Member for Corporate Services

Council Tax Support Scheme – Decision Paper

Summary

1. This paper provides Cabinet with details of the options for a Council Tax Support Scheme (CTS) for York to be implemented from 1st April 2013. It asks Cabinet to recommend a scheme to Full Council for approval at its meeting on 13 December 2012.

Background

2. The Government released a formal consultation document in August 2011 on their plans for abolishing Council Tax Benefit and replacing it with a new local system of Council Tax Support. This paper confirmed the announcement in the spending review (CSR 2010) that help with Council Tax will not become part of Universal Credit – the new benefit that amalgamates tax credits, out-of-work benefits and Housing Benefit – but will instead remain a local authority responsibility. They also confirmed that the funding for Council Tax Support would be reduced by 10% based upon the Governments estimate of all local authorities' financial needs for 2013/14. The changes do not affect qualifying pensioners who are excluded from these cuts. The Governments initial consultation period ended on 14 October 2011 and their response to the consultation was published on 19 December 2011 with a Statement of Intent being published in May 2012. The changes were formally enacted in the Local Government Finance Bill on 1st November 2012.
3. The Government state their key aims are to:
 - give local authorities including York a greater stake in the economic future of their local area which supports the Governments wider agenda to encourage stronger, balanced economic growth across the country;

- provide local authorities with the opportunity to reform the system of support for working age claimants;
 - reinforce local control over Council Tax (Local decisions about what support is given i.e. Council's will be free to establish whatever rules they choose for working age customers);
 - implement new schemes by April 2013 (Schemes must be in place by 31 January 2013)
 - provide local authorities with a financial stake in the provision of support for Council Tax (The fixed grant will not be ring-fenced).
4. The Council have been preparing for this change since the initial consultation document was released in August 2011. This has included liaison with neighbouring local authorities and discussions with other authorities nationally. Discussions have also taken place with the Department for Communities and Local Government (DCLG) and bodies representing local government including the Institute of Revenues Rating and Valuation (IRRV).
5. The Council has also undertaken a formal 12 week public consultation exercise between 13 August and 4 November 2012 on the proposed changes. The feedback from this exercise is covered in more detail at paragraph 16 and Annex D.

Grant Funding

6. When the new system of local support for Council Tax goes live in April 2013 the Government will reduce the amount of funding provided to York by 10% based upon their estimate of our financial requirements for the 2013/14 financial year. This will reduce the support we can provide to customers of CTS however pensioners who are already customers will not be affected by the cut (they are protected under the new scheme from losing any benefit) as are any new pensioners qualifying for support. As a result the percentage of the benefit loss to working age customers will be much higher than 10%.
7. The Government has provided an indication of York's Grant for the 2013/14 year (Funding arrangements consultation May 2012 - DCLG). This has been calculated at £7.409m for York and when the Police, Fire and Parishes element is added totals £9.214m. This compares to a required level of grant for 100% support in 2013/14 of an estimated £10.590m. This equates to a loss of some £1.3m in grant funding, assuming the same circumstances in relation to

claimants, and value of Council Tax. In reality however, there is a significant risk that claimant numbers and cost of claims may increase, and all of this additional cost will be met by the Council (and Fire/Police) if this occurs. Within the figures set out later in the report, we have made certain assumptions in terms of claimant growth to ensure the scheme is a prudent assessment.

8. The Government has retained the right to prescribe the scheme of Council Tax support for pensioners which means that they will continue to be supported at the current scheme levels from the new grant. As well as protecting pensioners entitlement to their current level of Council Tax Benefit the Government propose two additional principles to underpin local schemes:
- Local authorities should also consider ensuring support for other vulnerable groups;
 - Local schemes should support work incentives, and in particular avoid disincentives to move into work.
9. The impact of the protection provided to pensioners by the Government is that all the savings required to be delivered through the cut in funding will be passed to working age customers. The actual cut in grant based upon the estimated scheme costs (If the scheme had not been changed) for 2013/14 is nearer 13% and taking into account any increase in Council Tax, case load and after protecting pensioners will equate to approximately a 25% - 30% cut in working age customer's Council Tax support. The split between pension age and working age Council Tax benefit customers by both numbers and financial cost is set out at Table 1 below:

Table 1*

| Cat | Description | No of Claims | Annual Cost (£) |
|-----|--|--------------|-----------------|
| A | Pensioner Income Support | 3919 | 3,563,549 |
| B | Pensioner non-income support | 2516 | 1,759,515 |
| C | Working age Income Support | 3469 | 3,441,063 |
| D | Working age non-income support (vulnerable status) | 227 | 159,756 |

| | | | |
|--------------|--|-------|------------|
| E | Working Age non-income support (all remaining customers) | 2436 | 1,667,107 |
| Total | | 12865 | 10,590,990 |

*This table shows the split of customers as at November 2012 and is based on the 2013/14 estimated full scheme costs (of gross Council Tax including Fire & Police) excluding any claims growth.

10. The Government have made it clear that pensioners are protected from this cut and no changes can be made to the level of support we currently provide. This leaves those customers in category C – E to share the cut in funding.
11. The Governments consultation document makes it clear that the Council should not de-incentivise those working and on low income and should encourage those on full income support to enter work. This is further referred to in the more recent response to the consultation which sets out the clear principles of the Governments welfare reform agenda:
 - People should get more overall income in work than out of work;
 - People should get more overall income from working more and earning more;
 - People should be confident that support will be provided whether they are in work or out of work, and it will be timely and correct.

A local scheme of Council Tax Support

12. In developing a local scheme, consultation has been carried with other Local Authorities at both a national and local level as well as the Police and Fire Authority. Account has also been taken of information disseminated by other key bodies including the IRRV, LGA, CIPFA and DCLG.
13. It is accepted nationally that it is not possible to develop a completely new scheme within the Governments deadline of 31st January 2013. Any future schemes will be developed overtime and may be fundamentally different to the current one given the uncertainty over the future level of funding and the demographic pressures of an aging population.
14. The approach taken at York in developing a scheme is similar to that undertaken at neighbouring local authorities in maintaining the principles and rules of the current scheme, considering any minor amendments in light of the Government guidance and to republish

this as City of York Councils scheme by 31st January 2013 to abide by the statutory deadline. A full draft scheme (Option 1 Paragraph 27) for approval that is compliant with Section 13a of the Local Government Finance Act is attached at Annex A with an easy read version at Annex B.

15. In developing a local scheme at York that delivers the required saving the methodology used was to maintain in principle the current scheme but to cap the amount of Council Tax discount awarded in each Council Tax band such that the difference between the award level and the true cost (The additional element that must be paid by the customer) equates to the saving required (Loss of subsidy).

Public Consultation

16. In moving to a new Council Tax support scheme (Annex A) as set out in the Governments 'Statement of Intent' there was a requirement that statutory public consultation was undertaken. This consultation was required to comply with Best Value Statutory Guidance (September 2011) and had to be undertaken in the order set out in the Finance Bill. The initial consultation undertaken with the major precepting authorities (Fire & Police) was to gain their agreement on the approach been taken prior to formal public consultation.
17. The Statutory Guidance on public consultation sets a minimum 12 week time period. Failure to comply with this guidance can lead to a judicial review. City of York Council provided a full 12 week public consultation period between 13 August 2012 and 4 November 2012.
18. The basis of the consultation was to communicate the Councils view that the fairest way to deliver the savings was through capping of the current scheme. To achieve the savings required as a result of the Governments reduction in funding the cap would be set at approximately 70% - 75% of the current scheme cost for working age customers. The balance of approximately 25% - 30% would be passed back to working age CTS customers in the form of a new or increased Council Tax bill. The consultation also provided customers and key stakeholders with the opportunity to consider some minor scheme amendments.
19. In summary customers were against passing back the Government cut but understood the position of the Council. Their views in relation to other scheme changes including the removal of the second adult rebate, maintaining the current Capital limits, providing continuing support when entering work and protecting War Pensioners reflected those of the Council and are included within the scheme (Annex A). The only change to the existing scheme is the removal of the second

adult rebate. In other areas such as Non dependant deduction and Child Maintenance the views of the consultation were that non dependant deductions should be increased and Child Maintenance should be taken into account. The impact of any change in the former of these options would not deliver any saving due to the ups and downs of harmonising a range of different deduction levels and in the latter would impinge on Child Poverty. The number of survey questionnaires returned by all respondents was 101 not all of these were CTS customers but even so the numbers only represent 1.55% of the current working age case load meaning that the responses are not statistically sound. The full feedback from consultation is set out in detail at Annex D.

20. The consultation programme in York was as wide and inclusive as we had resource to deliver and included:

Website

- A bespoke website including:
 - Interactive calculators;
 - FAQ's;
 - Customer Survey;
 - Information booklet;
 - Details of public consultation sessions.

Consultation sessions:

City Centre

| | | |
|-------------------------------|----------------------------|---------------|
| 28 th August 2012 | Mansion House State room | 14:30 - 16:30 |
| 29 th August 2012 | Guildhall Committee room 2 | 17:30 - 19:30 |
| 30 th August 2012 | Guildhall Committee room 2 | 13:30 - 15:30 |
| 08 th October 2012 | Mansion House State room | 13:30 - 15:30 |
| 09 th October 2012 | Mansion house State room | 14:00 - 16:00 |
| 10 th October 2012 | Guildhall Committee room 2 | 18:30 - 19:30 |

Community

| | | |
|---------------------------------|-----------------------------|---------------|
| 10 th September 2012 | Bell Farm Community Centre | 15:00 - 17:00 |
| 11 th September 2012 | St Josephs Church (Clifton) | 15:00 - 17:00 |
| 12 th September 2012 | Gateway Community Centre | 15:00 - 17:00 |
| 24 th September 2012 | Tanghall Community Centre | 14:00 - 16:00 |
| 26 th September 2012 | Huntington Community Centre | 15:30 - 17:30 |
| 27 th September 2012 | Haxby Memorial Hall | 15:00 - 17:00 |

Communication

- Invitations sent to all working age CTS customers explaining the changes and inviting them to consultation sessions;
 - Invitations to key partners and stakeholders inviting them to consultation sessions. The full distribution list is attached at Annex E;
 - A Press release to publicise the 12 week consultation period;
 - A poster campaign distributed to Doctors, Libraries, Public Receptions and Job Centre Plus;
 - A direct dial phone number for customers to contact the Council with any queries and support with the completion of questionnaires;
 - Access for customers to complete the survey through the dedicated phone line including 'typetalk' facility.
 - Radio both BBC Radio York and Minster FM
21. The detailed analysis of the public consultation feedback is set out at Annex D. There were a number of minor changes considered within the existing scheme but taking into account the adverse affects for various groups of implementing any of these changes and the outcome of the consultation it is recommended that for the first year of the scheme War Pension is excluded in calculating CTS entitlement and the Second Adult Rebate is removed. The scheme will be under constant review during 2013/14 and further recommendations may come forward during the year which may require further Public Consultation.

Governments Transitional Funding Grant

22. The Government announced in late October 2012 that they were making available an additional £100m of 'one off' funding to support local authorities in developing 'well-designed' Council Tax support schemes. To qualify for this grant billing authorities are required to ensure that:
- those who currently pay no Council Tax should pay no more than 8.5% of their liability;

- the taper rate does not rise above 25% - This is the amount taken into account due to additional income currently 20% at York.
 - there is no sharp reduction in support for those entering work
23. The Council already meets the second two criteria set out above however would be required to have a reduced cap of 91.5% to meet the first. In making this change the level of the transitional grant paid in March 2013 would be £201,933 (£249K Including Fire and Police).
24. Taking the transitional grant and capping the scheme at 91.5% as opposed to 70% (which would be cost neutral) will only be a change in the level of charge passed back to the customer and not a change to the fundamental scheme that assesses a customer's entitlement to benefit. On this basis it is not considered that accepting any of the options set out at Paragraphs 27 - 32 will require going back out to Public Consultation.

Financial Assessment

25. In simple terms the cost of paying the current level of benefit in 2013/14 is estimated to be £10.5m (Table 1 above) and we will receive along with the Fire & Police Authorities a grant of £9.2m leaving a shortfall of approximately £1.3m. The cost to the City of York Council is an initial £1m loss, but as outlined earlier there are issues to consider in relation to potential increases in claimant costs and numbers, cost of collection and non payment. Each option to be considered needs to make an assessment of these, to arrive at the "true cost" of the scheme. In addition, different options also need to consider the impact of the transitional grant, but it clearly needs to be noted that the transitional grant is significantly lower than the costs of implementing a scheme that will secure the payment of the grant.
26. There are three main Options to consider and these are set out below with a summary table at the end of this section.

Option 1 – Cost Neutral Scheme

27. After considering the potential issues around non collection and prudently estimating claims inflation of 3%, to set a broadly cost neutral scheme will require the upper figure of 30%. The affect of this on each Council Tax band for CTS customers is set out at Annex C. There were options to make changes to some elements of the new scheme and these were consulted on during the public consultation period that ended on the 4th November 2012. The Scheme set out at

Annex A & B and the figures in Table 1 above take into account the recommended changes made in this report.

28. Approving this option and the scheme (Annex A) that was publically consulted on will cap Council Tax support at 30% less than currently provided and deliver a cost neutral solution. As part of this, there is also an option to consider providing a hardship fund to target customers who experience significant hardship as a result of changes in benefits (see financial implications section)
29. In terms of vulnerable customers (Category E in table 1) they will also lose 30% of their benefit but continue to retain the higher applicable amounts within the scheme and so retain greater levels of support than non-vulnerable customers.
30. The application of a cap on the amount of support that will be paid to customers is the approach been taken by most if not all local authorities (Prior to the Governments announcement of Transitional Funding Paragraph 30). The districts in North Yorkshire, East Riding Council, Hull, Bradford, Kirklees and Wakefield were all taking this approach although the level of the cap will vary from authority to authority depending on the cost of their schemes and the split between Pension age and working age customers.

Option 2

31. Approve accepting the Governments 'one off' Transitional Grant (Paragraph 22) and amend the Scheme set out at Annex A to limit any increase to customers on full benefit to no more than 8.5% capping at 91.5% and reinstating the second adult rebate to comply with the Governments rules. This is the Government's proposed scheme and the 8.5% cap must be applied to all on full benefits. Clearly, for some claimants who would be entitled to partial support, changes to the cap within the parameters of the scheme, for example, could result in an increase in liability greater than 8.5%. As this would require a further consultation the only realistic scheme in line with the Governments is to apply 8.5% to all customers. This option will cost the Council an estimated £772K and this is shown in table 2 below. It should be noted that as the grant is only for one year, the costs for the Council are likely to then increase to £1m from 2014/15. The risks associated with increased claim numbers and costs are also increased as a greater share of the additional costs will have to be met by the Council.

Option 3

32. Passing on none of the reduction in grant to customers, with the Council meeting the entire shortfall in Government grant (£1.155m).

In taking this option the Council would receive the transitional grant (Paragraph 22) but as with option 2 it needs to be borne in mind that the transitional grant is only a 'one off' the cost of both options (2&3) will rise by nearly £250K in 14/15 before any further increase in Council Tax. Table 2 below shows the financial impact of the different options.

Table 2

| | Option | | |
|-------------------------------------|-------------------|-------------------|-------------------|
| | 1 | 2 | 3 |
| Benefit Cost 13/14 | £10,590,990 | £10,590,990 | £10,590,990 |
| Grant | -£9,214,812 | -£9,214,812 | -£9,214,812 |
| Transitional Grant 'one off' | £0 | -£249,590 | -£249,590 |
| Net Loss in grant | £1,376,178 | £1,126,588 | £1,126,588 |
| Estimated costs of claims inflation | £317,730 | £317,730 | £317,730 |
| Charge to Customer | -£1,693,908 | -£478,701 | £0 |
| Total Scheme Cost | £0 | £965,617 | £1,444,318 |
| CYC Share | £0 | £772,494 | £1,155,454 |

Community Impact Assessment (CIA)

33. The Council's vision is to promote equal life outcomes for everyone living, working and visiting York through inclusive design in everything the Council does. The reduction in Council Tax support for customers living in York has been considered carefully in light of this vision and a detailed CIA is attached to this paper at Annex F.
34. The CIA was initially drafted at the outset of York's CTS scheme and has been continually developed through each stage of the process including public consultation. The key outcome is that some communities of interest are more directly affected by the Government's reduction in support while others are not directly impacted by the changes. Those communities directly affected are:
- Gender
 - Age
 - Carers of older people
 - Disabled
- And those not affected:
- Race
 - Religion/Spirituality/Belief
 - Sexual orientation
 - Pregnancy/Maternity
 - Gender Reassignment

- Marriage and Civil Partnerships

35. The CTS scheme considers the outcome of the CIA and endeavours to treat each of the Communities fairly. This is achieved through maintaining the current level of 'applicable amounts' (The sum of money that the Government sets as a minimum requirement for each category of customer). The applicable amounts will be linked to those issued by the DWP for Housing Benefit on an annual basis and will migrate to the Universal Credit amounts when these are brought in. This approach is embedded in the scheme at Annex A and will remain under constant review. Where the impact is directly related to the Government's principle of incentivising customers to find employment no increase has been made to the amount of income taken into account in the revised scheme and protection remains for the first four weeks of employment. Additional incentives and opportunities for employment must be dealt with outside of the CTS scheme and as part of the Council's broader financial and economic inclusion strategy.

Technical Changes to Council Tax

36. The 6th November Cabinet report (Technical Changes to Council Tax) recommended that that Class A & C Exemptions were reduced from 100% to 50% and that the Empty Home Premium of 150% was applied along with a 100% charge for second homes from 1st April 2013. These changes were approved and will provide the opportunity to increase the Council Tax liability during the 2013/14 financial year. It is not possible to estimate accurately how much of the additional liability may be collected as a result of these changes. This is because some customers may be eligible for alternative Exemptions that still provide a 100% exemption to Council Tax. A good example of this is where a Registered Social Landlord (RSL) has charitable status instead of paying 50% of Council liability under the revised Class C Exemption from April 2013 they could apply for a 100% unlimited exemption under a Class B Exemption due to their charitable status.
37. The value of accounts raised as with CTS will be small with the average value of an account with a Class C Exemption in the region of 44 days. As with CTS collecting small amounts of money is very difficult, can be expensive and has a negative impact on collection rates. It is for these reasons that the technical changes are been treated as largely cost neutral.

Local Welfare Assistance

38. The Social Fund that provides payments for crises loans and grants to vulnerable customers will be localised from April 2013 and be renamed as Local Welfare Assistance. The DWP will provide £315K (2013/14) of funding to assist customers who are in financial difficulty arising from a range of benefit reductions along with a further £66K to administer the applications and payments.
39. The Discretionary Hardship Fund (DHP) which provides funding from the DWP for assisting customers with their rents will also rise significantly above the 2012/13 funding level of £116K in 2013/14. The current national funding will rise from £60m to £165m in 2013/14. The distribution formulae does not allow us to estimate how much York's allocation will be in 2013/14 but it is likely to more than double the current level received.
40. Option 1 at paragraph 27 provides for an opportunity to create a hardship fund for CTS customers. This will require additional funding to be provided to increase funding for the hardship fund. This is covered in a separate report on this agenda. Should the new fund be created the three funds together will provide a broad safety net for assisting Council customers who encounter financial difficulties through the current changes to Housing Benefit and the localisation of Council Tax support.

Council Plan 2011 - 2015

41. The implementation of a new CTS scheme from April 2013 will have an impact on several of the Council's priorities that create the Council plan 2011-2015. The proposed scheme (Option 1 Annex A) continues to provide an incentive to get people into work by maintaining the current level of earning disregards and support for the first four weeks of employment. The Council through not having to meet the cost of grant (10% cut) can utilise its resources more effectively on creating more employment and job opportunities through economic growth. If the Council opts to fund the loss of grant, then further savings would be needed which could impact on the ability of the Council to target support towards job creation. The priorities impacted include:
 - a) Protecting vulnerable people
 - b) Building strong communities
 - c) Creating jobs and growing the economy

Implications

- (a) **Financial** – The financial implications are set out in the report and summarised at Table 2.

It should be noted that both option 1 and 2 have non collection risks associated with them, and these will need to be considered carefully, alongside other factors in setting the Council taxbase for the Council which is approved by the Director of CBSS.

The financial strategy makes no provision for any additional costs to the Council arising from the Council Tax Benefit changes; therefore if Options 2 or 3 were approved there would be a need to find compensating savings from other services to the value of the additional costs of any approved option. This would clearly be in addition to already very significant savings that the Council is required to achieve in 2013/14.

The financial strategy currently makes no specific provision for providing any support to offset the reduction in benefits including any proposed hardship fund. If members wished to provide financial support, this is only possible if additional savings are identified in 2013/14, or potentially one off funding (e.g. New Home Bonus Grant) could be directed towards the fund to provide funding for a time limited period.

- (b) **Human Resources (HR)** - There are no implications
- (c) **Equalities** – The loss of Council Tax benefit can give rise to equality issues and these are considered in the Community Impact Assessment at Annex E.
- (d) **Legal** – Advice around the requirement for further public consultation may be required if Cabinet were to approve Option 2 or 3.
- (e) **Crime and Disorder** - There are no direct implications
- (f) **Information Technology (IT)** - There are no implications
- (g) **Property** - There are no implications

Risk Management

42. There are a number of risks arising from localisation of CTS. A key risk will be failure to collect the new Council Tax from former Council Tax benefit customers. In addition there are risks in relation to increasing caseloads, disproportionate increases in applicable amounts for pensioners and increasing costs to the Council as a whole through homelessness, debt support, and increased social care costs (voluntary family carers having to find work). There are also potential administrative cost issues in relation to managing any hardship fund that adds to the necessity to deliver a localised Social Fund from April 2013 and the ongoing administration of Discretionary Housing Payments (DHP). There is also a high reputational risk however this is central Government policy and is a decision been taken by all local authorities.

Recommendations

43. Cabinet are asked to:

- a. consider the paper and the options set out at paragraphs 27 - 32;

Reason

To make Members aware of the financial impact on customers and the Council of the Governments changes to the Council Tax Benefit scheme

- b. approve either option 1, 2 or 3 and recommend the decision for approval at Full Council;

Reason

To ensure that a Council scheme is in place before the Governments statutory deadline of 31st January 2013.

Contact Details

| | | | |
|---|--|---|------------------------------|
| Authors: | Cabinet Member & Chief Officer Responsible for the report: | | |
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| | Report Approved | √ | Date 22 November 2012 |
| Wards Affected: All | | | |
| For further information please contact the authors of the report | | | |

Background Papers

Localising Support for Council Tax in England –DCLG

Funding arrangements consultation – DCLG

A statement of intent - DCLG

Localising Support for Council Tax in England: Government's response to the outcome of consultation – DCLG

Council Tax Support Briefing Paper 6th March 2012

Technical Changes to Council Tax – Cabinet 6th November 2012

Annexes

Annex A – Draft Council Tax Support Scheme (viewable online only)

Annex B – Draft Council Tax Support Scheme (Easy read version)

Annex C – Affect of the scheme on each Council tax band

Annex D – Feedback from consultation

Annex E – List of Partners and Stakeholders contacted

Annex F - Communities of Interest Assessment (CIA)

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**City of York
Council Tax Support
A summary of the scheme for Pension Credit Age persons and
the scheme for Working Age claimants**



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A summary of the scheme for Pension Credit Age persons and the scheme for Working Age claimants 1

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit will end and is to be replaced by a new scheme called Localised Support for Council Tax or Council Tax Support. Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme will largely be decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive may be less than under the current scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) and therefore if you are a pensioner and are currently receiving Council Tax Benefit, then the amount of help you receive under the new Council Tax Support scheme will be broadly the same and operate in a similar way to the current Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the Council Tax Support scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council. The following section shows the classes that are to be in place from 1st April 2013:



The Council Tax Support scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)



The Council Tax Support scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of Council Tax Support that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support.

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid applied for support; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government.

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid application for support;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What Council Tax Support will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability, (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions. This also applies if a person in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service)

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions

Council Tax Support for person in Class C may be awarded in respect of a second adult sharing



the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances



The Council Tax Support scheme for working age persons



The Council Tax Support scheme for working age persons

The Council has decided that there will be three classes and the will decide which class each applicant is in. The class will determine the level of Council Tax Support that can be provided:

Class A

To obtain support the individual (or their partner) must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above £16,000;
- e. be a person who *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based) or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual (or their partner) must:

- a. have not attained the qualifying age for state pension credit;
- b. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident;
- c. be somebody in respect of whom a maximum council tax support amount can be calculated;
- d. not have capital savings above £16,000;
- e. be a person who's *income* is **more** than their living allowances (*applicable amount*);
- f. have made a valid claim for support;

What Council Tax Support will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 70% reduction on their council tax liability (less any non dependants deductions). This also applies if a person in receipt of income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their living allowances (*applicable amount*). Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2013/14, the maximum council tax liability will be 70% of council tax the person is liable to pay (less any non dependants deductions).



How Council Tax Support works



How Council Tax Support works

Who can claim?

If you have to pay Council Tax, you may be able to get Council Tax Support (CTS) from 1st April 2013

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will continue to be eligible for support.

Most full-time students are not entitled to Council Tax Support.

How much Council Tax Support can I get?

Maximum Council Tax Support depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum Council Tax Support calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum Council Tax Support is set by the Government as up to 100% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum Council Tax Support

How is maximum Council Tax Support calculated for the Working Age Scheme

For the Working Age the maximum Council Tax Support is set by the Council as up to 70% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then you will receive the maximum Council Tax Support

Extended Payments

If your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of Council Tax Support are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you're going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner, or civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you've been getting one of the following:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks

or

- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and



- You expect the work, increased hours or earnings to last five weeks or more and you've not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you'll get the same amount of Council Tax Support as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work Council Tax Support. Once your extended payment period has ended, you can move onto in-work Council Tax Support (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax. This is worked out by comparing the maximum Council Tax Support you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than £6000 and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get Council Tax Support (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

However, even if your capital exceeds £16,000, you may be able to claim Second Adult Rebate.

Absences from home

There are some special situations in which you may continue to get Council Tax Support and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. But the Council may not need to know if you will be absent for only a short time (for example 2-3 weeks) and your circumstances remain unchanged. If in doubt, ask us.

If you are temporarily absent you can normally get Council Tax Support for a maximum of 13 weeks as long as:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get Council Tax Support for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and



- you will not be away for longer than 52 weeks.

How to claim

Claims for Council Tax Support can be made in writing, by telephone and electronically. Contact the Council for details.

All claims will need to be supported by evidence of your circumstances and this will need to be provided to the Council. If you are claiming Housing Benefit as well as Council Tax Support, the Council will provide you with a joint claim form

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for Council Tax Support. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for Council Tax Support, is someone over 18 appointed by the Council, to manage the Council Tax Support claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for Council Tax Support, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The authority can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your Council Tax Support. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for Council Tax Support

The Council will deal with your claim for Council Tax Support as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact typically by phone provided that the claim form is returned to an office of the authority within one month of the claim form being issued.

If you change your address

If you move to a different Council area, you must make a new claim for Council Tax Support at your new council. If you move within the same Council area, you must still tell the Council.

Backdating a claim

If you are of working age, your claim to Council Tax Support may be backdated in some circumstances. You must prove to the Council that there was continuous good cause for not having made an earlier claim. However, for working age customers the maximum time the council can go back is 6 months from the date your claim for backdating was actually made. You must show there was 'good cause' for not making an earlier claim throughout the whole of any period you want backdated up to the date your claim for backdating was made.



If you have reached the qualifying age for state pension credit your Council Tax Support may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of Council Tax Support

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying the Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of Council Tax support where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for the Council Tax.

If you notify the council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support can be paid from the day that joint liability for council tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of Council Tax Support

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your Council Tax Support stops on the day you stop being liable. If you no longer qualify for Council Tax Support because, for example, your income increases or your applicable amount changes, your Council Tax Support will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance, you must tell the Council and they will have to stop your Council Tax Support. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you such as a family and any children you have fostered do not count as non-dependants.

Non-dependant deductions

Any non-dependants who normally share your accommodation could affect the amount of Council Tax Support you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:



- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;
- tenants of owner occupiers; and
- landlords/ladies and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your Council Tax Support may be affected.

Non-dependant deductions from Council Tax Support

Deductions will be made from your Council Tax Support for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your Council Tax Support if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner are aged 65 or more and a non-dependant moves into your home, or the non-dependants' circumstances change to increase the deduction.

Working out the amount of Council Tax Support

The maximum amount of Council Tax Support depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum Council Tax Support calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum Council Tax Support is set by the Government as up to 100% of the council tax you are liable to pay less any non dependant deductions (see non dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum Council Tax Support

How is maximum Council Tax Support calculated for the Working Age Scheme

For the Working Age the maximum Council Tax Support is set by the Council as up to 70% of the Council Tax you are liable to pay less any non dependant deductions (see non dependant



deductions later in this document). If you are already getting or have claimed Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then you will receive the maximum Council Tax Support

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA or income related Employment and Support Allowance, the council has to work out if you can get Council Tax Support and if so, how much you can get.

To do this, the Council works out your maximum Council Tax Support, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Rebate (applies to Pension Age Scheme only)

Apart from CTB for yourself, you may also be able to get Council Tax Support if you share your home with one or more adults. This is separate from any Council Tax Support for yourself and is called Second Adult Rebate (SAR). Second Adult Rebates are intended to assist you with the council tax if you share your home with someone who is on a low income. Second Adult Rebates may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAR unless you have already claimed Council Tax Support for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAR.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAR even if your own capital exceeds £16,000.

SAR is awarded on the basis of your council tax bill, after any reductions that you may be entitled to are deducted. The amount of SAR that can be awarded is as follows;

| Second Adult | Alternative Maximum Council Tax Support |
|---|--|
| (a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance; | 25 per cent of the Council Tax due in respect of that day; |



| | |
|---|---|
| (b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance– | <p>is less than £180.00 per week; - 15 per cent of the Council Tax due in respect of that day;</p> <p>is not less than £180.00 per week but less than £235.00 per week; - 7.5 per cent of the Council Tax due in respect of that day;</p> |
| (c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, income-related employment and support allowance or income support, living with a full-time student(s). | 100 per cent. of the Council Tax due in respect of that day. |

Income less than applicable amount

In this case you get maximum Council Tax Support (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum Council Tax Support if your income is the same as your applicable amount.

Maximum support is you Council Tax liability (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions

Income greater than applicable amount

In this case you will get an amount less than your maximum Council Tax Support. The amount by which your Council Tax Support is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum Council Tax Support

Maximum support is you Council Tax liability (net of any council tax discounts, such as single person discount), adjusted down for any non- dependent deductions.

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.



Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before the Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance.

Disability premium

Disability premium will be included in your applicable amount if you and your partner are aged less than pension credit age and:

- either of you is registered blind; or
- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner get any of the following benefits:

- Disability Living Allowance (or Personal Independence Payments from April 2013) ;or
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:



- receive the care component of Disability Living Allowance at the highest or middle rate, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, AA or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your Council Tax Support is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service

Enhanced Disability Premium

Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA) or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA is suspended during hospitalisation. This premium is awarded at three different rates. They are:

- a rate for each dependent child/young person in your household who receives the highest rate of DLA;
- a rate for a single person who receives the highest rate of DLA;
- a rate for couples where at least one member of the couple receives the highest rate of DLA.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receive a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receive a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner are looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.



Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your Council Tax Support (the disregards), or taken fully into account.

Normally, your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.

Earnings from employment means any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and



- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your Council Tax Support

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings.

Childminders

If you are a childminder only one third of your earnings from childminding will be taken into account when your council works out your Council Tax Support.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your Council Tax Support is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or
- a component with Employment and Support Allowance; or
- or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your Council Tax Support is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time firefighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- or a member of the Territorial Army or the Reserve Forces.



When £25 is not counted - If you are a lone parent up to £25 of your weekly earnings will not be counted (the £25 disregard).

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered childminders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out Council Tax Support.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, in other cases it is all counted.

State benefits

The following benefits are counted in full as income for Council Tax Support:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit (less Housing Element)
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance



- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).

Unearned income that is not counted

The following types of income are not counted by the Council when it works out your Council Tax Support:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA);
- Personal Independence Payments (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country.

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.



- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for Council Tax Support purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of Council Tax Support

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

If you have capital over £16,000, you may still be entitled to Second Adult Rebate, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the council decides that you deliberately got rid of capital just so that you can get Council Tax Support, it may assume that you have notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless



any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get HB/CTB even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.

If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding legal charges on the property or mortgages will be deducted, together with 10% of the total to cover the cost of the sale.



National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing Council Tax Support.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Housing Benefit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For Council Tax Support purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get Council Tax Support or to get more Council Tax Support.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How Council Tax Support is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your Council Tax Support has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.

How you will be notified about your Council Tax Support

The Council will reach a decision on your entitlement to Council Tax Support as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The council has two months to reply to you. If the Council agrees with your appeal then the Council Tax Support will be amended and you will receive another Council Tax bill showing the revised amount.

If the council does not agree with your appeal or you do not receive a response within two



months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your Council Tax Support accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of Council Tax Support.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to Council Tax Support

The changes must be notified in writing although in certain circumstances the council may accept this by telephone or electronically

Most of these changes will affect your Council Tax Support in the following support week, but changes in the amount of council tax payable will affect your Council Tax Support from the day on which the change occurs.

Students

Council Tax Support is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period your council, or Student Awards Agency for Scotland, will tell you the period it does cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependants grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.

Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for Council Tax Support. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;



- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

Students and partners

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the council works out your joint income for Council Tax Support. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

Other income

Will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

Loans from the Student Loans Company

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

Access funds

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

Information and information sharing

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of council tax support, council tax liability, billing, administration and enforcement

The Council may receive and obtain information and evidence relating to claims for Council Tax Support, the council may receive or obtain the information or evidence from–

- a. persons making claims for council tax support;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

The Council may verify relevant information supplied to, or obtained for Council Tax Support purposes.

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Support;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

Annex C

| Average reduction in Council tax support by band with 70% liability cap (3% caseload inflation) | | | |
|--|------------------------|---------------------------------|---------------------------------|
| Band | No of customers | Average weekly reduction | Average annual reduction |
| A | 2327 | -4.16 | -216.79 |
| B | 2742 | -4.92 | -256.77 |
| C | 1205 | -5.54 | -288.78 |
| D | 248 | -5.94 | -309.52 |
| E | 97 | -7.66 | -399.64 |
| F | 26 | -9.22 | -480.93 |
| G | 7 | -11.26 | -587.28 |
| All bands | 6652 | -4.87 | -253.86 |
| Minimum reduction all bands | | -0.07 | -3.76 |
| Maximum reduction all bands | | -13.65 | -711.62 |

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Public Consultation

The key issue throughout the consultation process was to make customers and stakeholders aware of the Government's funding cut in respect of what was formally Council Tax Benefit and that the original scheme principles and qualifying rules would be generally maintained.

The Government allowed some latitude to Local Authorities in developing their schemes and whilst the general scheme principles were to be maintained the opportunity was taken to look at any amendments that could be made in light of the Government's principles to incentivise work and protect the vulnerable.

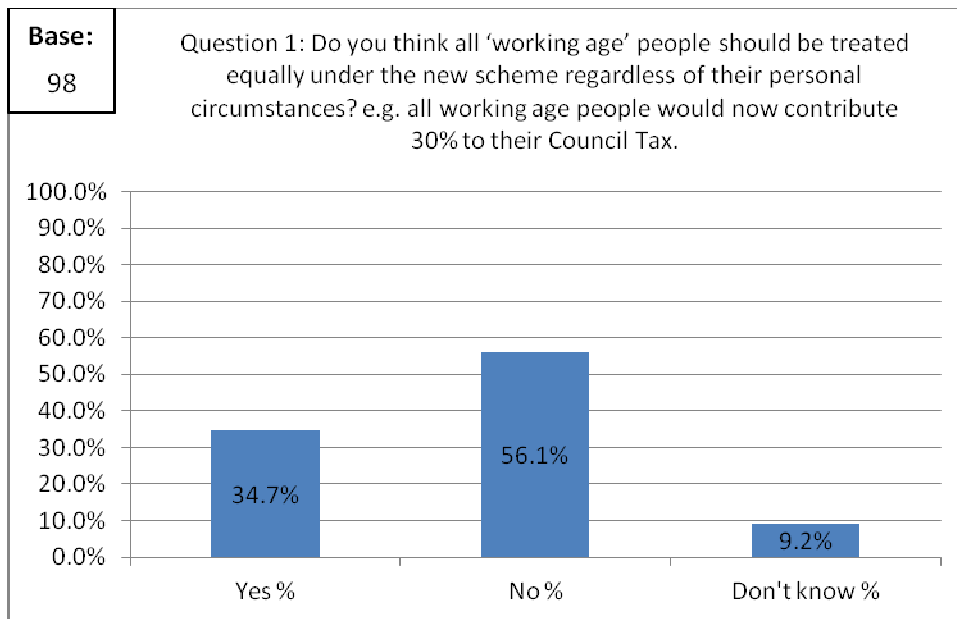
Each of the scheme areas reviewed are set out below along with feedback from the customer survey providing stakeholder views on the options. A recommendation is set out under each of the options.

The number of survey questionnaires returned by all respondents was 101 not all of these were CTS customers but even so the numbers only represent 1.55% of the current working age case load meaning that the responses are not statistically sound.

1. Do you think all Working Age customers should be treated equally under the new scheme regardless of their personal circumstances?

This question was aimed at eliciting views as to whether the cut in benefit entitlement should be shared equally across the customer base. The current scheme that has been in place since the 1980's provides a sound basis for the council's new scheme from April 2013 and assesses entitlement based upon customers personal circumstances meaning that customers are not treated equally but that each customer's entitlement is based on their own personal circumstances.

The outcome of the survey was:



The stakeholder response supports the approach been taken in maintaining applicable amounts (The money a customer will require to live off depending upon their personal circumstances) that fairly reflect customers circumstances and that any reduction in benefit will be shared proportionally.

2. If not what exceptions do you think should apply?

Other stakeholder comments included:

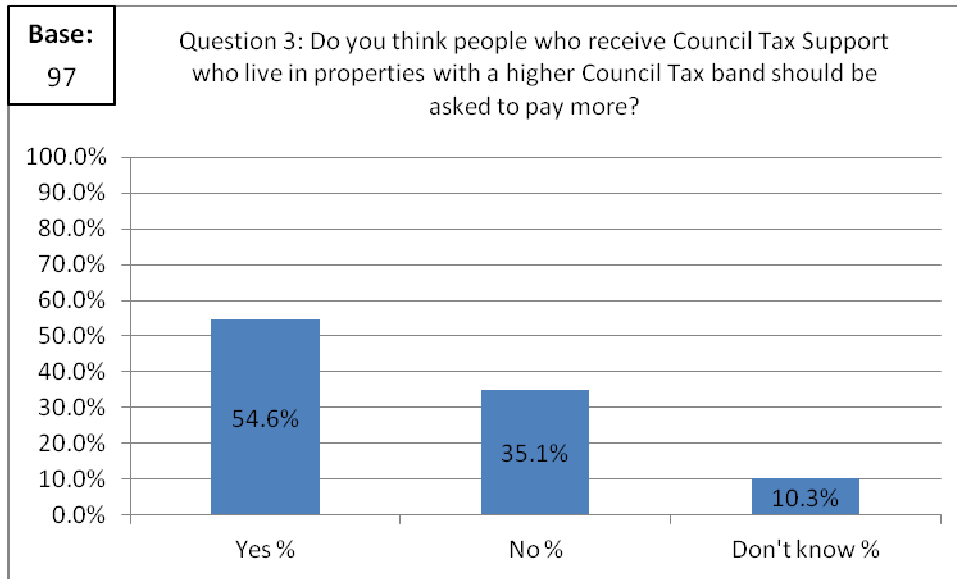
In answering what exceptions should apply the most frequently mentioned issues were disability, unemployment, medical reasons. Others included personal circumstances, pensioners, ability to pay, low income, unable to work, carers, single parent and war pensioner.

These circumstances are reflected in customer's applicable amounts and require no change to the proposed scheme.

3. Do you think people who receive Council Tax Support who live in properties with a higher council tax band should be asked to pay more?

As well as York a number of local authorities have looked at limiting their schemes to Band D. This would mean that customers in bands E – G would only receive a maximum benefit entitlement equivalent to that of a band D customer.

Stakeholder feedback on this issue was:

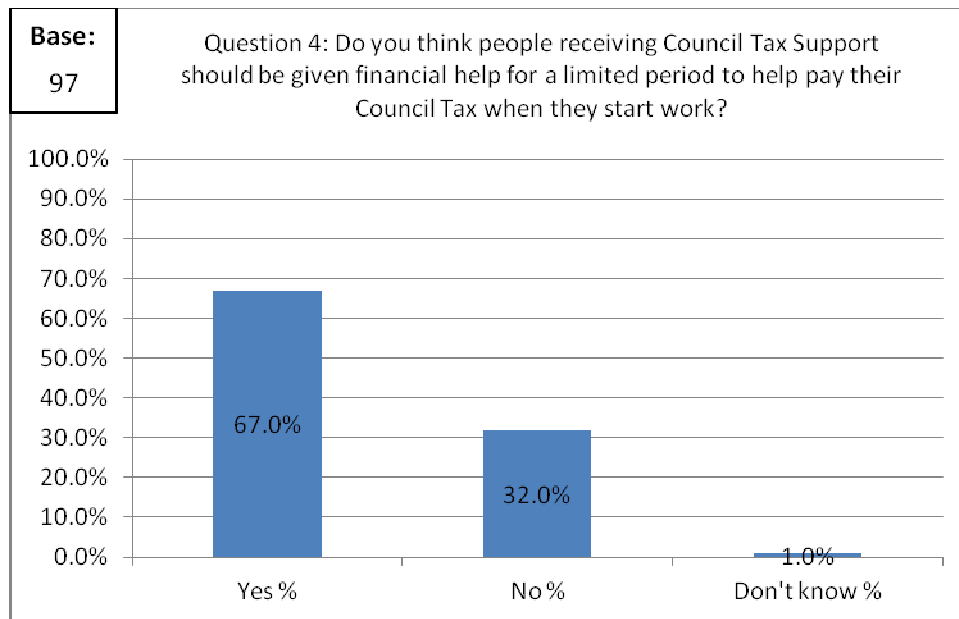


The additional liability from taking this approach would be approximately £88K affecting 130 customers. Approximately 40% of the customers in this category are one parent families and the effect of this change would be a cap of between 57% at Band E and 35% at Band G. The risk of collecting all or any of the money is unlikely given the level of the cap and that all are in receipt of benefit. The impact on one parent families and families would also impinge on Child Poverty. It is recommend that this approach is not taken as it will cause greater hardship to a small number of families, the on cost of dealing with issues that may arise as a result of this approach may be far greater than any additional revenue collected, and it would disqualify the council from the Governments transitional grant by taking at best 43% of benefit away and at worst 65%.

4. Do you think people receiving Council Tax Support should be given financial help for a limited period to help pay their council tax when they start work?

This support is currently provided within the existing scheme for a period of 4 weeks. It is aimed at incentivising customers receiving CTS to take up paid employment and is aligned with the Governments principle that we should encourage customers into employment. The savings associated with withdrawing this from the scheme will depend on how many customers enter work during 2013/14. The last full year figures (11/12) show this to cost a little under £35K.

Stakeholder feedback on this issue was:



Based upon the stakeholder feedback and continuing to support work incentives it is recommended that this is retained within the scheme.

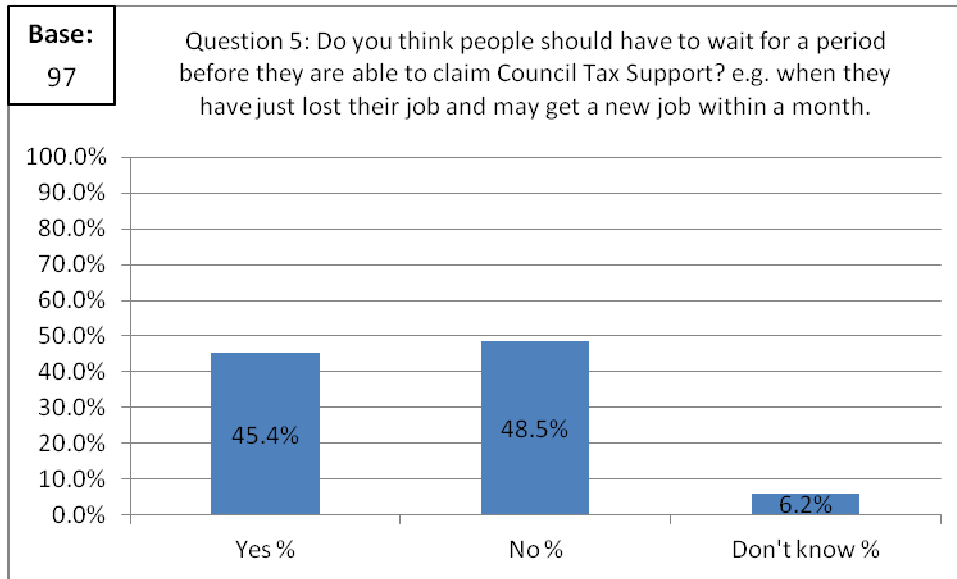
5. Do you think people should have to wait for a period before they are able to claim Council Tax Support?

This is aimed at reducing the cost of the scheme each year by making customers wait for a period before they become entitled for example four weeks after the date of claim. They would still be required to pay their full council tax during this period and the saving would fluctuate depending on the number of new customers in each financial year. The saving however would only be achieved if the customer was able pay their council tax in full during the waiting period.

Taking this approach would create an early divergence from Housing Benefit and possibly Universal Credit where entitlement is from the Monday following date of claim.

This could create hardship for new customers and there is no guarantee of the level of income that could be collected. It would also take us away from the mainstream benefits which could potentially create a challenge.

Stakeholder feedback on this issue was:

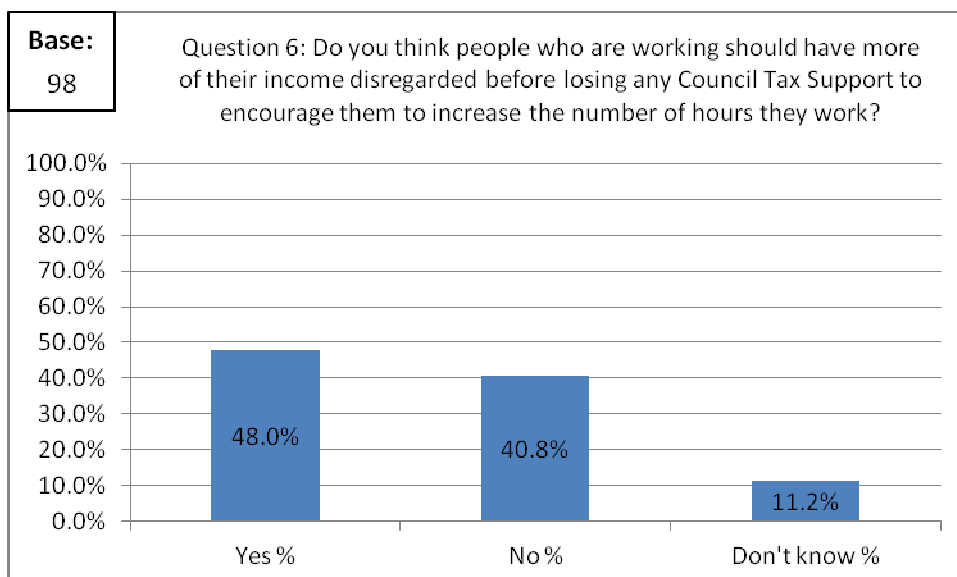


The recommendation is that the current scheme rules in respect of new claims are maintained and customers paid from the first Monday following date of claim.

6 Do you think customers who are working on low income should have a greater amount of their income disregarded to encourage them to increase the number of hours they work?

The Government is asking that local schemes look to incentivise work and this proposition would see customers retaining an additional £5 of their income. There is no supporting data that would indicate whether this would actually encourage customers to move into employment or increase their hours. The additional cost of making this change would be in the region of £70K per annum.

Stakeholder feedback on this issue was:



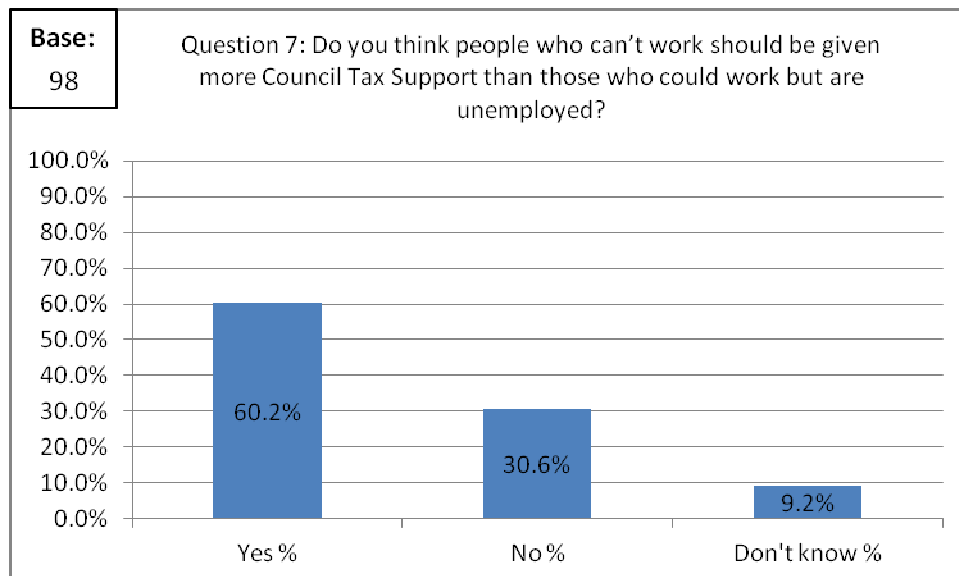
Adding additional scheme costs would penalise those customers who have less opportunity to move into paid work such as one parent families and the disabled. It is recommended that this is not adopted into the scheme for 2013/14.

7. Do you think that people who can't work should be given more support than those who could but are unemployed?

This question explores the possibility of deliberately reducing the support provided to customers who can work in favour of those who can't. There are a number of key considerations associated with this option. The main ones are what opportunities there are for customers to move into work (Local job vacancies).

This would potentially create greater financial hardship for certain customers such as single people who receive the lowest amount of income and have the lowest Applicable Amounts.

Stakeholder feedback on this issue was:



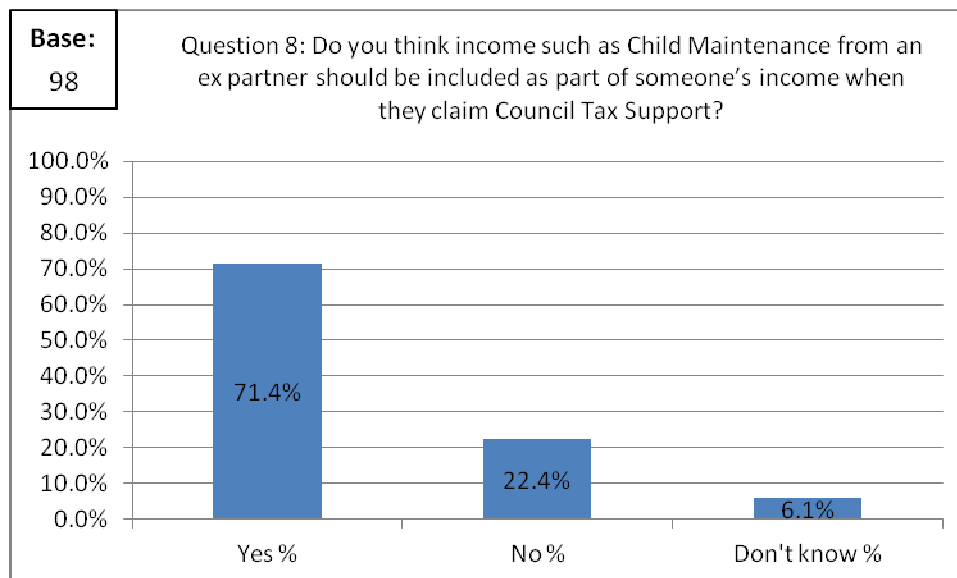
Any additional support would have to be paid from the additional reduction in benefit passed to those customers who it was deemed had greater opportunity to work. As the current level of the benefits cut is in the region of 25% - 30% the likelihood of generating additional income above this level is remote. It is recommended not to adopt this into the scheme in 2013/14.

8. Do you think income such as Child Maintenance should be treated as income when making a claim?

Child maintenance was until several years ago treated as income as part of the Governments Council Tax Benefit scheme. This question was seeking customers view as to whether this should be reintroduced. It is estimated that the additional liability generated from doing this would be in the region of £50K.

This will only affect one parent families but does not guarantee that they will be in the position to pay their additional council tax. Not all payments of maintenance are made or made on time and could create financial hardship. This may also impact on our responsibilities under the Child Poverty Act.

Stakeholder feedback on this issue was:



The likelihood of collecting the additional income and that the amount of additional liability been charged across the whole customer base will be collected in full is unlikely. Again this would move the scheme away from the current Housing Benefit and Universal Credit rules and may generate additional administrative costs. It is recommended that this change is not adopted in the 2013/14 scheme.

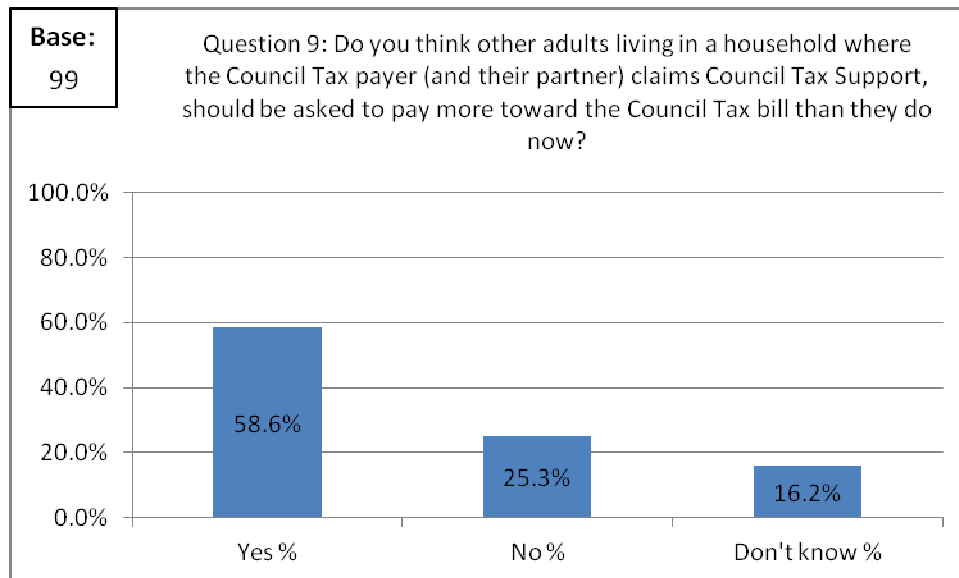
9. Do you think other adults living in a household where the council tax payer (and their partner) claims council tax support should be asked to pay more towards the bill than they currently do?

This is commonly known as non-dependant deductions. There is little evidence that making any change would be beneficial as the council tax payer has to receive this money from the non-dependant. There are

various rates of non-dependant deduction and even harmonising them to a standard £5pw would not create any tangible saving.

Any fundamental change in non-dependant deductions would also disqualify the council from the Government's transitional grant.

Stakeholder feedback on this issue was:



It is recommended that this change is not adopted in 2013/14.

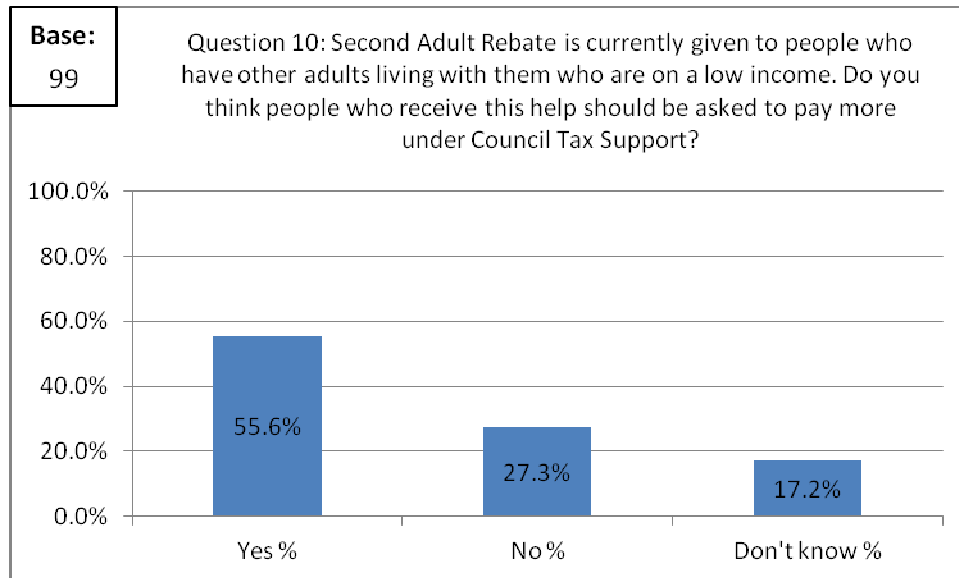
10. Second adult rebate is currently given to people who are not entitled to council tax benefit based on their own income, but receive a rebate of up to 25% on their bill because they have other adults living with them who are on low income. Do you think people who receive this help should be asked to pay more under Council Tax support?

This is something of an anomalous rebate within the current scheme. It looks to compensate a single customer who has a second adult on low income living in their household and is therefore unable to claim a single person discount. If this element of the scheme is removed it would look to save in the region of £25K should the additional liability be collected in full. The second adult may be able to claim CTS in their own right but the household is currently better off claiming a second adult rebate when Benefits have made a 'betterbuy' calculation.

As most second adults are likely to claim in their own right it is not envisaged that there will be a great financial benefit. However it will remove an anomaly and help reduce administration. A majority of local authorities are looking to remove this element of the scheme but it is

possible that it will disqualify a council from the Governments transition grant.

Stakeholder feedback on this issue was:



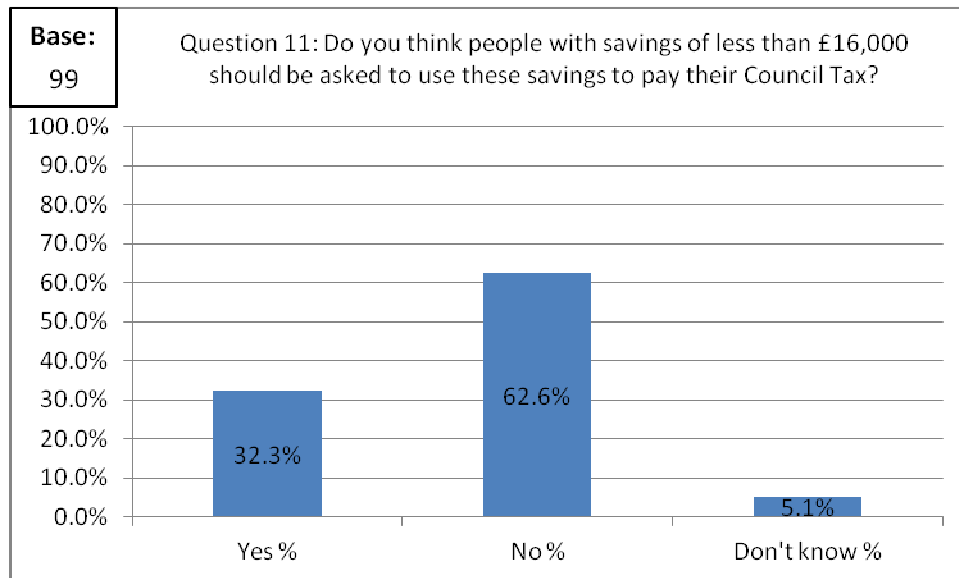
It is recommended that the Second Adult Rebate is removed from the scheme.

11. Do you think people with savings of less than £16,000 should be asked to use these savings to pay their council tax?

This is a standard consideration and where customers savings are already above £6,000 an element of their additional savings are taken into account. Changing this rule is unlikely to have any great financial benefit as few customers have this level of saving.

There are two additional considerations in respect of customers savings the first is that it would make sense to ensure that our capital rules reflect those currently in place with Housing Benefit and likely to be adopted in Universal Credit (UC). If we did not do this we may be in a position where we could not rely on UC data sharing and would create additional costly administration. The second is changing this rule would disqualify the council from the Governments Transitional Grant.

Stakeholder feedback on this issue was:



It is recommended that the capital rules remain unchanged.

12. Do you think there are any groups of people in the community who would be affected more than others if everyone currently on benefit has to pay something towards their council tax?

The respondents view on this was as set out below. The CIA in relation to the implementation of a Council Tax Support scheme is set out at Annex F:

In answering what groups of people in the community who would be affected more than others if everyone currently on benefit has to pay something towards their Council Tax. Those who answered this question (54) almost half highlighted disabled people. Others identified included; low income families, those with medical issues, unemployed and lone householders.

Reasons they could be affected more included inability to work, higher costs associated with disability/medical needs, increasing cost of living.

13. The council has identified a few groups that may be affected by these changes and have listed them below. Please could you tell me whether you think these changes will have a medium or low impact as a result to the changes in council tax support?

- **Families with children** – High or Medium (66% of responders)
- **Lone Parents** – High or Medium (75% of Responders)

- **Carers** – High or Medium (75% of Responders)
- **Part time and full time workers** – No comments received
- **People who are disabled** – High or Medium (85% of responders)
- **Single people and couples without children** – No comments received

14. Why do you think the groups you have identified are affected more?

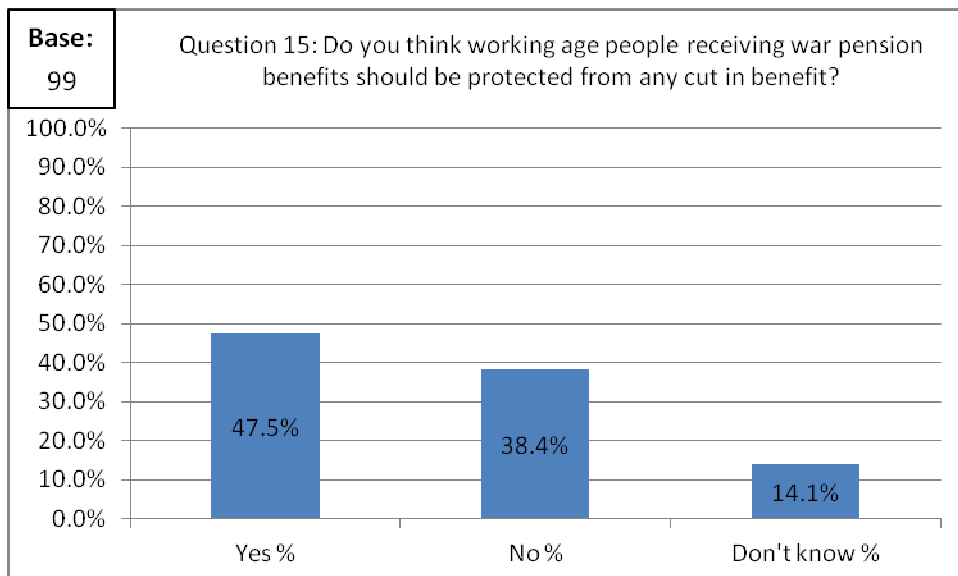
The respondents view on this is set out below:

Inability to work, lack of ability to increase earnings, cost of childcare, costs associated with disability, all other costs already going up and links to other reductions in benefits.

15. Do you think working age people receiving war pension benefits should be protected from any cuts by not taking this into account?

The council has had a policy of disregarding War Pension and through reviewing the scheme for working age customers felt it was right to consult on this issue.

Stakeholder feedback on this issue was:



The cost of providing ongoing protection to working age war pensioners is approximately £4k and it is recommended that this protection is maintained.

16. General Comments

“Everyone benefits from council provided facilities it is only fair they contribute”

“If these cut do come into place people will suffer and I do think that there could be further cuts next year.”

“Many pensioners have benefits such as free bus passes, get reduced concessions to all sorts of things, can shop around for bargains, cheap hair cuts etc etc. Given all these perks to protect them entirely from council tax benefit cuts is somewhat unfair.”

“Affected as practically housebound (not pensioner) and impossible to work due to medical reasons”

“for a lot of people it would worrying as to how they are going to find the extra income”

“They fight or have fought for their country and should have some sort of reward given back to them.”

“I think people who can work should be encouraged to do so even if they do have children to care for. Both me and my partner went to work when we had a child because we knew we couldn't afford not to.”

“Our wages don't go up but rents/council tax does as does everything else yet unemployment benefits go up every year....”

“make it fair on low income people weather its a family or someone single”

“All changes have an affect on all the population and it is hard to see why some groups are penalised less than others”

“I think people all ready not able to manage will find it a lot harder”

"All groups need help in different ways. You know what help is given and how it should be continued"

"Seems they are aimed at a poorer section of society less able to fight the charges. Politically safe course of action"

"tell' m how to get on the benefits gravy train as all in our area seem to have a far higher standard of living than I can afford."

" I pay tax so all benefits should be taxed"

"Will anyone unable to pay lose their home or get put in prison for not paying. Will carers be able to look after them in prison 24/7?"

"It's a difficult cut to put in place, as it really only hits those who earn the least, not those who can afford it. Whatever is decided, it needs to apply to all, not selective groups, it needs to be fair"

"I think its central government's way of abdicating responsibility and making it appear to be the 'fault ' of local government. Everyone benefits in some way from paying council tax. Those with more money should pay more to supplement the less well off."

"These charges could end up putting people into debt."

"Having had to sell my car to pay rent any further cut will result in my becoming guaranteed homeless"

"Other people that are in high risk jobs should be treated the same"

"people who receive war pension benefits should be protected because they have served the country"

"The fact is if you are claiming benefits you simply CANNOT afford to pay any amount towards your council tax bill."

"Because of the cuts you are proposing, you will increase hardship in very low income families"

"I think people with life-long disabilities from birth who are unable to work should have the same protection as pensioners"

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Groups explained

| Consultation & Engagement - Contact List | | | | Who is this group? | Can we send invites? | Have we sent the Invites? | Have the invites being accepted? |
|--|---|-----|---|---|----------------------|---------------------------|----------------------------------|
| What group/individuals | Who to contact | | Groups covered / Comments | | | | |
| Businesses | Katie Stewart | CYC | Science City York networks | This group has created a network mainly of business groups to that use SCYN to develop business opportunities/relationships and investments http://scy.co.uk/ | ✓ | ✓ | ✓ |
| | Julie Kelly jk@visityork.org | | Visit York | An organisation that deals with tourism within the city. They do this through assisting tourists within the city and the organisations that benefit from their custom. They also work with organisations and the council to look at ways to keep and grow tourism within the city. http://www.visityork.org/ | ✓ | ✓ | ✓ |
| Our own key account network | Key contact Christine Hogan | CYC | | | ✓ | ✓ | ✓ |
| | Stephen Burwood stephen.burwood@pdgrp.co.uk | | Institute of Directors | A national membership organisation for directors. The North Yorkshire branch covers york | ✓ | ✓ | ✓ |
| | Susie Cawood susie.cawood@yourchamber.org.uk | | Leeds, York & North Yorkshire Chamber of Commerce | A membership organisation supporting and representing businesses of all sizes | ✓ | ✓ | ✓ |
| | Emma Watts emma.watts@fsb.org.uk | | Federation of Small Businesses | This is a national group which has a North Yorkshire office. They represent small businesses within the area. http://www.fsb.org.uk/default.aspx?id=0&loc=071 | ✓ | ✓ | ✓ |
| | Katie Stewart | | York Economic Partnership | This is a small group influential local business people chaired by Peter Kay with the aim of giving strategic direction to the economy. | ✓ | ✓ | ✓ |
| | Jo Pickering admin@york-professionals.co.uk | | York Professionals | a local membership organisation representing Businesses in Financial and Professional services | ✓ | ✓ | ✓ |
| | | | York Business Forum | This is a large group of local business people and partners who meet 3 times a year to discuss relevant topics regarding York's economy | ✓ | ✓ | ✓ |
| | Tracey Smith tls501@york.ac.uk | | York Science Park | Is a company that manages the Innovation, IT and Bio Centres on York Science Park and The Catalyst on Heslington East | ✓ | ✓ | ✓ |
| | Philip Lewis Ogden plo@harrowell-shaftoe.co.uk | | Clifton Moor Business Association | Is a business association for all businesses located at Clifton Moor | ✓ | ✓ | ✓ |
| | Mo Onyett mo.onyett@york.ac.uk | | York University | Universities within York | ✓ | ✓ | ✓ |
| | Judith Coates j.coates@yorks.ac.uk (marketing team) | | York St John University | | ✓ | ✓ | ✓ |

| Consultation & Engagement - Contact List | | | | Who is this group? | Can we send invites? | Have we sent the Invites? | Have the invites being accepted? |
|--|--|-----|--|---|----------------------|---------------------------|----------------------------------|
| What group/individuals | Who to contact | | Groups covered / Comments | | | | |
| Young People | Niall McVicar | CYC | <p>YorOK Involvement Group /subscribers to YorOK newsletters</p> <ul style="list-style-type: none"> o CYC o Health o Police o Voluntary sector reps o Risk and resilience (public health) o Disability o Looked after children <p>The wider groups that Niall can extend an invitation to are.</p> <ul style="list-style-type: none"> o Activities (things To Do, Places To Go) o Addictions (Drugs, Alcohol And Gambling) o Advice And Support o Childcare o Children's Centres o Disability And Additional Needs o Education And Learning o Family Groups And Parenting o Health o Housing And Homelessness o Jobs And Money o North Yorkshire Children's Centres o Parks And Open Spaces o Sport o Staying Safe And Crime | <p>These groups represent the young people of York looking at services they use opportunities for young people within the city.</p> | ✓ | ✓ | ✓ |
| Youth Council | Sarah Nicholson/ Dee Fitzgerald/Carole Pugh | CYC | | | ✓ | ✓ | ✓ |
| Young Inspectors | | | | | | | |
| Community Facilitators Hub | Susan Reape and/or June Peacock | CYC | <p>They have forwarded the contacts to</p> <ul style="list-style-type: none"> o North Yorkshire Children's Centres o Aspire (social group for people with Aspergers) o AgeUK York o OCAY o York MIND o YOPA (York Older People's Association) | <p>This groups run drop-in sessions in communities to share information about what is going in local community etc. They do this by advertising/publicising any events and information that may be of benefit to the community but may also be able to forward invites to groups that may not be part of EAG etc.</p> | ✓ | ✓ | ✓ |
| EAG | Jayne Carr and/or Evie Chandler and/or Heather Johnson - | CYC | | <p>EAG have twice yearly event /sessions/ fairs or can arrange to go to one of their early evening meetings - think quarterly. Or arrange "special" EAG meeting. This group is the committee that deals with equalities within York that have quarterley meetings.</p> <p>http://democracy.york.gov.uk/mgCommitteeDetails.aspx?ID=445</p> | ✓ | ✓ | ✓ |

| Consultation & Engagement - Contact List | | | | Who is this group? | Can we send invites? | Have we sent the Invites? | Have the invites being accepted? |
|---|---|-----|--|--|----------------------|---------------------------|----------------------------------|
| What group/individuals | Who to contact | | Groups covered / Comments | | | | |
| SERG | David McCormick and/or Linda How. David is lead strand coordinator of SERG and Linda How is the HR "lead" | CYC | | <p>The council has a Staff Equalities Reference Group (SERG) made up of staff representing age, gender, ethnicity, religion and belief, sexual orientation, disability and carers. This is to ensure that all its employees, both current and prospective, are treated fairly and feel valued.</p> <p>SERG provide feedback about key policies and practices that affect staff. It looks to identify areas where the way we do things that could unintentionally disadvantage certain people, and suggest solutions that are workable and fair for all.</p> <p>The reference group is run by staff volunteers, called Strand Coordinators, from across the council, who represent the equality strands. The Coordinators lead on developing the voice of council staff from the equality strands.</p> <p>http://colin.york.gov.uk/beSupported/equalities_inclusion/SERG/</p> | ✓ | ✓ | ✓ |
| Unions | <ul style="list-style-type: none"> o unison@york.gov.uk o GMB@york.gov.uk o unite@york.ac.uk o Mo Onyett mo.onyett@york.ac.uk o Judith Coates j.coates@yorks.ac.uk | CYC | <ul style="list-style-type: none"> o Unison o GMB o Unite o York University o York St John's University | Unions that represent the working groups and students within york | ✓ | ✓ | ✓ |
| Customer Services Mystery Shoppers | Eilidh Carricker | CYC | | This group is a group of volunteers who call up or go into the face to face front desk to review the council's customer services. | ✓ | ✓ | ✓ |
| Residents Associations | Teresa Barker/Jo Harrison | CYC | | <p>Resident or community associations have to fulfil certain conditions to ensure it is democratic and representative of the community.</p> <p>They hold an inaugural public meeting where all residents are invited, adopting a recognised community group constitution as well as adopting the council's equal opportunities policy. They hold annual general meetings to which all members are invited and they have an electing committee.</p> <p>Residents' and community associations are encouraged to adopt a committee structure where members are nominated for key posts such as chair, secretary and treasurer. A number of 'ordinary members' can also be elected although this is not always necessary.</p> | ✓ | ✓ | ✓ |
| Tenants Inspectors | Teresa Barker/Jo Harrison | CYC | | <p>A group of trained inspectors who go into the council's public buildings and review the services provided. They make suggestions and provide information on our buildings and produce a report.</p> <p>http://www.york.gov.uk/housing/residents/tnt_insepectors/</p> | ✓ | ✓ | ✓ |
| Benefit Claimants | Di Bull/John Madden/ David Wright | CYC | Claimants of housing and/or council tax benefits | This is the group within the city that claim benefits. | ✓ | ✓ | ✓ |

| Consultation & Engagement - Contact List | | | | Who is this group? | Can we send invites? | Have we sent the Invites? | Have the invites being accepted? |
|--|---|-----|---------------------------|---|----------------------|---------------------------|----------------------------------|
| What group/individuals | Who to contact | | Groups covered / Comments | | | | |
| Talkabout Panel | Comms & Media team | CYC | | This group has been in place since 1996. Panellists are randomly selected from the electoral register. Its 2,300 York residents are broadly representative of the city's population in terms of age, gender, social group and geographical area. Panellists can stay on the panel for a maximum of three years. They are often invited to public consultations http://www.york.gov.uk/council/consultations/Talkabout_citizen_panel/ | ✓ | ✓ | ✓ |
| Consultation & Engagement Calendar | council wide - but directorate leads / Comms & Media team | CYC | WE ARE ALREADY ON HERE | lists by month usually what other consultation and engagement is planned across the council so can look to see if there is any to "piggyback" to. | ✓ | ✓ | ✓ |
| Councillors | Cllr Julie Gunnell | | | | ✓ | ✓ | ✗ |
| Fire and Police services | | | | | ✓ | ✓ | ✓ |
| CAB | Peter Findlay | | | The Citizens Advice Bureau in York is a free confidential statutory advice and representation service. Where you can ask any question about your situation or concerns. | ✓ | ✓ | ✓ |
| Credit Union | Cllr Janet Looker | | | Credit unions pool together savings from its members to offer as loans to members who all share a "common bond". The credit union that covers York is the North Yorkshire branch, based in York. | ✓ | ✓ | ✓ |

ANNEX F Community Impact Assessment Form (CIA)

The council's vision is to promote **equal life outcomes¹ for everyone** living, working and visiting York, through inclusive design in everything the council does. This is to ensure that no-one is unintentionally excluded in York because of specific personal characteristics. In the council, we call these characteristics "Communities of Interest or Identity" – "Cols" for short.

To help realise the vision, council officers are required by Cabinet to assess the impact of council policies, processes and behaviours on customers and staff from the Communities.

This process was previously called Equality Impact Assessment (EIA). To stress the importance of assessing the impact of everything we do on people from the Communities, starting June 2012, we have renamed the process Community Impact Assessment (CIA).

The assessment **should be done at the development stage** of any policy, review, project, service change etc, **before any decision is taken**. It should also be done every time there are changes to policies and practices, **before the changes are finally agreed** by decision makers.

In addition, the Equality Act 2010 came into force on the 1st October 2010. Under the Act the council has a legal duty to show that our policies, practices etc further the aims below:

- Actively and proactively eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share an identity and those who do not
- Foster good relations between people who share an identity and those who do not.

In completing **Community Impact Assessments (CIAs)** officers are also required to state how what they are assessing meets and contributes to these aims.

¹ In health, safety and security, personal freedom and choice, housing, education and lifelong learning, jobs and leisure activities and the infrastructure that supports these outcomes.

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| | | |
|---|---|---|
| 1 | Name and Job Title of person completing assessment | <p>David Walker Head of Financial Procedures</p> |
| 2 | Name of service, policy, function or criteria being assessed | <p>Local Council Tax Support (LCTS)- Was Council Tax Benefit</p> |
| 3 | What are the main objectives or aims of the service/policy/function/criteria? | <p>Implementation of a local scheme in line with the Governments Finance Bill and Welfare Reforms as set out below:</p> <p>In the 2010 Spending Review the Government announced that it would localise support for council tax from 2013-14, reducing expenditure by 10 per cent.</p> <p>The Government is committed to retaining council tax support for the most vulnerable in society and taking forward plans for councils to develop local council tax reduction schemes. The Welfare Reform Act 2012 contains provisions for the abolition of Council Tax Benefit (CTB), paving the way for new localised schemes (LCTS).</p> <p>This reform is part of a wider policy of decentralisation, giving councils increased financial autonomy and a greater stake in the economic future of their local area.</p> <p>Lifting the poorest off benefits, by supporting them into work is a key Government objective. Local authorities will have a strengthened financial stake in ensuring local schemes support this aim and help to deliver the positive incentives to work that will reduce poverty and reliance on support for council tax in the long term.</p> <p>The Government believes that it is right to protect council tax support for pensioners and that this group should not be affected as a result of the introduction of this reform. Pensioners cannot go back to work – they have saved and worked hard all their lives: they deserve dignity and security in retirement.</p> <p>The Local Government Finance Bill (hereafter ‘the Bill’) was introduced to Parliament on 19 December 2011. The Bill makes provision for the localisation of council tax support in England by imposing a duty on billing authorities to make a localised council tax reduction scheme by 31 January 2013 and to consult with major</p> |

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| | | |
|---|------|--|
| | | <p>precepting authorities and such other persons as it considers likely to have an interest in the scheme about the scheme.</p> <p>The Government has also taken powers in the Bill to prescribe certain <i>classes</i> or groups who must receive reductions. This includes eligible pensioners, based on the same factors that have determined pensioner eligibility and award under the existing CTB scheme.</p> <p>Further powers in the Bill allow the Government to prescribe a <i>default scheme</i> which will take effect if a billing authority has not made a scheme by 31 January 2013, so that they can still administer council tax reductions.</p> <p>This CIA has been written in respect of City of York Council's LCTS Scheme which will come into force with effect from 1st April 2013.</p> <p>It is important to note that all claimants of working age (i.e. 18 – 61) will be adversely affected by this change. The observations below indicate if the listed Community of Interest / Identity will be disproportionately affected either positively or negatively.</p> |
| 4 | Date | 13 Aug 2012 – 4 TH Nov 2012 |

Stage 1: Initial Screening

| | |
|---|---|
| 5 | <p>What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative or positive effect on quality of life outcomes² for people (both staff and customers) from the communities? Document the source of evidence in the columns below. You can find evidence via:</p> <ul style="list-style-type: none"> • Data from the Business Intelligence Hub - http://colin.york.gov.uk/beSupported/business_intelligence_hub/ • Council Consultation and Engagement Calendar – contact Sophie Gibson, 551022. • Council consultation - http://colin.york.gov.uk/beSupported/inhouse_services/research_consultation/ • Workplace Wellbeing Survey – contact the Health and Safety team for more info – 554131. CaN results are here: |
|---|---|

² See appendix 1

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http://colin.york.gov.uk/beConnected/about_CYC/structure/CAN/can_healthwellbeing_results/

- Staff Equalities Reference Group – See feedback reports here - http://colin.york.gov.uk/beSupported/equalities_inclusion/SERG/
- Equality Advisory Group (a customer group) - <http://democracy.york.gov.uk/mgCommitteeDetails.aspx?ID=445>
- EIA Fairs Feedback Newsletters - http://colin.york.gov.uk/beSupported/equalities_inclusion/EIAs/consultation_feedback/
- Previous EIAs – see annual EIA lists - http://colin.york.gov.uk/beSupported/equalities_inclusion/EIAs/

| Community of Interest/Identity | Source of evidence that there is or is likely to be a negative or positive impact: | | | |
|---------------------------------|--|----------|------------------|----------|
| | Staff | | Customers/Public | |
| | Positive | Negative | Positive | Negative |
| Race | N | N | N | N |
| Religion / Spirituality /Belief | N | N | N | N |
| Gender | N | N | N | Y |

Gender Negative

The Government's reduction in funding by 10% of the grant they will provide to local authorities for LCTS will see the council having to pass these cuts on to Working Age customers (pensioners are protected).

One of the key points of the Government's policy is to encourage customers back into work. This will be harder for one parent families than for couples or single people as they will need to find child minding support which can often be expensive. Over 90% of one parent customers are female which means they are likely to find it more difficult to enter work. The overall make up of the current caseload is as follows:

43.7% of working age customers are single

21.6 % of working age customers are couples

34.7% of working age customers are lone parents

This information is taken for our current records of Council Tax Benefit customers

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| | | | | |
|--|---|---|---|---|
| Disability | N | N | N | Y |
| <p>Disability: The reduced support provided by LCTS will potentially have an adverse affect on this category. It will depend on the nature of the customer's disability but this category may find it more difficult to find work than those who are more able. However, those who currently receive additional CTB because of their disability (by way of 'premiums' used in the calculation) will benefit from the retention of these disability premiums under LCTS as will new pensioner claimants. There is no new disproportionate disadvantage in the new scheme.</p> <p>This information come from discussions with customers during the councils consultation sessions and information we already hold on customers.</p> | | | | |
| Sexual Orientation | N | N | N | N |
| Age | N | N | N | Y |
| <p>Age: Pensioners are outside the scope of the LCTS scheme. Existing and future qualifying pensioners are protected from the reductions imposed under LCTS. The full impact of cuts passed on by reductions in LCTS will be borne by customers of working age. However older people could be adversely affected if their carer can no longer care for them as they need to work more to make up for their reduction in council tax support.</p> <p>There is a disproportionate impact on claimants under 25 because the existing CTB scheme (as well as national DWP administered benefits such as Income Support and Job Seekers Allowance) is less generous to this group. As this feature will remain under LCTS this means that the amount of council tax they are required to pay because of LCTS is likely to be a higher proportion of their total income.</p> <p>This information comes in part from the impact of the cuts and again was a recurring issue raised during consultation.</p> | | | | |
| Pregnancy/maternity | N | N | N | N |
| Gender Reassignment | N | N | N | N |
| Marriage and Civil Partnership | N | N | N | N |

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| | | | | |
|---|---|---|---|---|
| Carers of older and disabled people | N | N | N | Y |
| Carers of older and disabled people: As with loner parent families customers who are carers will find it more difficult to move into work in order to increase their income in order to pay more council tax and still care for an older or disabled person. | | | | |
| If there is no evidence the service/policy/function will affect any of the communities , please proceed to section 9. If there is evidence the service/policy/function will affect one or more of the communities , continue to Stage 2, Full Impact Assessment. | | | | |

Stage 2: Full Impact Assessment

| | | |
|----|--|---|
| 6 | How could different communities be affected by the proposed or reviewed service/policy/function/criteria? Record negative and positive effects below. Expand the boxes to take up as much room as you need. See the 2 EIA Guidance documents on Colin for help about effects to consider. | |
| A1 | Public/customers – positive effects | The increase in the amount of money that customers will be required to pay towards their council tax may work as a catalyst in terms of them actively seeking employment or increasing their hours. Reducing the number of customers reliant on LCTS may allow for the residual customer group to benefit financially in the longer term. |
| A2 | Public/customers – negative effects | All customers of working age who claim LCTS whether on low income or Income Support or similar benefit will be required to pay more council tax in 2013/14, some for the first time. As these customers are already means tested to receive CTB it will have a detrimental affect on their standard of living and that of their family by reducing the financial help they will get towards their council tax. There will be no change in any other benefits they may receive to compensate for the reduced support provided by LCTS. In fact some customers will be affected by other reductions in benefit such as Housing Benefit thereby increasing the financial burden on them. |
| B1 | Staff – positive effects | There are no positive effects on staff |
| B2 | Staff – negative effects | Staff are likely to receive a number of queries from potentially angry, stressed and upset customers. |

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| | | |
|---|--|---|
| | | <p>Staff are trained to deal with these issues and the awareness and consultation sessions (See section 8) as well as publicity should mitigate the volume of queries through raising awareness in advance of the scheme being implemented.</p> <p>Staff within the service area and other areas that may be affected by this change are being given more training in relation to debt advice. There are also two additional staff being employed in Housing to help provide debt support and advice to customers. Staff dealing directly with LCTS will be trained in more detail about the scheme once it has been approved by Full Council.</p> |
| 7 | <p>Can any negative effects be justified? For example:</p> <ul style="list-style-type: none"> ▪ As a proportionate means to achieve a legitimate aim ▪ In support of improving community cohesion ▪ To comply with other legislation or enforcement duties ▪ Taking positive action to address imbalances or under-representation ▪ Because of evidence-based need to target a particular community or group e.g. younger/older people. <p>NB. Lack of financial resources alone is NOT justification!</p> | <p>As a council we must protect our key services to all members of the community and communities of interest. As the Government is reducing expenditure there are no other options open to us than to pass on the reduced funding to working age LCTS customers. The reduction will fall proportionately across the whole working age LCTS customer group ensuring that protections that are already in the CTB scheme (for example how certain benefits, income, disability and family size) is treated will continue to ensure that no one person is affected disproportionately to another by the change. As noted above pensioners do not fall within the scheme and so are not affected.</p> |
| 8 | <p>What changes will you make to the service/policy/function/criteria as result of information in parts 5 & 6 above?</p> | <p>There is little very little that we are able to do in terms of passing on the reductions. However the scheme was discussed through a 12 week consultation period that assisted in informing customers of LCTS and this CIA well in advance of the implementation on 1st April 2013. This includes:</p> |

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- An interactive website with calculators and survey questionnaire
- Press release
- Radio interviews
- 12 Public Consultation events including 6 in the community
- Posters to advertise the change and invite customers to the 12 public consultation sessions
- Invites to all working age customers affected (6k+)
- Invites to key partners including CAB and CVS
- Additional two phone lines in YCC for queries and over the phone completion of survey
- Two additional temporary staff recruited and trained for phone line
- Phone line includes typetalk
- Public consultation events to consider equality issues as part of the format

9 What arrangements will you put in place to **monitor impact, positive and negative**, of the proposed service/policy/function/criteria on individuals from the communities?

The impact will be monitored through our own management information and analysis of data regarding issues such as council tax arrears, recovery rates, levels of customer contact and applications made to any hardship fund that the council may set up. Information from other service areas such as Housing as well as external bodies such as the CAB and other agencies who support customers will help monitor.

10 List below actions you will take to **address any unjustified impact and promote equality of outcome (as in appendix 1)** for staff, customers and the public from the communities. The action could relate to:

- Procedures
- Service delivery
- Training
- Improvement projects

| Action | Lead | When by? |
|---|--------------|----------|
| If the council adopts a discretionary hardship fund this will be delivered to those most in need of additional financial assistance by way of a short term increase in LCTS awards. | David Walker | 1/4/13 |

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| | | |
|--|--|-------------------------------|
| <p>Financial Inclusion policy and strategy to provide city wide support to financially vulnerable customers</p> <p>Economic inclusion to try to ensure the write skills are developed to engage all residents in current and future employment opportunities</p> | <p>Ina Floyd</p> <p>Economic Development</p> | <p>Ongoing</p> <p>Ongoing</p> |
| 11 | Date CIA completed | |
| <p>Author: John Madden Position: Strategic Welfare Benefits & Partnerships Manager Date: 12 November 2012</p> | | |
| 12 | Signed off by | |
| <p>I am satisfied that this service/policy/function has been successfully impact assessed.</p> <p>Name: David Walker Position : Head of Financial Procedures Date: 15 November 2012</p> | | |
| <p>Please send the completed signed off document to equalities@york.gov.uk. It will be published on COLIN as well as on the council website.</p> | | |

Appendix 1 - Quality of Life Indicators (also known as “the 10 dimensions of equality”)

Think about the positive and negative impact in these areas:

- ❑ Access to services and employment
- ❑ Longevity, including avoiding premature mortality.
- ❑ Physical security, including freedom from violence and physical and sexual abuse.
- ❑ Health, including both well-being and access to high quality healthcare.
- ❑ Education, including both being able to be creative, to acquire skills and qualifications and having access to training and life-long learning.
- ❑ Standard of living, including being able to live with independence and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport.

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- Productive and valued activities, such as access to employment, a positive experience in the workplace, work/life balance, and being able to care for others.
- Individual, family and social life, including self-development, having independence and equality in relationships and marriage.
- Participation, influence and voice, including participation in decision-making and democratic life.
- Identity, expression and self-respect, including freedom of belief and religion.
- Legal security, including equality and non-discrimination before the law and equal treatment within the criminal justice system.

Indicators from: The Equalities Review 2007 and the Equality Framework for Local Government.



Cabinet
4 December 2012
Report of the Cabinet Member for Corporate Services
Review of Fees and Charges
Purpose of report

1. The purpose of this report is to seek approval to increase a range of the council's fees and charges with effect from the 1st January 2013.

Background

2. Across the council a wide range of services operate fees and charges for services provided, some of which attract VAT at the current rate of 20%. Where necessary the charges in the attached annexes have been rounded to prevent problems with small change.

Options and Analysis

3. Option 1 (recommended option) – Agree the fees and charges as set out in the annexes to the report.
4. This report focuses on those fees that were last reviewed 12 months ago in January 2012 and proposes an increase of approximately 5%, in line with the previous years increase, subject to minor variations due to roundings.
5. The table below summarises each service areas total fees and charges recommended for increase from 1st January 2013.

| Service Area | £000 |
|---|--------------|
| Registrars | 464 |
| Community Centres | 25 |
| Bereavement Services | 1,440 |
| Waste Services | 238 |
| Libraries, Information & Archives | 405 |
| Parks & Open Spaces | 29 |
| Housing Services | 45 |
| Transport, Highways & Planning | 540 |
| Total fee income recommended for increase from 1st Jan 2013 | 3,186 |

6. Additional income of £65k will be generated in 2013/14 from the increase in Crematorium fees and £17k from Registrars.
7. The table below summarises the areas which will be examined further as part of the 2013/15 budget strategy and any proposals will be included in the overall financial strategy if appropriate. Some fees below are set by statutory or regulatory bodies and are therefore only permitted to increase from the 1st April. The remaining service areas are currently reviewing their charging policy, to ensure that any increase will avoid an adverse impact either on service users or the volume of activity in these areas.

| Service Area | £000 |
|---|---------------|
| Environmental Health & Trading Standards | 85 |
| Regulatory Services | 650 |
| Pest Control | 82 |
| Waste Services (inc Commercial Waste) | 2,094 |
| Sport & Leisure | 1,842 |
| Housing | 477 |
| Parking | 7,198 |
| City Centre & Markets | 733 |
| Public Conveniences | 324 |
| Guildhall and Mansion House | 45 |
| Planning | 129 |
| Integrated Young People's Service | 38 |
| Adult Social Care | 366 |
| Total fee income under consideration for increase from 1st April 2013 | 14,063 |

8. In addition to the income above, certain fees, such as planning fees, are set nationally and are increased at the appropriate time in line with national policy and specific details of these will not be included in the budget strategy report.
9. Option 2 – Agree a different increase to that proposed.

Consultation

10. No specific consultation has been carried out for this report. However, the level of all fees and charges is informed by the extensive consultation carried out as part of the development of the budget.

Council Plan

11. This report demonstrates effective management of the councils resources.

Implications

12. The implications are:

- Financial - the fees and charges increases outlined in the annex to this report will generate additional income of £32k in the remainder of the current financial year with a full year effect of £128k in 2013/14. This assumes there will be the same level of activity across all services.
- Human Resources - there are no specific human resource implications to this report.
- Equalities – all council services complete Equalities Impact Assessments to ensure that the charges levied on users are fair and take into account any equalities issues.
- Legal - there are no legal implications to this report.
- Crime and Disorder - there are no specific crime and disorder implications to this report.
- Information Technology - there are no information technology implications to this report.
- Property - there are no property implications to this report.
- Other - there are no other implications to this report.

Risk Management

13. There is a risk that the increase in charge could result in users deciding not to use a service. Individual service areas will continue to monitor activity to ensure any loss of income is identified and mitigated by other savings.

Recommendations

14. Members are asked to approve option 1 and increase the relevant fees and charges as set out in the attached annexes from 1 January 2013.

Reason: To enable the council to effectively manage its budget.

| | | | |
|--|---|---|----------------------|
| Author: | Cabinet Member & Chief Officer Responsible for the report: | | |
| Sarah Kirby Principal Accountant Tel (01904) 551635 | Councillor Julie Gunnell, Cabinet Member for Corporate Services | | |
| | Ian Floyd, Director of Customer and Business Support Services | | |
| | Report Approved | √ | Date 23.11.12 |
| Wards Affected: All | | | |
| For further information please contact the author of the report | | | |

Annex 1 – List of proposed fees and charges

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| BEREAVEMENT SERVICES | 2012/13 | | 1st Jan 2013 | |
|--|-----------|-----------|--------------|-------------------------|
| | Charge | | Increase | Charge to Customer |
| | (exc VAT) | (exc VAT) | | (Inc VAT if applicable) |
| | £ | £ | £ | £ |
| CREMATORIUM | | | | |
| Use of electronic Organ 1 Hymn | 20.00 | 20.83 | 0.83 | 25.00 |
| CREMATIONS (VAT EXEMPT) | | | | |
| Adult (including medical referee fee) | 699.00 | 734.00 | 35.00 | 734.00 |
| Still Born | 0.00 | 0.00 | 0.00 | 0.00 |
| Up to Six Months | 0.00 | 0.00 | 0.00 | 0.00 |
| Six Months to Sixteen Years | 0.00 | 0.00 | 0.00 | 0.00 |
| INTERMENT (VAT EXEMPT) | | | | |
| Interment of Ashes | 23.00 | 23.00 | 0.00 | 23.00 |
| SCATTERING OF ASHES (VAT EXEMPT) | | | | |
| Ashes received from external sources | 61.00 | 64.00 | 3.00 | 64.00 |
| Ashes forward to other places | 48.00 | 50.00 | 2.00 | 50.00 |
| Additional Service Time | 80.00 | 84.00 | 4.00 | 84.00 |
| EXHUMATIONS | | | | |
| Exhumation fee | 160.00 | 168.00 | 8.00 | 168.00 |
| BEARING SERVICE | 15.00 | 16.00 | 1.00 | 16.00 |
| RECORDINGS | | | | |
| CD recording | 29.17 | 30.42 | 29.17 | 36.50 |
| DVD recording | 37.50 | 39.17 | 37.50 | 47.00 |
| Webcast | 37.50 | 39.17 | 37.50 | 47.00 |
| MEMORIALS AND PLAQUES | | | | |
| PLAQUES | | | | |
| 60 letter inscription 10 years | 288.33 | 288.33 | 0.00 | 346.00 |
| 60 letter inscription 20 years | 367.50 | 385.83 | 18.33 | 463.00 |
| Display for a further 5 years | 95.83 | 95.83 | 0.00 | 115.00 |
| MEMORIALS | | | | |
| Memorial Plaque with Rose tree 10 yrs | 315.00 | 329.17 | 14.17 | 395.00 |
| Memorial Plaque with rose tree 20 yr | 406.67 | 429.17 | 22.50 | 515.00 |
| Memorial seat with plaque (10 yrs) | 870.00 | 912.50 | 42.50 | 1095.00 |
| Memorial seat plaque renewal (5yrs) | 161.67 | 161.67 | 0.00 | 194.00 |
| Granite Seat (10 yrs) - new fee | 918.33 | 966.67 | 48.34 | 1160.00 |
| Granite vase Block 10years | 437.50 | 458.33 | 20.83 | 550.00 |
| Granite vase Block 20years | 830.83 | 831.67 | 0.84 | 998.00 |
| Vase Block Plaque | 122.50 | 129.17 | 6.67 | 155.00 |
| Bronze rose memorial plaque on stake (10 yr) | 388.33 | 404.17 | 15.84 | 485.00 |
| Bronze rose memorial plaque on stake (20 yr) | 489.17 | 512.50 | 23.33 | 615.00 |
| Circular bench memorial plaque (10 yrs) | 323.33 | 337.50 | 14.17 | 405.00 |
| Circular bench memorial plaque (20 yrs) | 433.33 | 454.17 | 20.84 | 545.00 |
| Babies garden memorial plaque (10yrs) | 271.67 | 275.00 | 3.33 | 330.00 |
| Granite mushroom memorial plaque (10) | 275.00 | 287.50 | 12.50 | 345.00 |
| Granite mushroom memorial plaque (20) | 376.67 | 395.83 | 19.16 | 475.00 |
| Memorial Disc | 302.50 | 316.67 | 14.17 | 380.00 |
| Granite Shaped Planter | 363.33 | 379.17 | 15.84 | 455.00 |
| Summer House Memorial Plaque | 287.50 | 300.00 | 12.50 | 360.00 |
| URNS | | | | |
| Cardboard Box | 8.75 | 9.17 | 0.42 | 11.00 |
| Baby Urn | 23.75 | 25.00 | 1.25 | 30.00 |
| Urn | 26.25 | 29.17 | 2.92 | 35.00 |
| Casket | 45.42 | 48.33 | 2.91 | 58.00 |

| BEREAVEMENT SERVICES | 2012/13 | | 1st Jan 2013 | |
|--|----------------|----------------|--------------|---|
| | Charge | | Increase | Charge to Customer (Inc VAT if applicable) |
| | (exc VAT) | (exc VAT) | | |
| | £ | £ | £ | £ |
| NICHES | | | | |
| Niche 10 years | 650.00 | 680.00 | 30.00 | 680.00 |
| Niche 20 years | 1,087.00 | 1,140.00 | 53.00 | 1140.00 |
| Sanctum 2000 (Average Charge) | 884.17 | 928.33 | 44.16 | 1114.00 |
| Second Plaque on Sanctum 2000 | 287.50 | 304.17 | 16.67 | 365.00 |
| Inscription (second Plaque/Renewals) | 245.00 | 258.33 | 13.33 | 310.00 |
| Additional inscription p/letter over 80 | 3.08 | 3.17 | 0.09 | 3.80 |
| BOOK OF REMEMBRANCE | | | | |
| 2 line entry | 60.00 | 62.50 | 2.50 | 75.00 |
| 5 line entry | 90.00 | 95.83 | 5.83 | 115.00 |
| 5 line entry with floral emblem | 126.67 | 133.33 | 6.66 | 160.00 |
| 5 line entry with badge, bird, crest & | 148.33 | 154.17 | 5.84 | 185.00 |
| 8 line entry | 114.17 | 116.67 | 2.50 | 140.00 |
| 8 line entry with floral emblem | 153.33 | 158.33 | 5.00 | 190.00 |
| 8 line entry with badge, bird, crest & | 173.33 | 183.33 | 10.00 | 220.00 |
| 8 line entry with coat of arms | 208.33 | 216.67 | 8.34 | 260.00 |
| FOLDED BOOK OF REMEMBRANCE CARDS | | | | |
| 5 line entry with floral emblem | 100.00 | 104.17 | 4.17 | 125.00 |
| 5 line entry with badge, bird, crest & | 127.50 | 133.33 | 5.83 | 160.00 |
| 8 line entry with floral emblem | 125.00 | 129.17 | 4.17 | 155.00 |
| 8 line entry with badge, bird, crest & | 153.33 | 158.33 | 5.00 | 190.00 |
| 8 line entry with coat of arms | 183.33 | 191.67 | 8.34 | 230.00 |
| Regimental Badge Etc | included above | included above | | |
| MEMORIAL CARDS | | | | |
| 2 line card | 39.17 | 41.67 | 2.50 | 50.00 |
| 5 line card | 50.83 | 54.17 | 3.34 | 65.00 |
| 8 line card | 60.00 | 62.50 | 2.50 | 75.00 |
| Regimental Badge | included above | included above | | |
| DRINGHOUSES CEMETERY | | | | |
| INTERMENT (VAT EXEMPT) | | | | |
| Adult (4ft 6" grave) | 675.00 | 710.00 | 35.00 | 710.00 |
| Child up to 12 years | 250.00 | 250.00 | | 250.00 |
| Interment of Ashes | 185.00 | 194.00 | 9.00 | 194.00 |
| Exhumation (negotiated at cost) | | | | at cost |
| Exhumation of Cremated Remains | 160.00 | 168.00 | 8.00 | 168.00 |
| MEMORIALS | | | | |
| Headstones | 91.67 | 95.83 | 4.16 | 115.00 |
| Add Inscription | 50.83 | 50.83 | 0.00 | 61.00 |
| Marking out grave | 16.67 | 16.67 | 16.67 | 20.00 |
| Removal of grave memorial by stonemason prior to interment | 68.33 | 53.33 | -15.00 | 64.00 |
| Cremation plot with exclusive Right of Burial for period of 50 yrs. | 355.00 | 376.00 | 21.00 | 376.00 |

| WASTE SERVICES | 2012/13 | 1st Jan 2013 | |
|--|--------------------------------|---|----------|
| | Charge (inc VAT if applicable) | Proposed Charge (inc VAT if applicable) | Increase |
| | £ | £ | £ |
| Bulky Household Collections | | | |
| 10 items | 33.00 | 35.00 | 2.00 |
| White Goods - Fridges/Freezers only (domestic collections) | 17.50 | 20.00 | 2.50 |
| Bonded Asbestos Collections for quantities up to 200 kg, including assessment visit (incs VAT) | 72.00 | 84.00 | 12.00 |

| TRADE WASTE CHARGES | Charge (inc VAT if applicable) | Proposed Charge (inc VAT if applicable) | Increase |
|---|--------------------------------|---|----------|
| | £ | £ | £ |
| Hazel Court - Household Waste Recycling Centre | | | |
| Waste to be charged per tonne or part thereof :- | | | |
| Residual Waste to Landfill per tonne | 120.00 | 132.00 | 12.00 |
| Minimum Charge | 60.00 | 66.00 | 6.00 |
| Recycling or Waste for Composting per tonne | 60.00 | 66.00 | 6.00 |
| Minimum Charge | 30.00 | 33.00 | 3.00 |
| Minimum percentage of waste be recycable to qualify for charge for recycling or waste for composting rate = 85% | | | |

| LIBRARIES & HERITAGE | 2012/13 | 1st Jan 2013 | |
|--|--|--|---------------|
| | Charge (inc VAT if applicable) £ | Proposed Charge (inc VAT if applicable) £ | Increase £ |
| COMPACT DISCS | | | |
| Loan Charge per title per 3 weeks | 1.00 | 1.05 | 0.05 |
| DVDS - Occasional Users | | | |
| New Films added to stock (Price Band A) - 3 day loan | 3.00 | 3.15 | 0.15 |
| Older Films/Operas/Plays/Classics (Price Band B) - 1 week loan | 3.00 | 3.15 | 0.15 |
| FACSIMILE TRANSMISSION | | | |
| Transmit First Page | | | |
| UK Charge Band 1 | 1.80 | 1.90 | 0.10 |
| BT Chargebands 2 Europe | 2.80 | 2.90 | 0.10 |
| BT Chargebands 3-5 | 2.80 | 2.90 | 0.10 |
| Transmit Other Pages (each) | | | |
| UK Charge Band 1 | 1.80 | 1.90 | 0.10 |
| BT Chargebands 2 Europe | 2.80 | 2.90 | 0.10 |
| BT Chargebands 3-5 | 2.80 | 2.90 | 0.10 |
| Receive | | | |
| UK Charge Band 1 | 2.30 | 2.40 | 0.10 |
| BT Chargebands 2 Europe | 2.30 | 2.40 | 0.10 |
| BT Chargebands 3-5 | 2.30 | 2.40 | 0.10 |
| INTERNET COSTS | | | |
| Library members two hours per day free | | | |
| Non member | | | |
| | additional hours at £1 per hour £1 per half hour | additional hours at £1 per hour £1 per half hour | |
| LOST & DAMAGED STOCK | | | |
| Minimum Charge For Books Out Of Print | | | |
| Adult Non Fiction - Hardback | 25.00 | 26.00 | 1.00 |
| Adult Non Fiction - Paperback | 18.00 | 19.00 | 1.00 |
| Adult Fiction - Hardback | 19.50 | 20.50 | 1.00 |
| Adult Fiction - Paperback | 9.50 | 10.00 | 0.50 |
| Children's fiction | 0.00 | 0.00 | 0.00 |
| Children's non fiction | 0.00 | 0.00 | 0.00 |
| Children's stock | 3.00 | 3.15 | 0.15 |
| Audio Visual Stock Minimum Charge | | | |
| Compact Discs - single | 9.00 | 9.50 | 0.50 |
| Compact Discs - double | 13.00 | 13.60 | 0.60 |
| Language course | 25.00 | 26.00 | 1.00 |
| DVDs | 9.00 | 9.50 | 0.50 |
| OVERDUE CHARGES | | | |
| Books, audiobooks and language courses - Adult Rates | | | |
| 1 Day | 0.15 | 0.16 | 0.01 |
| Books, audiobooks and language courses - Young People' rate (12-17 yrs) | | | |
| 1 Day | 0.05 | 0.06 | 0.00 |
| RESERVATION CHARGES | | | |
| Per Requests From Outside York Stock | | | |
| Adult | 8.50 | 9.00 | 0.50 |
| PHOTOCOPYING | | | |
| A4 sheet | 0.10 | 0.10 | 0.00 |
| A3 sheet | 0.20 | 0.21 | 0.01 |
| Colour A4 | 0.50 | 0.50 | 0.00 |
| Colour A3 | 1.00 | 1.00 | 0.00 |
| Staff assisted photocopying | 0.00 | 0.00 | 0.00 |
| COMPUTER PRINTS | | | |
| Black & White Prints | 0.15 | 0.15 | 0.00 |
| Colour Prints | 0.70 | 0.75 | 0.05 |
| Photo Quality Prints | | | |
| IT CONSUMABLES | | | |
| USB Memory Sticks 4gb | 7.35 | 7.70 | 0.35 |

| LIBRARIES & HERITAGE | 2012/13 | 1st Jan 2013 | |
|---|-------------------------------------|--|---------------|
| | Charge (inc VAT if applicable) £ | Proposed Charge (inc VAT if applicable) £ | Increase £ |
| HIRE OF ROOMS | | | |
| Explore York Library Learning Centre | | | |
| Marriott Room | | | |
| Profit-making Organisations Per Hour | 63.00 | 66.00 | 3.00 |
| Profit-making Organisations Per Day - 7 hours - 9-4 , 10-5 | 420.00 | 440.00 | 20.00 |
| Profit making organisations per evening - 5.30 - 7.30 | 105.00 | 110.00 | 5.00 |
| Non-Profit Making Organisations Per Hour | 36.75 | 38.60 | 1.85 |
| Non profit making organisations per day | 220.50 | 230.00 | 9.50 |
| Non profit making organisations per evening | 63.00 | 66.00 | 3.00 |
| Technology Pack per day - (laptop, digital projector) | 0.00 | 0.00 | 0.00 |
| Garden Room - 40 theatre style, 25 boardroom | | | |
| Profit-making Organisations Per Hour | 52.50 | 55.00 | 2.50 |
| Profit-making Organisations Per Day | 336.00 | 350.00 | 14.00 |
| Profit making organisations per evening | 94.50 | 99.20 | 4.70 |
| Non-Profit Making Organisations Per Hour | 31.50 | 33.00 | 1.50 |
| Non profit making organisations per day | 210.00 | 220.00 | 10.00 |
| Non profit making organisations per evening | 52.50 | 55.00 | 2.50 |
| Brierley Room - 20 theatre style, 15 boardroom | | | |
| Profit-making Organisations Per Hour | 42.00 | 44.00 | 2.00 |
| Profit-making Organisations Per Day | 273.00 | 290.00 | 17.00 |
| Profit making organisations per evening | 73.50 | 77.00 | 3.50 |
| Non-Profit Making Organisations Per Hour | 26.25 | 27.50 | 1.25 |
| Non profit making organisations per day | 157.50 | 165.00 | 7.50 |
| Non profit making organisations per evening | 42.00 | 44.00 | 2.00 |
| Flexible Learning Centres - Acomb, Tang Hall, Clifton & York - incl.IT support | | | |
| Profit-making Organisations Per day | 735.00 | 770.00 | 35.00 |
| Non-Profit Making Organisations Per day | 367.50 | 385.00 | 17.50 |
| Meeting Room at Tang Hall Library | | | |
| Profit-making Organisations Per Hour | 26.25 | 27.50 | 1.25 |
| profit making organisations per day | 168.00 | 175.00 | 7.00 |
| Profit making organisations per evening | 42.00 | 44.00 | 2.00 |
| Non-Profit Making Organisations Per Hour | 21.00 | 22.00 | 1.00 |
| Non profit making organisations per day | 126.00 | 132.00 | 6.00 |
| Non profit making organisations per evening | 31.50 | 33.00 | 1.50 |
| Explore Acomb Library Learning Centre | | | |
| Room 1 - 30 People | | | |
| Profit-making Organisations Per Hour | 47.25 | 50.00 | 2.75 |
| Profit-making Organisations Per Day | 315.00 | 330.00 | 15.00 |
| Profit making organisations per evening 5.30 - 8.30 | 126.00 | 132.00 | 6.00 |
| Non-Profit Making Organisations Per Hour | 31.50 | 33.00 | 1.50 |
| Non-Profit Making Organisations Per day | 199.50 | 210.00 | 10.50 |
| Non profit making organisations per evening | 84.00 | 88.00 | 4.00 |
| Room 2 - 12 People | | | |
| Profit-making Organisations Per Hour | 26.25 | 27.50 | 1.25 |
| Profit-making Organisations Per Day | 168.00 | 175.00 | 7.00 |
| Non-Profit Making Organisations Per Hour | 15.75 | 16.50 | 0.75 |
| Non-Profit Making Organisations Per day | 89.25 | 93.75 | 4.50 |
| Room 4 - 20 People | | | |
| Profit-making Organisations Per Hour | 36.75 | 38.50 | 1.75 |
| Profit-making Organisations Per Day | 241.50 | 253.00 | 11.50 |
| Non-Profit Making Organisations Per Hour | 26.25 | 27.50 | 1.25 |
| Non-Profit Making Organisations Per day | 168.00 | 176.00 | 8.00 |

| LIBRARIES & HERITAGE | 2012/13 | 1st Jan 2013 | |
|---|--------------------------------|---|----------|
| | Charge (inc VAT if applicable) | Proposed Charge (inc VAT if applicable) | Increase |
| | £ | £ | £ |
| ARCHIVES & LOCAL HISTORY SERVICES | | | |
| Research service for private enquiries First 15 mins free, then per 15 mins | 6.00 | 6.30 | 0.30 |
| Copy documents for personal & private study | | | |
| Self-service copies | | | |
| Microfilm/microfiche copies A4 | 0.50 | 0.52 | 0.02 |
| Microfilm/microfiche copies A3 | 0.75 | 0.80 | 0.05 |
| Copying of documents using customer's own camera - daily facility fee | 3.15 | 3.30 | 0.15 |
| Copies produced by ALH staff | | | |
| Paper | | | |
| Flat rate fee for one order of up to 6 A4 sheets (or equivalent) incl p&p | 5.25 | 5.50 | 0.25 |
| Each additional A4 sheet (or equivalent) on same order incl p&p | 0.70 | 0.75 | 0.05 |
| Digital | | | |
| In TIFF file format on disc, incl p&p - first image | 8.40 | 8.80 | 0.40 |
| Additional TIFF images ordered at same time - per image | 5.25 | 5.50 | 0.25 |
| In JPEG format on disc, incl p&p - first image | 6.30 | 6.60 | 0.30 |
| Additional JPEG images ordered at same time - per image | 4.20 | 4.40 | 0.20 |
| Additional fee for overseas postage = 10% of total order value | | | |
| Research service for commercial/publication enquiries Per 15 mins, minimum charge 30 mins | 6.10 | 6.40 | 0.30 |
| Copy documents for commercial use and publication Digital copies will be supplied for initial research purposes at the prices above plus a flat rate research and administration fee per enquiry of | 15.75 | 16.55 | 0.80 |
| Reproduction licence fees for CYC copyright items Single-use all media non-exclusive 5 year licences. Discounts may be available by negotiation for multiple image use | | | |
| Educational products, text books, York-based not-for-profit organisations | | | |
| UK licence | 13.65 | 14.30 | 0.65 |
| World licence (required if image is to be used on a website) | 31.50 | 33.00 | 1.50 |
| Other non-advertising printed media | | | |
| UK licence | 52.50 | 55.00 | 2.50 |
| World licence (required if image is to be used on a website) | 79.00 | 83.00 | 4.00 |
| Television/film/video factual or dramatic programming | | | |
| World licence (required if image is to be used on a website) | 100.00 | 105.00 | 5.00 |
| Commercial promotions and advertising media | | | |
| World licence (required if image is to be used on a website) | 210.00 | 220.00 | 10.00 |

| PARKS, STRAYS & ALLOTMENTS | 2012/13 | 1st Jan 2013 | |
|--|--------------------------------|---|----------|
| | Charge (inc VAT if applicable) | Proposed Charge (inc VAT if applicable) | Increase |
| | £ | £ | £ |
| PITCHES COURTS & BOWLS | | | |
| Tennis (per court per hour, not per person) | | | |
| Adult | 6.50 | 7.00 | 0.50 |
| Concession | 3.50 | 4.00 | 0.50 |
| Bowls (including reservation fee and woods) | | | |
| Adult per hour | 3.00 | 4.00 | 1.00 |
| Concession per hour | 2.00 | 3.00 | 1.00 |
| Season tickets - adults | 73.50 | 76.00 | 2.50 |
| Season tickets - concessions | 39.00 | 41.00 | 2.00 |
| Pitches | | | |
| Per season | | | |
| per pitch per team | 89.25 | 100.00 | 10.75 |
| ALLOTMENTS (from Jan. 2014) | | 1st Jan 2014 | |
| Plot Size A (0-75 Sq Yards) | | | |
| Full Rent | 17.75 | 18.75 | 1.00 |
| Concession | 10.65 | 11.25 | 0.60 |
| Plot Size B (75-150 Sq Yards) | | | |
| Full Rent | 35.75 | 37.50 | 1.75 |
| Concession | 21.45 | 22.50 | 1.05 |
| Plot Size C (150-300 Sq Yards) | | | |
| Full Rent | 71.50 | 75.00 | 3.50 |
| Concession | 42.90 | 45.00 | 2.10 |
| Plot Size D (300-450 Sq Yards) | | | |
| Full Rent | 95.00 | 99.00 | 4.00 |
| Concession | 57.00 | 59.40 | 2.40 |

| HOUSING SERVICES | 2012/13 | 1st Jan 2013 | |
|--|---------|-----------------|----------|
| | Charge | Proposed Charge | Increase |
| Houses in Multiple Occupation Licences | £ | £ | £ |
| New Licence Applications | | | |
| Band A | 651 | 680 | 29 |
| Band B | 785 | 820 | 35 |
| Band C | 882 | 930 | 48 |
| Band D | 953 | 1000 | 47 |
| Fit & proper person check | 26 | 30 | 4 |
| Licence Renewals | | | |
| Band A | 325 | 340 | 15 |
| Band B | 392 | 410 | 18 |
| Band C | 441 | 460 | 19 |
| Band D | 476 | 500 | 24 |

| PLANNING & TRANSPORT | 2012/13 | 1st Jan 2013 | |
|--|--------------------------|--------------------------------------|-------------------|
| | Charge (exc VAT) £ | Proposed Charge (exc VAT) £ | Increase £ |
| PLANNING | | | |
| Land Charges | | | |
| Basic search - over the counter | 85.00 | 90.00 | 5.00 |
| Basic search - electronic | 85.00 | 90.00 | 5.00 |
| Business search | 157.00 | 165.00 | 8.00 |
| Optional enquiries | 40.00 | 42.00 | 2.00 |
| Additional enquiries | 20.00 | 21.00 | 1.00 |
| Personal search (set by government) | | | |
| Planning Register | No charge | No charge | |
| Highway Register | No charge | No charge | |
| Building Control | | | |
| Letter of confirmation } | | | |
| Completion Certificates } | 38.00 | 38.00 | - |
| Approvals } | | | |
| Naming & Numbering | | | |
| 1 - 2 units | 32.00 | 34.00 | 2.00 |
| 3 - 10 units | 64.00 | 68.00 | 4.00 |
| 10 - 100 units | 128.00 | 136.00 | 8.00 |
| Over 100 units | 200.00 | 210.00 | 10.00 |
| Development Management | | | |
| Discharge of planning conditions (non-householder) | 89.00 | 89.00 | - |
| Discharge of planning conditions (householder) | 27.00 | 27.00 | - |
| Copies of S106 Agreements | 47.00 | 50.00 | 3.00 |
| Other | | | |
| Tree Preservation Orders | 38.00 | 38.00 | - |
| Historic Environment Record consultation <50ha | 75.00 | 75.00 | - |
| Historic Environment Record consultation >50ha | 150.00 | 150.00 | - |
| Sites & Monuments Record search | 38.00 | 38.00 | - |
| TRANSPORT | | | |
| Bus Stop | | | |
| Installation & removal of temporary bus stop | 88.00 | 92.40 | 4.40 |
| Removal of permanent bus stop during work | 166.00 | 174.00 | 8.00 |
| Damage to bus stop or unauthorised removal | 166.00 | 174.00 | 8.00 |
| Road Safety | | | |
| Local Authority School Children | | | |
| Pre Basic Cycle Trainir Level 1 | £3.20 / child | £3.40 / child | |
| Basic Cycle Training Level 2 | £16 / child | £17 / child | |
| Advanced Cycle Trainii Level 3 | £8.00 / child | £8.40 / child | |
| Adults | | | |
| 1:1 adult training (first hour) | £18 / adult | £19 / adult | |
| 1:1 adult training (90 minutes) | £23 / adult | £24 / adult | |
| Pedestrian Training | | | |
| School training by class (2 x 1.5hr | 26.00 | 27.00 | 1.00 |
| External Trainer Training | £400 / person | £400 / person | |

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Cabinet**4 December 2012**

Report of the Cabinet Leader

Economic Infrastructure Fund – Proposals**Purpose**

1. This report sets out three proposals for Economic Infrastructure Fund (EIF) allocations: (1) MIPIM 2013; (2) City Centre Holiday Footfall Measures and (3) Arts Barge; as well as an update on EIF spend to date.

(1) Le Marché International des Professionnels de l'immobilier (MIPIM) 2013**Background**

2. The City of York Council (CYC) has in the past year worked with the private sector through the York Economic Partnership to produce an ambitious new Economic Strategy for the city, which sets the sights of the city on the target of becoming a top 5 UK city and a top 10 European mid-sized city.
3. A key aim of this strategy is for the city to become more international, and an internationalisation strategy is being moved forward by members and officers alike. The Council is working with partners including businesses and the universities in the city to tap into new international markets, including recent city delegations to the city of Dijon, Chicago and Shanghai. Further efforts are being made to step up the profile of the York offer as a business destination through UK Trade and Investment to ensure that the city has a robust opportunity to pitch for interest overseas from business looking to invest in the UK.
4. However, relying on UKTI alone to “sell” effectively what York as a city has to offer business investors and developers is not enough to compete on the national and global stage. Indeed, there is a real need in the city to proactively target potential investors in

markets abroad with the potential opportunities afforded by some of our key sites in the city, like York Central.

5. The Council has already identified a priority list of available sites and indeed a call for new sites is out through the local plan development process. As such, there is a need and potential to raise the game of the city in identifying potential investors and matching these investors to potential sites. A key route to market for this drive is through the Leeds City Region Local Enterprise Partnership, and a key opportunity is coming up in the form of MIPIM, the international property fair.
6. MIPIM is an international event that brings together the most influential players from all international property sectors, offering significant access to the greatest number of development projects and sources of capital worldwide.
7. MIPIM was held in Cannes, France from 6 to 9th March 2012. It was attended by 19,402 registered attendees from 83 countries across the World, with many major European and UK cities present, including Manchester, Birmingham, Bristol and Bath, Coventry and the Leeds City Region.
8. For four years, the Leeds City Region has been present at MIPIM as part of its emerging strategy to attract inward investment. Each year, a number of local authorities have gone to represent the city region and their local authority in the process – including all of the West Yorkshire authorities at one point or another. The city of York has never been involved directly in the event.
9. Although the overall branding used for the event is Leeds City Region, the individual local authorities attending the event have the opportunity to position themselves and their offer prominently amongst the investors and developers attending the event.

Proposal

10. The proposal is for City of York Council and partners from the private sector to lead a delegation at MIPIM 2013, with investment from the EIF of £25K. This investment is part of a much larger investment of £150K for the LCR overall presence.

11. The investment will fund the core contribution required for local authorities to participate in the LCR delegation (£20K); travel and accommodation costs, and production of materials (£5K).
12. The investment by the local authority will then enable the city to leverage sponsorship and involvement of the private sector additionally, creating an overall impact which is greater than this initial investment. The Economic Development Team are currently in discussions with agents and partners in the city with responsibility for key sites – including York Central, Heslington East, Terry's and Nestle South as well as a number of smaller sites, which together combine as York's property prospectus.
13. The intention is to send two delegates from CYC, to be joined by representatives of the wider business community either directly in these sites or more generally for the property industry in York.
14. The event will allow the city to showcase its sites and property portfolio, set in the context of York's emerging profile as a real destination for business in key growth sectors. By attending the event as part of the Leeds City Region delegation, CYC and York partners will benefit from pooling of resource and get greater value for money for the investment.
15. The city will have the opportunity to be represented and promoted at a number of LCR events/and opportunities, whilst also promoting the York portfolio through York-specific activity, including briefings on York for an open audience, and more targeted meetings with specific investors, developers and potential partners which will be arranged through the MIPIM delegate list to be made available in early 2013.
16. The LCR delegation in 2013 is to include Leeds and Wakefield, although other authorities are considering the opportunity.
17. As a guide to the kind of activity being planned for the LCR delegation in 2013, the Leeds City Region activities in 2012 included:
 - A stand in the main exhibition hall
 - 4 events held on the stand which included:-
 - A Welcome Reception (104 registered to attend)
 - Bradford: Gathering Momentum Event (45 registered to attend)

- Leeds: Investment Capital Event (57 registered to attend)
 - Leeds: Large Casino Licence Event (37 registered to attend)
 - 2 dinners attended by 54 people, with a focus on investment.
 - A breakfast briefing attended by 54 people, with a focus on the Leeds and Bradford Enterprise Zones.
- Meetings on the stand with a wide variety of MIPIM delegates
18. For authorities attending the event, the opportunity generates significant profile-raising amongst key investors and developers, and has generated leads for cities that have attended.
 19. As a guide to value for money provided by attending the event, Leeds City Council have generated two significant leads looking seriously at investing in the city of Leeds. In addition, Leeds has reported significant positive engagement from private sector partners that have sponsored and/or attended the event with Council colleagues.
 20. Additionally, further meetings have been generated several months on from the event, and Leeds reports additional investor contact since the event generated as a result of the briefings, information and networking at MIPIM 2013.

Rationale

21. The rationale for the investment is that the city of York is operating in a highly competitive market amongst other UK and international cities – competing for inward investment.
22. Further, at a time of significant challenge to the UK domestic market, growth is likely to be found outside the UK's borders and MIPIM offers a range of markets and investors in a single place over the week of the event.

Analysis

23. Not attending the event would mean the city missing out on a significant opportunity to promote the offer and property portfolio as suggested above.
24. Attendance and proactive involvement in MIPIM 2013 offers significant value for money. For £25K, the city will have access to all of the following in one event and one place:

- 4100 investors
 - 1200 developers
 - Markets from 83 countries globally
25. Given that a typical stand at the MIPIM event costs £50K alone, the contribution of half this to get a full opportunity to present York's offer at the event is value for money in light of the specific opportunity.
26. More importantly, however, the event would enable the city to generate far greater interest in the York Central and other key sites at a time when domestic investment is significantly dampened by low UK economic growth.
27. Whilst the overall economic benefits are difficult to quantify in exact terms, the potential long term impact is to unlock key sites that in themselves could create over 3,000 jobs based on the latest figures for the York Central site in the short term, and potentially over the longer term a total of over 6,000 additional jobs.¹

Consultation

28. The proposal is being discussed and considered by the York Economic Partnership Board on the 22nd November, and the potential opportunities are being raised with partners in the private sector by the Economic Development Team.

(2) City Centre Holiday Footfall Measures

Background

29. The City of York Council (CYC) has been working with local business in the form of the newly formed City Team York – a partnership that is designed to boost the city centre's competitiveness and economic performance.
30. The CTY has been exploring a range of measures which ultimately will boost footfall to the city centre, and with Christmas approaching, the group has agreed there is an opportune moment

¹ Source: Regional Economic Intelligence Unit, 2012

to invest in the Christmas season offer to visitors and residents alike in a bid to reinvigorate footfall over the holiday period.

31. The summer of 2012 has been a particularly difficult time for retail and city centre business, with footfall down from last year's as a result largely of Olympics and wet weather. Although the trend has been reported nationally, there is a need to boost city centre footfall to ensure the continued competitiveness of the city centre offer to residents and visitors at a very competitive time in the calendar for centres across the region.
32. The footfall figures for 2012 in York were down 2.9% on average from last year. British Retail Consortium/KPMG reported the worst sales figures over the summer for 11 months nationally.

Proposal

33. **(Amended) The proposal is a package of measures designed to boost footfall be supported through EIF funding. The package will include a boost in investment to the Christmas lights in the city centre, free evening car parking on Thursdays combined with free Park & Ride services, as well as one day's free parking at CYC city centre car parks on Boxing Day. These combined stimuli (totalling £34.5K), will be promoted to attract a greater footfall to the city centre than otherwise would be possible.**
34. The addition to the Christmas lights will total £18.5K, leading to a provision of additional lights in several key city centre areas. The lighting enhancements will be used (cross-street) in Coney Street, Davygate, Parliament Street and Micklegate plus on a number of lampposts (c.17 in total) between the station and Lendal Bridge (£8K). There is an additional sum of money for the erection of lights for use in the trees in Parliament Street and/or St Sampson's Square secured from a negotiation with Blackpool Borough Council (£2.3K).
35. An issue has arisen with regard to the lighting of Stonegate which has for historic reasons functioned outside the council system. Businesses are no longer able to fund these and through negotiation and agreement with the traders, CYC will seek to add Stonegate to the council lighting system which will require

investment. For this year a one-off additional lighting solution will be found.

36. Some of the funding (just over £4k) will be used for erection / installation / removal, plus eye-bolt testing and catenary wire replacement by their qualified installation team.
37. **(Amended) The provision of free parking (or rather the funding foregone as a result of not charging for city centre parking) on the four Thursday evenings before Christmas has been estimated at £4k while free parking on Boxing Day has been estimated at £10K. Free evening Park & Ride services after 6pm, again on the four Thursdays leading up to Christmas, has an estimated cost of £2k.**
38. The package of measures should support a boost to activity which will counter the negative effects of a summer in which footfall was down on average year on year, for a variety of reasons – including the Olympics, which has been seen to be a dampener on individuals and families coming out to centres across the UK.

Rationale

39. The rationale for the investment is that the attraction of footfall to the city centre depends fundamentally on an evolving offer. For the city to “stand still” in terms of the Christmas street scene and parking offer would be to potentially lose footfall to other surrounding centres like Harrogate and Leeds.

Analysis

40. Not investing in the offer would send a message to the market and our target audience for the city centre that the city’s offer is no different from previous years and thus there may be a decline in footfall from the previous year. Given the significant competition between cities and centres over the holiday period to attract visitors and consumers to spend money in their respective retail and leisure offers, the city stands to lose out on footfall if it does not demonstrate a commitment to competing effectively.
41. By investing, the Council and CTY partners will be sending a clear message to the market that the city is indeed ‘open for business’. Even a 1% increase in footfall could make a significant difference to the bottom line for city centre business.

42. More importantly, the proposed investment would make a statement to the city centre stakeholders that the centre is a priority and the Council is working alongside traders to do what it can to create a truly level playing field with the out of town retail offer and indeed with competing centres in the region.
43. On average, 135,000 people per week pass through the central shopping area. If the measures increase footfall by 1%, based on the average day visitor spend of £33, the boost to GVA could be in the region of £152K to the local economy. The more indirect, longer term impact of bringing in new visitors that may return increases this GVA impact into the longer term, but is more difficult to measure.

Consultation

44. The proposal to invest in the city centre Christmas lights and an option for providing a day's free parking over the holiday period has been discussed with CTY on 28th September, and was met with a strong interest from the members in seeing the Council investing to match the efforts of traders this holiday season to boost footfall.

(3) Arts Barge

45. The Arts Barge Project (ABP) was established in 2009 as an Unincorporated Community Group. It was formed with a view towards reviving York's community arts scene (in the absence of a dedicated Arts Centre) by creating a unique, floating community arts venue in the city centre.
46. To date, the project has been very successful in facilitating community inclusion in high quality arts. In doing this, the project has created a number of different ways in which to showcase the work of communities and young people; some geared to residents and others specifically aimed at tourists/visitors. What has been a particular strength is the way in which the project has established a lot of collaborative opportunities across age-groups and in mentoring young and emerging artists. This is core to the Arts Barge offer and on its scale, is a unique provision in York.
47. Between 2009 and 2012, ABP delivered a large number of creative events within the city and the locality, including the Galtres Festival. These have now firmly established ABP as an essential creative 'hub' within York and the region. A range of products and

services, designed to meet the project's community objectives have been established including:

- Young band mentorship (by professional performers)
- A community band (age range 12 – 70+)
- An ensemble band – a bespoke ensemble available for private and corporate hire
- Music tuition.

48. In addition the project has a large, and growing, network of artists, performers, arts professionals and enthusiasts who work together across communities and artistic genres to design and deliver collaborative arts events both within York and the region. The project's success has led to an increase in demand for Arts Barge services which cannot be maintained by the current voluntary working arrangements.
49. In addition, the project is in urgent need of a dedicated venue/base from which the project can run its activities, generate revenue and consolidate its status as a creative community hub. It is proposed that the venue will be created from a reclaimed river barge which will integrate a café bar with performance and exhibition space as well as retail and workshop activities. A scaled down model was trialled for 4 weeks on a hired vessel during York's 2011 Festival of the Rivers. During that period, over 3000 visitors took part in Arts Barge events.

Proposal

50. In summary, the proposal is for City of York Council to invest up to £100k capital into the purchase and renovation of a river barge to create a floating arts venue. The overall cost of this work is expected to be approximately £275k and the balance of funding will come from sponsorship and fund raising from the Arts Barge Project. An appeal in 2012 has already raised funds and the ability to buy a boat will allow the project to focus their efforts around a tangible asset and objective. A suitable boat, for full renovation, is expected to initially cost around £50k. The Council is being asked to fund half this cost immediately - £25k. Further payments will then be made at future intervals based upon the final business/project plan for the Arts Barge. The Council will hold a direct share in the boat until the project is complete to ensure that its investment is protected.
51. In detail the project has 4 key components.

Barge Purchase, Refit and Launch

52. The ABP propose to purchase a reclaimed barge with a working history. This will have the dual benefit of transforming an otherwise defunct vessel and also providing an aesthetic which is in keeping with its proposed city-centre, historic location.
53. ABP propose to commission York-based firms for all aspects of the work from initial design to the refit and moorings. Links will also be established with York College in order to arrange the recruitment of apprentices to the project. The project considers that young apprentices would benefit greatly from their involvement, both in terms of gaining practical building skills and by engaging with a high-profile community project.

Consolidation & Extending the core work of the ABP

54. The ABP already has a proven track record of facilitating community inclusion in creative events. Additionally funding will support a specific focus in 2013/14 on involving individuals and groups from:
 - Harder to reach communities within York (areas of relative social and economic deprivation)
 - York's elderly community
55. The ABP will also extend its volunteer bank to operate across the entire project including the planning and production of events, the barge refit and the operation of the venue itself.

Developing established revenue streams and creating new income

56. ABP will need to take full advantage of its current income streams as well as developing new products and services in order to secure the financial success of the project for the future. Investment will be made into strengthening the projects ability to generate income.
57. Aside from the income that can be achieved through arts based activities, the uniqueness of venue will allow the ABP to create new hospitality income streams. Market research has shown that a

river based barge would attract corporate bookings and weddings. This will increase the potential to bring visitors into the city.

Ensuring ABP marketing and promotion is fit for purpose

58. Funding would ensure that the ABP is fully equipped to meet future demand as the project gains profile and customers.

Rationale

59. The Arts Barge Project complements many of the objectives of the Council. It will make a unique and valuable contribution to the current work to reinvigorate the city centre and particularly the river. The proposed arts venue would be a key attraction in the city for both residents and visitors. It has much to contribute to the early evening economy. The project already has a really strong track record in bringing people from all backgrounds together to enjoy music and arts. It has done much to improve social inclusion in the city and promises to offer much more.
60. The Arts Barge Project will create jobs in York from the point that this application is agreed. At least 6 temporary roles will be established in the trades initially as the barge is refit. Some aspects of the work will be highly skilled and will allow traditional crafts to return to Yorkshire. As the project develops, at least ten direct jobs will be created to manage music and arts programmes and to run the boat's core service functions such as cafe and bar. Further direct and indirect roles will be created as the Arts barge begins to run and host more events and courses. GVA will be created through the charged products and services and through the opportunities for increased use of hotels and restaurants in the area and also for increased trade for York suppliers.

EIF Spend to Date

61. **(Revised) The EIF total spend to date and under consideration is £12.122m, £2.152m of which is revenue and £9.970m of which is capital. This leaves £16.378m left of the total EIF budget.**
62. The Annexes to this report provide a breakdown of this spend in detail and summary tables showing commitments against funds available. Members should note also the inclusion in the Annexes of a commitment of £338k in relation to the Living Wage initiative

due to commence in the 2013/14 financial year and shown under the Economic Inclusion header.

Council Plan

63. The proposals will support the delivery of Council Plan Priority 1: Create Jobs Grow the Economy directly through the following mechanisms:

- MIPIM 2013 – will generate potential investment leads which will raise the profile of the city generally and specifically could contribute to investment in key sites, which would create significant numbers of jobs and GVA
- City Centre Holiday Footfall Measures – by adding to the footfall in the city centre, these measures will safeguard and potentially boost city centre jobs and GVA
- Arts Barge – will directly create jobs and indirectly contribute to additional footfall in the city centre

Implications

Financial

64. The EIF has already been approved by Cabinet in April 2012, and the funding will come out of this established Fund.

Human Resources

65. There are no human resources implications arising from this report.

Equalities

66. There are no equalities implications arising from this report.

Legal

67. There are no legal implications arising from this report

Crime and disorder

68. There are no crime and disorder implications arising from this report.

Information Technology

69. There are no information technology implications arising from this report.

Property

70. There are no property implications arising from this report.

Other

71. There are no other implications arising from this report.

Risk Management

72. There are no known risks arising from the report.

Recommendations

73. Cabinet is recommended to:

- Approve the EIF allocation of £25k for CYC to be represented at MIPIM 2013, along with private sector partners
- Approve the EIF allocation of £25k required by the Arts Barge project to secure a boat and to delegate responsibility to the Director of CBSS to make 3 further stage payments of £25k pending a due diligence review of Arts Barge Project Business Plan ;
- **Approve the EIF allocation of £34.5k required to fund the City Centre Holiday Footfall Measures**

Reason: To support the Council Plan priorities of creating jobs, growing the economy and investing in the city's economic future.

Contact:

| | | | |
|---|--|---|----------------------|
| Author: | Cabinet Member & Chief Officer Responsible for the report: | | |
| Katie Stewart Head of Economic Development (01904) 554418 katie.stewart@york.gov.uk | Councillor James Alexander, Cabinet Leader | | |
| Ian Floyd Director of CBSS ian.floyd@york.gov.uk | Kersten England Chief Executive (01904) 552000 kersten.england@york.gov.uk | | |
| | Report Approved | √ | Date 23.11.12 |
| Wards Affected: <i>All</i> | | | |

For further information please contact the author of the report

Annexes

Annex A - GVA impact etc of recommended proposals

Annex B - Breakdown of EIF spending to date

| | EIF Funding | Leverage (i.e. additional funding) | Jobs Impact | GVA Impact |
|---|-------------|------------------------------------|--------------------------------|---|
| EIF Theme: MIPIM 2013 | | | | |
| MIPIM 2013 | £25,000 | N/A | potential long term jobs 6,000 | N/A |
| EIF Theme: City Centre Holiday footfall measures | | | | |
| City Centre Holiday Footfall | £34,500 | N/A | increase footfall by 1% | Estimated £152,000 |
| EIF Theme: Arts Barge | | | | |
| Arts Barge | £100,000 | £175,000 | 20 Direct Jobs Created | Positive. Enhanced attraction in the city centre. |

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Economic Infrastructure Fund Control

ANNEX B

TABLE 1 Funding Sources

| | Funding type req | Prior Year £000 | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|-----------------------------|------------------|-----------------|--------------|--------------|--------------|--------------|--------------|---------------|
| New Homes Bonus | Revenue | | 1,300 | 1,800 | 1,800 | 1,800 | 1,800 | 8,500 |
| Prudential Borrowing | Capital (PB) | | 2,000 | 4,000 | 5,000 | 5,000 | 4,000 | 20,000 |
| Total Fund Value CYC | | 0 | 3,300 | 5,800 | 6,800 | 6,800 | 5,800 | 28,500 |

TABLE 2 Projected Allocations by Theme & Scheme - detail

| | Funding type req | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|--------------------------------------|------------------|------------|--------------|---------------|--------------|------------|------------|---------------|
| Get York Moving - Expenditure | | 395 | 5,085 | 15,850 | 3,468 | 0 | 0 | 24,798 |
| - Park & Ride | | 395 | 3,715 | 13,985 | 3,468 | | | 21,563 |
| Funded by: | | | | | | | | |
| Gvt Grant - DFT | | | 3,369 | 10,209 | 2,938 | | | 16,516 |
| S106 | | | 213 | 704 | 183 | | | 1,100 |
| CYC - Other | | 395 | | 1,052 | | | | 1,447 |
| CYC - EIF | approved | Capital | 133 | 2,020 | 347 | | | 2,500 |
| | | | 395 | 3,715 | 13,985 | 3,468 | 0 | 21,563 |
| - Better Bus Fund | | | 1,370 | 1,865 | | | | 3,235 |
| Funded by: | | | | | | | | |
| Gvt Grant - DFT | | | 670 | 1,095 | | | | 1,765 |
| External Contributions | | | | | | | | 0 |
| CYC - EIF | approved | Capital | 700 | 770 | | | | 1,470 |
| | | | 0 | 1,370 | 1,865 | 0 | 0 | 3,235 |
| Get York Moving - Funding | | 395 | 5,085 | 15,850 | 3,468 | 0 | 0 | 24,798 |

| | Funding type req | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|-----------------------------------|------------------|------------|------------|------------|------------|------------|------------|------------|
| Digital York - Expenditure | | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Digital York - Funding | | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | Funding type req | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|--|--------------------------|------------|-------------|--------------|--------------|------------|------------|--------------|
| Reinvigorate York - Expenditure | | 0 | 835 | 2,914 | 1,500 | 0 | 0 | 5,249 |
| - Reinvigorate York - All | | | 700 | 1,300 | 1,500 | | | 3,500 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | 200 | | | | | 200 |
| CYC - EIF | approved | Revenue | 50 | 110 | 140 | | | 300 |
| CYC - EIF | approved | Capital | 450 | 1,190 | 1,360 | 0 | 0 | 3,000 |
| | | | 0 | 700 | 1,300 | 1,500 | 0 | 3,500 |
| - Newgate Market Refurbishment | | | 100 | 1,514 | | | | 1,614 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | | 114 | | | | 114 |
| CYC - EIF | approved | Capital | 100 | 1,400 | | | | 1,500 |
| | | | 0 | 100 | 1,514 | 0 | 0 | 1,614 |
| - Xmas Stimulus Package | | | 34.5 | 0 | 0 | 0 | 0 | 34.5 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions | | | | | | | | 0 |
| CYC - EIF | to be considered 4/12/12 | Revenue | 34.5 | | | | | 34.5 |
| | | | 0 | 35 | 0 | 0 | 0 | 34.5 |
| - Arts Barge Project | | | 0 | 100 | 0 | 0 | 0 | 100 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions | | | | | | | | 0 |
| CYC - EIF | to be considered 4/12/12 | Revenue | 0 | 0 | | | | 0 |
| CYC - EIF | | Capital | 0 | 100 | | | | 100 |
| | | | 0 | 0 | 100 | 0 | 0 | 100 |
| Reinvigorate York - Funding | | 0 | 835 | 2,914 | 1,500 | 0 | 0 | 5,249 |

| | Funding type req | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|---|--------------------------|------------|------------|------------|------------|------------|------------|------------|
| Economic Inclusion York - Expenditure | | 0 | 50 | 438 | 150 | 0 | 0 | 638 |
| - Financial Inclusion Policy and Action Plan | | | 50 | 100 | 150 | | | 300 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | 50 | 100 | 150 | | | 300 |
| | | | 0 | 50 | 100 | 150 | 0 | 300 |
| - Living Wage | | | | 338 | | | | 338 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | to be considered 4/12/12 | Revenue | | 338 | | | | 338 |

| | | | | | | | |
|--------------------------------|--|---|-----|-----|-----|---|-----|
| | | 0 | 338 | 0 | 0 | 0 | 338 |
| Economic Inclusion York | | 0 | 50 | 438 | 150 | 0 | 638 |

| | Funding type req | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|---|--------------------------|------------|------------|------------|------------|------------|------------|------------|
| Sustainable Economy York | | 0 | 3,570 | 115 | 50 | 50 | 50 | 3,835 |
| - Targeting Growth in Key Sectors | | | 40 | 40 | | | | 80 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | 40 | 40 | | | | 80 |
| | | | 0 | 40 | 40 | 0 | 0 | 80 |
| - Digital and Media Arts Hub | | | 3,400 | | | | | 3,400 |
| Funded by: | | | | | | | | |
| External funding | | | 1,000 | | | | | 1,000 |
| External Contributions (in kind) | | | 1,000 | | | | | 1,000 |
| CYC - EIF | approved in principle | Capital | 1,400 | | | | | 1,400 |
| | | | 3,400 | 0 | 0 | 0 | 0 | 3,400 |
| - Tour de France - Campaign | | | 25 | 25 | | | | 50 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | 25 | 25 | | | | 50 |
| | | | 25 | 25 | 0 | 0 | 0 | 50 |
| - Growth Analysis | | | 30 | 0 | 0 | 0 | 0 | 30 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | 30 | 0 | 0 | 0 | 0 | 30 |
| | | | 30 | 0 | 0 | 0 | 0 | 30 |
| - Promoting York | | | 50 | 50 | 50 | 50 | 50 | 250 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | to be considered 4/12/12 | Revenue | 50 | 50 | 50 | 50 | 50 | 250 |
| | | | 50 | 50 | 50 | 50 | 50 | 250 |
| - MIPIM 2013 | | | 25 | 0 | 0 | 0 | | 25 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | to be considered 4/12/12 | Revenue | 25 | 0 | 0 | 0 | 0 | 25 |
| | | | 25 | 0 | 0 | 0 | 0 | 25 |
| Sustainable Economy York - Funding | | 0 | 3,570 | 115 | 50 | 50 | 50 | 3,835 |

| | Funding type req | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|----------------------------------|------------------|------------|------------|------------|------------|------------|------------|------------|
| Core Costs - Expenditure | | 0 | 86 | 86 | 86 | 86 | 86 | 430 |
| - Officer delivery team | | | 86 | 86 | 86 | 86 | 86 | 430 |
| Funded by: | | | | | | | | |
| External funding | | | | | | | | 0 |
| External Contributions (in kind) | | | | | | | | 0 |
| CYC - EIF | approved | Revenue | 86 | 86 | 86 | 86 | 86 | 430 |
| | | | 0 | 86 | 86 | 86 | 86 | 430 |
| Core Cost/Prject Team | | 0 | 86 | 86 | 86 | 86 | 86 | 430 |

| | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|---|------------|------------|------------|------------|------------|------------|------------|
| TABLE 3 - TOTAL EIF Fund Value + Non EIF funding | | | | | | | |
| Direct EIF | 0 | 3,300 | 5,800 | 6,800 | 6,800 | 5,800 | 28,500 |
| Non EIF | 395 | 6,252 | 13,060 | 3,121 | 0 | 0 | 22,828 |
| | | 395 | 9,552 | 18,860 | 9,921 | 6,800 | 51,328 |
| Funded by: | | | | | | | |
| Government Grant | 0 | 4,039 | 11,304 | 2,938 | 0 | 0 | 18,281 |
| S106 | 0 | 213 | 704 | 183 | 0 | 0 | 1,100 |
| Other External Funding | | 2,000 | 0 | 0 | 0 | 0 | 2,000 |
| CYC - Other | 395 | 0 | 1,052 | 0 | 0 | 0 | 1,447 |
| | 395 | 6,252 | 13,060 | 3,121 | 0 | 0 | 22,828 |
| CYC - EIF Revenue | 0 | 591 | 863 | 426 | 136 | 136 | 2,152 |
| CYC - EIF Capital | 0 | 2,783 | 5,480 | 1,707 | 0 | 0 | 9,970 |
| | 0 | 3,374 | 6,343 | 2,133 | 136 | 136 | 12,122 |
| CYC - EIF to be allocated | 0 | 0 | 0 | 4,667 | 6,664 | 5,664 | 16,379 |

| | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|--|------------|------------|------------|------------|------------|------------|------------|
| TABLE 4 - Summary EIF - Approvals/Recommendations | | | | | | | |
| Total Available | 0 | 3,300 | 5,800 | 6,800 | 6,800 | 5,800 | 28,500 |
| Total Allocations | 0 | 3,373.5 | 6,343 | 2,133 | 136 | 136 | 12,122 |
| Allocations Approved | 0 | 1,864.0 | 5,855 | 2,083 | 86 | 86 | 9,974 |
| Allocations Pending | 0 | 1,509.5 | 488 | 50 | 50 | 50 | 2,148 |
| Balance Remaining | 0 | -74 | -543 | 4,667 | 6,664 | 5,664 | 16,379 |

| | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|---|------------|------------|------------|------------|------------|------------|------------|
| TABLE 5 - EIF (CYC) Analysis Capital Revenue Split | | | | | | | |
| Total Available | 0 | 3,300 | 5,800 | 6,800 | 6,800 | 5,800 | 28,500 |
| NHB Total | 0 | 1,300 | 1,800 | 1,800 | 1,800 | 1,800 | 8,500 |

| | | | | | | | | | |
|---|---------|--|-------|-------|-------|-------|-------|---------|----------|
| NHB Revenue Spend | Revenue | | 590.5 | 863 | 426 | 136 | 136 | 2,151.5 | |
| NHB Capital Spend | Capital | | 709.5 | 937 | 1,374 | 0 | 0 | 3,020.5 | |
| NHB Total Remaining | | | 0 | 0 | 0 | 1,664 | 1,664 | 3,328.0 | |
| Prudential Borrowing Total | | | 0 | 2,000 | 4,000 | 5,000 | 5,000 | 4,000 | 20,000 |
| Prudential Borrowing (CYC) - Capital Spend Only | Capital | | 0 | 2,074 | 4,543 | 333 | 0 | 0 | 6,949.5 |
| Prudential Borrowing Remaining | | | 0 | -74 | -543 | 4,667 | 5,000 | 4,000 | 13,050.5 |


TABLE 6 - Summaries by Theme Committed

| Gross Cost | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 |
|--------------------------|------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Get York Moving | 395 | 5,085 | 15,850 | 3,468 | 0 | 0 | 24,798 |
| Digital York | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reinvigorate York | 0 | 834.5 | 2,914 | 1,500 | 0 | 0 | 5,248.5 |
| Economic Inclusion York | 0 | 50 | 438 | 150 | 0 | 0 | 638 |
| Sustainable Economy York | 0 | 3,570 | 115 | 50 | 50 | 50 | 3,835 |
| Core Costs | 0 | 86 | 86 | 86 | 86 | 86 | 430 |
| TOTAL | 395 | 9,539.5 | 19,317 | 5,168 | 50 | 50 | 34,949.5 |

TABLE 7 - EIF element summary by project

| Approved | Prior Year | 12/13 £000 | 13/14 £000 | 14/15 £000 | 15/16 £000 | 16/17 £000 | Total £000 | |
|---|--------------|---------------|---------------|---------------|---------------|---------------|---------------|----------|
| - Park & Ride | | 133 | 2,020 | 347 | 0 | 0 | 2,500 | |
| - Better Bus Fund | | 700 | 770 | 0 | 0 | 0 | 1,470 | |
| - Reinvigorate York - All | | 700 | 1,300 | 1,500 | 0 | 0 | 3,500 | |
| - Newgate Market Refurbishment | | 100 | 1,514 | 0 | 0 | 0 | 1,614 | |
| - Targeting Growth in Key Sectors | | 40 | 40 | 0 | 0 | 0 | 80 | |
| - Tour de France - Campaign | | 25 | 25 | 0 | 0 | 0 | 50 | |
| - Growth Analysis | | 30 | 0 | 0 | 0 | 0 | 30 | |
| - Officer delivery team | | 86 | 86 | 86 | 86 | 86 | 430 | |
| - Financial Inclusion Policy and Action Plan | | 50 | 100 | 150 | 0 | 0 | 300 | |
| Total | 0 | 1,864 | 5,855 | 2,083 | 86 | 86 | 9,974 | |
| Approved - Subject to Business Case/ Cabinet Consideration | | | | | | | | |
| - Digital and Media Arts Hub | | 1,400 | 0 | 0 | 0 | 0 | 1,400 | |
| - Promoting York | | 50 | 50 | 50 | 50 | 50 | 250 | |
| - MIPIM 2013 | | 25 | 0 | 0 | 0 | 0 | 25 | |
| - Xmas Stimulus Package | | 34.5 | 0 | 0 | 0 | 0 | 34.5 | |
| - Arts Barge Project | | 0 | 100 | 0 | 0 | 0 | 100 | |
| - Living Wage | | 0 | 338 | 0 | 0 | 0 | 338 | |
| Total | 0 | 1,509.5 | 488 | 50 | 50 | 50 | 2,147.5 | |
| Approved (All) | Total | 0 | 3,373.5 | 6,343 | 2,133 | 136 | 136 | 12,121.5 |

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|---|-----------------|
|  | |
| Cabinet | 4 December 2012 |
| Report of the Cabinet Member for Corporate Services | |

Implementing the Living Wage

Summary

1. During Living Wage Week in November 2012 and in conjunction with the publication of the Fairness Commission Report 'A Better York for Everyone', the City of York Council reaffirmed its commitment to implement the Living Wage (LW) for all council staff earning below the national Living Wage of £7.45. This built on its commitment made in February 2012 in response to the Fairness Commission's initial report, to further explore the implications of the Living Wage and plan for its implementation in 2013/14.
2. Cabinet members are asked to agree recommendations for implementing the Living Wage for employees with council contracts from 1st April 2013 with a further phase of activity promoting the Living Wage with all suppliers and partners during 2013/14.

Background

3. The Living Wage Campaign in the UK was launched by London Citizens in 2001 and calls for every worker in the country to earn enough to provide their family with the essentials of life. Following a series of successful campaigns, various interested parties joined together and formed the Living Wage Foundation in 2011. The Foundation is now the lead body and provides accreditation, advice and support to potential, and to 93 accredited, Living Wage Employers.
4. The new Living Wage rate (outside of London) was announced in York by the Chief Executive of the Joseph Rowntree

Foundation on 5th November 2012 as part of the 'Living Wage Week'. The new rate sees an increase of 25p per hour taking it to £7.45. The rate is set by the Centre for Research in Social Policy (CRSP), at Loughborough University and the research is funded by Joseph Rowntree Foundation. It is set at a level that allows people to achieve a minimum socially acceptable standard of living when applied alongside full take-up of in-work benefits.

5. Local authorities outside London who have implemented include: Preston, Newcastle, Birmingham, Bristol, Oxford, Caerphilly, Cardiff, Swansea and Hyndburn. Others who are committed to or considering it include: Sheffield, Manchester, Liverpool, Dundee, Blackpool, Calderdale and Bradford.
6. The events during Living Wage week in York saw a positive response from employers with York Hospital, Nestle UK, York CAB, Leeds and York Foundation NHS, York College, York University, York Mind, Our Celebration and the Fire, Police and Probation Services all committing to the Fairness Principles set out by the Fairness Commission. This adds to the employers already committed to the Living wage who include Aviva, (one of the key partners of the Living Wage Foundation), the Joseph Rowntree Foundation, who fund the research into the Living Wage rate, York St John and York CVS.
7. There is now a body of research which identifies benefits of a Living Wage not only for the individual but also employers and society in general. Research undertaken by two of the Foundations key partners, the Greater London Authority and Queen Mary University London identified a number of benefits for employers. In addition to the reputational benefits of being an ethical employer, the most significant impacts found from this and other research were:
 - *An improvement in the quality of work*
 - *Reduction in absenteeism*
 - *Easier recruitment and retention*
 - *Consumer awareness and reputation*
 - *Reduction in turnover of contractors*
 - *Improved morale motivation and commitment*

8. The benefits of a Living Wage were also identified by the York Fairness Commission. The Commission's Interim Report in November 2011 suggested exploring the implications of adopting a Living Wage. This was subsequently reinforced in the final report published in September 2012 with the headline recommendation to "Make York a Living Wage City and Yorkshire a Living Wage Region".
9. The Fairness Commission recommends widespread adoption of the Living Wage as a means of tackling in-work poverty and as a step towards reducing income inequality which will deliver benefits to the whole community. Their report concluded: "We have debated the living wage concept, notably with local businesses, in our consultation. The case for its payment is becoming increasingly strong and supported".
10. KPMG's 'Current Trends in Household Finances and Structural Analysis of Hourly Wages' report, October 2012, identified some of the difficulties associated with earning below the Living Wage. It stated "one in five workers across the UK earn less than the Living Wage" and that compared to those earning more they are especially down beat about: "Current household finances, Savings, Cash availability, Workplace activity, Appetite for major purchases, Ease of access to unsecured credit".

Who does this affect?

11. There are 573 employees who fall into the Living Wage group (under £7.45 per hour). This equates to 17% of the workforce (excluding teachers and casuals). The majority of these, 95%, fall into the Local Government Services Employees (LGS) bargaining group. Their pay and conditions are set in the main through the Collective Agreement Regarding Single Status and Pay & Grading for Local Government Services Employees (LGS) implemented in 2008.
12. There are a small number of employees from other bargaining groups whose pay and conditions are set by other National Agreements. The most significant of these is the National Joint Council for Workshops for Blind which has 30 employees located at Yorkcraft. There are no other employees, other than these, employed under these terms.

13. LGS employees have their pay set by a grading structure consisting of 12 grades. The rates of pay for Grade 1 and 2 are shown below:

| Grade | Level | Hourly rate | Annual salary |
|-------|-------|-------------|---------------|
| GRD1 | 1 | £6.3134* | £12,180 |
| GRD1 | 2 | £6.4362 | £12,417 |
| GRD1 | 3 | £6.5590 | £12,654 |
| GRD1 | 4 | £6.6818 | £12,891 |
| | | | |
| GRD2 | 1 | £6.7081 | £12,942 |
| GRD2 | 2 | £6.9621 | £13,432 |
| GRD2 | 3 | £7.2161 | £13,922 |
| GRD2 | 4 | £7.4527 | £14,378 |
| | | | |

*As the LGS grading structure is based on annual salaries, working back to an hourly rate necessitates these being expressed to four decimal places

14. The employees in the other bargaining group affected are on spot salaries.

15. There have been no pay increases in the council for 3 years therefore rates of pay have been eroded in comparison to both the Living Wage and the National Minimum Wage (NMW). Comparing the minimum rate for Grade 1 to the NMW before the pay freeze shows that this has been eroded by nearly 7%.

16. Approximately 21 job types fall into the Living Wage category. Of these there are two job roles, Cleaners and Mid-day Supervisors (MSAs) that cover the vast majority of employees as shown below:

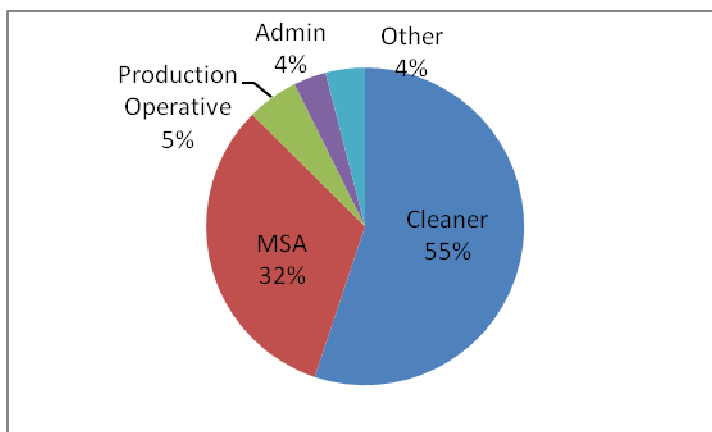


Fig 1. Distribution of job types

17. Virtually all jobs in Grade 1 are Cleaners (with the exception of 1 Housekeeper). This amounts to 55% of the Living Wage group.
18. The second largest group of MSAs have a particular characteristic uncommon to other job groups. Employees in these roles supervise children during school breaks and as such work very few hours, the range is from 1 ¼ to 8 ¾ hours per week, and a significant number, around 43% hold additional jobs.
19. The gender split within the Living Wage group is 75% female 25% male and 92% of the group work part time. Nearly half are aged between 40 and 55 with only very small percentages, (5% & 6%) at either end of the age spectrum. Data on ethnicity and disability is not available for all the records but based on approximately 400 records, 6% are from a black and minority ethnic background and 7% have declared a disability.
20. From a socio-economic perspective, of the staff members who live in York 31% live in Westfield, Heworth and Clifton which are also the top three wards in York for levels of income deprivation and child poverty levels (2010 data).
21. There are currently 56 apprentices in post within the council. Apprentices are not taken into account as part of an organisation's commitment to the Living Wage by the Living Wage Foundation. The council currently pays the national minimum wage for apprenticeships which is £2.65 per hour.
22. Casual workers are also an excluded group from the Living Wage definition, however the council's current practice is to pay casual workers on the LGS pay scales.
23. Payment of the Living Wage in relation to procured services and workers is contained within the council's Procurement Strategy which states "We will work towards the adoption of an approach for addressing low pay, for example, a living wage in all services contracts. This is a journey and we will need to work with suppliers to develop their business models in order to comply with this ambition".

Consultation

24. Initial discussions have taken place with trade unions on the proposals in this report. Whilst broadly welcoming the proposal to implement a Living Wage and wishing to be involved in the development of a scheme, they would be seeking to secure permanent change to job design or pay and grading arrangements for staff in preference to a permanent discretionary supplement.
25. This is likely to result in lengthier processes taking the work into 2014. Subject to the approach agreed, there may be a need for changes to existing policy covered by collective agreements, and if so this would require negotiation of such change.

Options

26. The only option under consideration is to implement a Living Wage for employees with council contracts building on the commitment already given to becoming a Living Wage Employer. This option will include working closely with the trade unions to develop an approach which minimises any impact on the council's pay and grading structure.
27. For schools other than voluntary aided schools and academies the local authority continues to retain a legal responsibility for staff contracts of employment, however the appointment, management and funding of school based staff is a key responsibility of the Governing Body of each school, and government policy is to promote the autonomy of individual schools. The York Education Partnership (a representative body of schools across the city) will consider the living wage at its next meeting in December. Most staff earning below the Living Wage in schools work on a part-time basis as cleaners, catering assistants and midday supervisors.
28. Recommendations do not address the question of whether the council will effectively 'sign up for accreditation' to the Living Wage, but this is something Cabinet members may wish to consider. Signing up or not could impact on the future commitment to uplifting pay in line with increases to the Living Wage as covered in the Analysis and Risk sections below. There is also a small cost (£400) for formal accreditation.

Analysis

29. Introducing a Living Wage for employees is complex with the potential impact on pay policy, practices and levels of pay. The LGS pay structure was collectively agreed in 2008 during single status negotiations. Much work and time has gone into establishing robust policy and practice that ensures fair pay treatment of all employees across the full 12 grade structure. A Living Wage Policy, depending on the approach developed could therefore impact on:

- i. The design of the jobs - requiring duties to be redesigned to secure a higher rate of pay above the Living Wage;
- ii. The grading structure – removing or changing grades to lift people above the Living Wage will affect the integrity of the grading structure and require renegotiation of collective agreement;
- iii. The levels of pay – lifting all the whole 12 grade structure sufficiently high enough to lift Grades 1 and 2 above the living wage would be prohibitively expensive for the council to implement.

30. Changes to any of these elements will have varying degrees of complexity and impact, any change to the grading structure for example would be a major decision and could carry legal risk, opening the continued practice of fair pay and grading into question and potential challenge.

31. In order to preserve the integrity of the pay structure whilst jobs are redesigned and/or the grading structure is being reviewed, it is proposed that, initially, a separate discretionary supplement is paid as an addition to basic pay to achieve the Living Wage of £7.45 per hour. This is similar to how other employers have approached the issue. It is also similar to the way that the council can pay Market Supplements.

32. On the balance of probabilities, it is likely that the council will be able to justify the difference in treatment compared to other employees in that the application of the Living Wage is a proportionate means of achieving a legitimate aim.

Ongoing Pay Implications of a Living Wage

33. Adopting a Living Wage Policy commits the council to an ongoing uplift of salaries in line with any changes to the

national rate (if agreed). It should be noted that the determination of the Living Wage rate is based on a variety of factors and criteria which is significantly different to how annual pay awards for local government are determined, therefore there is potential for these two pay elements to change and increase at very different rates

34. Annual pay increases at the council are linked to the nationally negotiated pay awards, most of which are effective annually in April. The awards are negotiated by the Local Government Employers Organisation on behalf of local authorities and have their interests at heart. Changes to the Living Wage rate will be determined by the Centre for Research in Social Policy with no input or influence from the Employers Organisation or individual authorities. In reality this means the council would be handing over some of its pay decisions to a third party over which it would have no input or influence. Consideration therefore could be given to reviewing the Living Wage Policy on an annual basis as part of the annual budget process.

Implications for staff receiving Benefits

35. Significant changes are being made to the benefits and tax credits system now and over the next few years due to the Welfare Reform Act 2012. These changes are expected to impact on our lowest paid employees and implementing a Living Wage Policy may lift some staff out of reliance on benefits and cushion the impacts of any benefits cuts for others.
36. In introducing the Living Wage, some staff may experience difficulty in organising their financial arrangements and we would offer benefits advice and support for those staff members.

Developments for Apprentices

37. Apprentices are not required to be included in a Living Wage Policy by the Living Wage Foundation. However, as part of work on the strategy for apprenticeships going forward the level of pay for apprentices will be reviewed, with an aim for new proposals to be implemented by 1st April 2013.
38. The council is developing a policy which will look towards offering lower level roles (potentially Grade 1 and 2, subject to suitability) being offered in the first instance as an

apprenticeship. This would increase the number of apprentices securing a permanent job in the longer term. Funding would come from departmental staffing budgets as these opportunities would be subject to a permanent vacancy arising. North Yorkshire County Council and Manchester City Council have implemented similar approaches successfully.

39. Further consideration and consultation work is required before an actual pay level can be recommended therefore Cabinet members are asked to note in the work ongoing to develop enhanced 'a living wage for apprentices'. A solution for supernumerary apprentices currently not attached to a role will need to be sought as part of this work.

Casual Workers

40. As with apprentices casual workers are not required to be included in the Living Wage but the council could decide to include them in its Policy.
41. Including casual workers would increase the financial impact of the Policy, excluding them would change the current practice of paying these workers at the same rate as employees. The effect on hourly rates of pay, should casuals be included, would be an increase of £1.14 per hour for Grade 1 work and 74 pence per hour for Grade 2.
42. These staff would ultimately benefit from any job redesign or grading structure changes.

Corporate Priorities

43. The adoption of a Living Wage Policy will support the council's priorities of:
- Creating jobs and growing the economy
 - Building strong communities
 - Protecting vulnerable people

Implications

44.

a) Financial

- i) The total cost to the council of paying a 'living wage' of £7.45 per hour is likely to be between a minimum of £338k based on a continued pay freeze and £309k with an estimated 1% pay increase at April 2013. This includes the impact on allowances and on costs (National Insurance & pensions).
 - ii) These figures have been calculated as at the time of writing, and as such reflect a snapshot position. There will most likely be variations to the final cost of the scheme should it be implemented due to turnover and changes in the composition of the workforce. Where people leave and are replaced by new starters at the bottom of the grade, the costs of the scheme would increase accordingly.
 - iii) There would be no known additional costs to implement the recommendations around apprentices.
 - iv) Any additional costs of applying the Living Wage to casual staff would be borne by service budgets and could impact on income targets for the staffing pool, if services consequences withdrew their use of casual employees. There are also significant legal risks as identified below.
 - v) There is no currently budget provision to fund a Living Wage in 2013/14, but given that paying the Living Wage could provide an economic stimulus in relation to spend in less affluent areas of York and therefore can contribute significantly to the city's financial inclusion and economic prosperity agendas, a bid to the Economic Infrastructure Fund could be made for one year.
 - vi) Provision can be found for 2014/15 but it will reduce available growth for other areas.
- b) **Human Resources (HR)**
- i) The human resources implications are mainly contained in the body of the report. It should be noted that the analysis in this report is based on assessment of basic pay only.
 - ii) The amendments required to the payroll system may impact on iTrent project implementation timescales.
- c) **Equalities**
- Whilst some analysis of the composition of the workforce within the Living Wage group has been carried out and referenced earlier in this report, a Communities of Identity

Assessment would be required as part of the further work on adopting a Living Wage Policy.

d) Legal

- i) Paying a supplement will minimise any risks associated with changing the grading structure and any equal pay risks associated with paying a staff group differently can be mitigated by choosing a mechanism that is transparent and based on a legitimate aim. This risk will be mitigated with the supplement being available to all who could be eligible under the scheme.
- ii) Further development of the Living Wage scheme will take into account the following:
 - (1) the council's job evaluation scheme (JES) has resulted in a robust and transparent pay and grading system and remains an important protection against equal pay claims. The main purpose of the JES was to establish a fair and rational basis for organising pay differentials across a range of council jobs, based on thorough analytical evaluation and impartial application. Anything that can be interpreted as undermining the JES and/or makes it otherwise unreliable, could greatly affect the council's defence against equal pay claims. Payment of a Living Wage could affect some pay differentials and so this is where the main risk will lie and the council will ensure that it manages this in the development of the final scheme.
 - (2) Casual workers are not employees of the council and it has always been important to maintain a clear distinction between the two. Individuals who are employees enjoy the highest level of legal protection (e.g. continuity of employment, right not to be unfairly dismissed, entitlement to a statutory redundancy payment), whereas casual workers do not. Paying a living wage to casual workers is likely to narrow this important distinction (i.e. casual workers being given the same rights to a living wage as Council employees) and allow them to argue 'employee status' and thereby additional employment rights that they would not otherwise enjoy. Proposals for 2014/15 outlined in the body of the report may address this issue.

e) **Crime and Disorder**

There are no implications for crime and disorder

f) **Information Technology (IT)**

There are no implications for IT

g) **Property**

There are no implications for property

h) **Other**

Other implications are covered in the body of the report.

Risk Management

45. The legal risks of damaging the integrity of the pay and grading arrangements will be managed through the development of an approach that minimises any such risk.

46. The financial risks of affordability of keeping pace with the Living Wage rate will be managed through the annual budget process and if possible by building flexibility into the policy to give the council discretion to freeze or withhold increases.

Recommendations

47. Cabinet members are asked to agree the following for implementing a Living Wage for staff employed within the council:

a. To adopt an approach for paying a Living Wage for employees with council contracts (excluding apprentices and casual staff), based initially on a discretionary supplement, commencing from 1st April 2013.


b. The draw-down of £338k from the Economic Infrastructure Fund to support the Living Wage proposals in the first year for staff with council contracts, including helping schools work towards implementing the Living Wage.

c. To develop plans and actions which seek to embed the Living Wage in job design and pay structures by April 2014.

- d. To agree, as part of the budget process each year, to review the uplift the Living Wage rate annually where possible, informed by information available from national pay negotiations.
- e. To agree ongoing work on the apprentices scheme to establish a Living Wage for apprentices and eventual employment at grades above the Living Wage.
- f. To embed the Living Wage in procurement activity by April 2014.

Reason: To deliver a commitment to address low pay for council employees, tackle in-work poverty and as a step towards reducing income inequality which, with the support of other employers in York, will deliver benefits to the whole community.

Contact Details

| | | | | |
|--|--|--|-------------|------------|
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| Kay Crabtree Strategic Workforce Development Manager Tel: 01904 551716 | Ian Floyd Director of CBSS | | | |
| Pauline Stuchfield Assistant Director CBSS Tel: 01904 551706 | Report Approved | | Date | 22.11.12 |
|  | | | | |
| Specialist Implications Officer(s) | | | | |
| Andrew Crookham, Principal Accountant Peter Cairns Legal, Employment/Education Lawyer | | | | |
| Wards Affected: All | | | | All |

| | |
|--|--|
| | |
| For further information please contact the author of the report | |

Background Papers:

Living Wage Research for KPMG 'Current Trends in Household Finances and Structural Analysis of Hourly Wages' report, October 2012.

A Better York For Everyone: Report and Recommendations. York Fairness Commission

Living Wage. A Guide for Employers. Living Wage Foundation.

A Minimum Income Standard for the UK in 2012; Abigail Davis, Donald Hirsch, Noel Smith, Jacqueline Beckhelling and Matt Padley; Joseph Rowntree Foundation; 10 July 2012

What price a living wage? Understanding the impact of a living wage on firm-level wage bills; Matthew Pennycook; IPPR and the Resolution Foundation (May 2012)



Cabinet**4 December 2012**

Report of Cabinet Member for Corporate Services

Transfer of responsibility of Social Fund to Local Authorities and establishment of the York Financial Assistance Scheme.**Summary**

1. This report outlines the transfer of funding previously used for 'Community Care Grants' and 'Crisis Loans' (under the umbrella of the Social Fund) by the Department of Work & Pensions (DWP) and proposals for a replacement scheme that also help to deliver the priorities set down in the Financial Inclusion Strategy as approved by Cabinet on 6th November 2012.
2. Members are asked to agree the proposals to administer a one year interim scheme to allow time to focus on the development of a comprehensive localised support scheme in partnership with other key agencies within the city.

Background

3. Currently customers apply to the DWP for a non-repayable Community Care Grant if they already receive (or will receive after leaving care) Income Support, income-related Employment and Support Allowance, income-based Jobseeker's Allowance, Pension Credit, and meet a range of other criteria. Typical items covered by this grant include furniture, household equipment and bedding.
4. Crisis Loans help meet expenses arising from an emergency or a disaster to prevent serious damage or serious risk to the health or safety of a person or their family.
5. Repayment of Crisis Loans is made at source by deduction from DWP benefits at various weekly rates dependant on what the claimant can afford.

6. In York during 2010/11 there were 3,320 Crisis Loan applications of which 2,450 were awarded totalling £179,800 (an average of £73.38 per claim). During 2011/12 there were 2,570 applications of which 1,940 were paid totalling £102,200 (an average of £52.68).
7. For Community Care Grants in 2010/11 there were 980 applications with 520 awards made totalling £200,600 (an average of £385.77). For 2011/12 there was 920 claims of which 460 were paid totalling £204,100 (an average of £443.69).
8. The DWP believe that the remote administration of the Social Fund no longer supports the high levels of discretion that is needed in each case. Its quality and the poor targeting of support has been criticised by both the National Audit Office and the Public Accounts Committee.
9. The funding the council will receive from the DWP is as follows:

| | 2012/13 | 2013/14 | 2014/15 |
|--------|---------|----------|----------|
| Set up | £3,151 | | |
| Admin | | £ 66,592 | £ 61,039 |
| Awards | | £315,141 | £315,141 |
| Total | £3,151 | £381,733 | £376,180 |

10. The new locally-based assistance will be implemented by local authorities from 1st April 2013. From this date Community Care Grants and Crisis Loans will be withdrawn by the DWP.
11. There will be no new statutory duty requiring councils to deliver the service – it will be delivered using existing powers in the Local Government Act 2000. The Secretary of State wrote to Local Authorities on 6th August 2012 setting out the Government's funding arrangements.
12. The DWP recognises that the design, set up and delivery of the new assistance will place an additional burden on councils but intend to ensure that this is funded in full by central government. The funding will not be ring-fenced, enabling councils maximum flexibility to deliver services as they see fit according to local needs. It will allow schemes to build on programmes and services that are already in place or planned.

13. Whilst the grant will not be ring fenced, there is an expectation that the funds will be used for the provision of a locally based scheme that fulfils the requirements of the people who need assistance. They will not prescribe how to set up the scheme. The DWP will, however, monitor use of the funds via an audit which will take place during 2014/15.
14. The council has a number of discretionary funds available to families and households which provide temporary support including:
 - **Discretionary Housing Payments** – administered by the Benefits service to provide temporary support to claimants having shortfalls in their housing benefit (or, until 31 March 2013, council tax benefit), enabling them to meet their rent whilst looking for alternative accommodation, or whilst negotiating rent reductions with their landlord. The budget for 2012/13 is £116k with £69k spent to date. For 2013/14 the grant from the DWP is expected to increase reflecting the general reductions in Housing Benefit awards.
 - **Section 17 Funding under the 1989 Children Act** - to promote the welfare of 'children in need' through provision of financial support/services which aim to avoid children going into care. The desired outcome is for children to be able to remain within the family. Expenditure in 2011/12 was £141k and is expected to be approximately £128k in 2012/13.
15. There are a number of service areas that have the knowledge and expertise to deal with the administration of a further discretionary fund, and are currently dealing with a similar client base to that which will require assistance. These include Customer Services Benefits Team, Adult Children & Education and Housing.
16. A decision was taken in July 2012 to place the service within Customer Services as that area has the skills, expertise and systems to administer the new scheme using an extension of existing benefits software.

Proposals for a Replacement Scheme: York Financial Assistance Scheme (YFAS)

17. YFAS will provide one support package solution for residents in financial difficulty. This will offer a more coherent approach to meet the needs to the community. The most appropriate options will be considered for customers as part of the application including provision of or signposting to other sources of support.
18. A phased approach will be taken to supporting the changing needs of the local community. The first year will allow a standard scheme to be established in order to meet needs from 1st April 2013. During that year the council, with its partners such as the new Credit Union and Citizens Advice Bureau will identify the best way to use the funds available in line with the ambitions set in the Financial Inclusion Strategy. An enhanced and tailored solution for York residents will be developed for implementation in 2014/15.
19. The scheme can be funded solely from the DWP funding as shown in the table at paragraph 9 above, but given the significant level of changes to the benefits system being implemented by the government from this year onwards, the council could choose to supplement the fund to assist in meeting its commitments in the Council Plan to Protect Vulnerable People and the Financial Inclusion Strategy. During 2013/14 opportunities will be sought using the Financial Inclusion resources already agreed by Cabinet, to identify any other grant funding opportunities available from other sources, which could increase the available funds within the scheme.
20. Control of the expenditure of the funds will be managed by ensuring that peaks and troughs are planned, for example by the maintenance of monthly 'caps'.
21. In the interim therefore as part of the first phase of the scheme, it is proposed that there will be two distinct types of YFAS assistance:
 - **YFAS Emergency Assistance** – this is to help with a disaster or crisis; and

- **YFAS Community Assistance** – this is to help with a return to the community or to help customers to remain in the community. This can also help ease exceptional financial pressure on families, for example providing help to attend a funeral or with visiting a relative who is ill.
22. The further development of YFAS will reflect the council's commitment to creating a fairer and more inclusive city by directing resources to where they are most needed by providing access to appropriate financial help or other support. It will support the delivery of the Council's Financial Inclusion Action Plan and the 'Ten Fairness Principles' of the York Fairness Commission by relieving financial hardship of vulnerable members of the community.
 23. The Customer Services' Benefits Team will work together with internal and external partners to create a range of 'trusted' referrers. This will include the council's Adult, Children & Education Directorate and Housing Teams as well as the CAB, Age UK and Housing Associations.
 24. Other features of the initial scheme will include:
 - an 'out of hours' provision
 - application by phone, via partners and the web
 - a 'pre-screening' process when a resident asks for assistance. This will direct them along the correct path for financial help and ensure appropriate referrals are made to deal with other issues that the council and partners can help with.
 25. Northgate Public Solutions are providing an IT solution at a fixed cost of £6k per annum funded by the DWP administration grant outlined in paragraph 9. This will provide an assessment and payment software solution. Northgate currently provide York's Revenues and Benefits system.
 26. Northgate will also provide a web based customer portal for YFAS available 24 hours/7 days a week. It will be available to residents and trusted referrers to check eligibility, apply for, and track applications for YFAS funding.
 27. Northgate is also working in partnership with 'The Family Fund' which is the largest national provider of grants to low income

families raising disabled children and young families. They are able to provide the payment mechanisms that the council requires and have fully developed contracts with suppliers of, for example, white goods (fridges, cookers etc).

28. The council would wish to work with the Family Fund as long as the costs, timescales and standards of their payment options fulfil our resident's needs and pending the development of a localised scheme for 2013/14 perhaps with different and more economically beneficial procurement arrangements in place and with the involvement of partners.
29. In terms of publicity the DWP do not intend to advise their customers that the Social Fund scheme is changing until Feb/March 2013 and are considering not mentioning arrangements for local provision. The council's publicity for YFAS will reflect the commitment to financial inclusion and will be targeted at our most vulnerable communities

Consultation

30. The Government issued a consultation on the 17th February 2011 *"Local support to replace Community Care Grants and Crisis Loans for living expenses – a call for evidence."* The Consultation ended on the 15th April 2011.
31. The Government's response, published in June 2011, focused on three broad areas:
 - A commentary on the key issues and themes that emerged from respondent's contributions.
 - A range of suggested issues for councils to consider as they developed their plans.
 - Previously unpublished detailed information about the Social Fund scheme to provide local authorities with a better understanding of how the Social Fund operates in their local area.
32. The DWP have advised that there is no statutory requirement for councils to formally consult on the introduction of the new scheme and indeed there is insufficient time to do so and effectively implement the processes in York by 31st March 2013.
33. It is recommended that after six months of operation of the initial YFAS scheme that full consultation is undertaken on the

operation of the initial scheme, any new proposals to enhance the scheme in partnership with opportunity for new ideas to be considered in light of and within the context of all national and local individual and community welfare issues. This will inform the design of the final localised scheme to be in place from 1st April 2014.

Options

34. There is an expectation by, and funding from, the Government to establish an appropriate scheme to operate from April 2013. There is also evidence of existing customer need which will need to be met (based on historic DWP data). The only option, therefore, is to establish a scheme with some further suggested solutions around future additional funding solutions.
35. The additional option suggested in this report is to review in full, and consult on, changes to the scheme to reflect local priorities in line with the Council Plan 2011-15 and the Financial Inclusion Strategy.

Analysis

36. There is no further analysis other than the existing information in the report.

Council Plan

37. This report and its recommendations will help to deliver two priorities in the Council Plan to 'Protect vulnerable people' and to 'Build strong communities'. Financial assistance will be targeted at those most in need and will assist in allowing residents to continue to live in our communities.
38. The scheme will be considered and monitored as part of the council's Financial Inclusion Policy work with regular reports to the Financial Inclusion Board and the Cabinet Member for Corporate Services.

Implications

39.
 - a) **Financial**

- i. The base funding for YFAS, including a grant for administration is shown in the table at paragraph 9.
- ii. From 1st April 2013 Discretionary Housing Payments can no longer offset the impact of the new Council Tax Support Scheme.
- iii. The funds for YFAS could be supplemented with additional funds provided by the council, if considered appropriate, as part of the budget setting process for 2013/15.
- iv. Further grant funding opportunities to supplement YFAS will be sought by Financial Inclusion officers. These posts will be funded from the Economic Infrastructure Fund as approved by Cabinet on 7th November 2012 (in the report *City of York Council Financial Inclusion Policy and Action Plan*).

b) Human Resources (HR)

The DWP grant provided will fund two full-time posts needed to administer the scheme. This will help offset the impact of a reduction in the Benefits Administration Grant for 2013/14 of £118,464, reducing the number of compulsory redundancies in this area.

c) Equalities

A full Communities Impact Assessment is being developed.

d) Legal

None

e) Crime and Disorder

None

f) Information Technology (IT)

This is included in the text of the report

g) Property

None

h) **Other**

None

Risk Management

40. That customer demand will outstrip resources. To mitigate this we need to review our provision of grants and discretionary funds to ensure that money is paid from the most appropriate source and used efficiently. We will work with trusted partners to source other funds and avoid duplication. A 'cap' will be agreed to avoid exceeding available budgets.
41. That delays in the payment of DWP welfare benefits may impact on YFAS as customers may well seek help from the council where late payments are the root cause. Some customers may apply for assistance who are not entitled to DWP assistance as they already owe the DWP money or do not fit the qualifying criteria for welfare benefits. This situation will require monitoring.
42. That Northgate and Family Fund are not able to deliver software on time. This is unlikely as the software is based on Blue Badge software, but we will ensure that we have a contingency in place for assessment and payments by 1st April 2013.

Recommendations

Cabinet members are asked to:

43. Approve the approach to establishing an initial York Financial Assistance Scheme from 1st April 2013 with the detail of the scheme delegated to the Director of CBSS to finalise, subject to the approval of the Cabinet Member for Corporate Services.
44. Approve the approach to reviewing the initial scheme in 2013 with a view to implementing a revised localised partnership based scheme from 1st April 2014 (see paragraphs 18, 19 and 28).
45. Consider as part of the 2013/15 budget setting process, any opportunities to add council funds to the base budget of YFAS to give greater scope to assist individual residents, families and communities in financial difficulty.

Reason: To ensure there is no gap in provision of urgent financial resources available to our most vulnerable residents at times of crisis or other difficulty. To mitigate the impacts of wide ranging welfare benefits changes. To meet the priorities set down in the Council Plan and Financial Inclusion Strategy.

Contact Details

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| | Report Approved | √ | Date 22 November 2012 |
| Specialist Implications Officer(s) Financial: Ian Floyd Director of Customer & Business Support Services | | | |
| Wards Affected: <i>List wards or tick box to indicate all</i> | | | |
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Background Papers:

- City of York Council Financial Inclusion Policy and Action Plan Cabinet Report 7th November 2012
- 'Local support to replace Community Care Grants and Crisis Loans for living expenses in England': Government response to the call for evidence– June 2011.

Annexes

None



Cabinet**4 December 2012**

Report of the Cabinet Member – Crime & Community Safety

Tethered Horses – Proposed Policy Framework**Summary**

1. This report aims to raise awareness of the problems associated with horses being deliberately tethered on land without the landowner's permission, often on council land and in particular public highways and to propose the development of a joint protocol which sets out how these issues can be managed by the Council and partner organisations within the legal framework and resources available.

Background

2. Over recent months there has been an increasing number of complaints and incidents relating to horses tethered on council land, in particular highways and footpaths. York is not alone in this and similar situations have also been found across the country, particularly in West and South Yorkshire areas, the West Midlands and County Durham. The practice of leaving horses to graze on land without permission of the landowner is becoming increasingly problematic to local authorities and private landowners. This is commonly (although not exclusively) associated with the Gypsy and Traveller Community, which have a long tradition of horse ownership and trading.
3. Anecdotal evidence suggests there has been an increase in the number of horses tethered on the highways, this may be as a result of a reduction of land previously used for grazing due to development. The numbers may also have been exacerbated by greater regulation introduced with the Horse Passport Regulations in 2009.
4. Horse-related problems can generally be divided into the following categories:
 - Loose or stray horses which pose a risk to danger to the public or highway users.
 - Unlawful grazing on public or private land (fly-grazing).
 - Welfare concerns.

- Nuisance or damage caused by horses on private land.
5. These concerns may arise individually, but often they are in combination and require a multi-agency approach to deal with them effectively. The joint protocol will seek to provide a framework for effective communication and partnership working to ensure a joined-up approach to both preventing problems arising in the first instance and being able to respond to reported incidents as and when they arise. Not all of the above problems are always an issue, however any protocol should cover all the issues to prevent action in one category simply moving the problem to another. For any protocol to be effective it has to be supported by all key stakeholders and be clear about what it is trying to achieve. It also has to be reasonable and proportionate.
 6. Horses have for many years been tethered on 'Common Land' and could, in some instances, be considered part of the cultural heritage of an area. In some cases the legal title of land may specifically mention grazing of livestock. However, where a horse is tethered in such a way that it is cruel to the horse or as a result of where it is tethered it creates a danger, this can not be tolerated.

The Legislative Framework

7. There are a number of powers available to deal with horse related issues. The two most applicable legal powers available for dealing with loose or straying horses are:
 - The Animals Act 1971 (Section 7) - This Act allows the owner or occupier of land to detain horses (livestock) which stray onto their land and to claim expenses for damage done by the livestock to the land and the costs of keeping the livestock until such time as the horses are restored to the owner, or sold at a market or auction (after detaining the horses for no less than 14 days). The land occupier becomes responsible for the reasonable care of the horses while being detained. Although horses may have been put on land deliberately rather than "straying" onto it, this is the principle tool used for removing horse which are on public or private land without permission.
 - The Highways Act 1980 (Section 155) - This Act makes it an offence for horses to stray or lay on, or at the side of a highway. This does not apply to highways which cross common land, waste or unenclosed ground. The Police have powers to remove horses straying on the highway and either to return them to the horse owner or to remove them. A person found guilty of an offence can be liable for paying the expenses

incurred in removing and detaining the horses. This is the principal tool used to remove horses straying on a highway.

8. There are a number other legal powers which might also be appropriate for dealing with horse related issues:
 - The Animal Welfare Act 2006 - This Act creates an offence if a person with responsibility for an animal causes it suffering or fails to ensure its welfare. Allowing a horse to stray and potentially suffering harm and failing to secure adequate welfare, is likely to an offence under the Act. The key difficulty here is, if the horse isn't chipped or passported is identifying who the owner of the horse is so that enforcement action can be taken. The power is one of prosecution and potential additional powers to deprive or disqualify a convicted person from keeping animals. These powers are therefore useful as a deterrent and for potential longer term solutions for persistent offenders, but they do not offer relief to urgent situations. Although the local authority has powers to enforce the Animal Welfare Act, it is common practice for this to be carried out by the RSPCA.

One common query in relation to horse welfare is the practice of tethering horses. On the one hand this practice prevents a horse from straying and potentially causing harm to itself or others, but on the other hand a tether does restrict the freedom of the horse and poorly designed or fitted tethers may lead to injury or harm. The British Horse Federation Code of Practice recommends that tethers are not used as a long-term method of managing an animal, but may be useful as a short-term means of control.

- The Town & Police Clauses Act 1847 (Sections 21 – 29) - A similar power to that contained in the Highways Act, which provides powers to the Police to seize and impound horses that are “found at large in any street” and provides the power to recover reasonable expenses incurred in keeping the horses.
- The Environmental Protection Act 1990 – Part III - The provisions in this Act provide powers to the local authority to investigate and deal with statutory nuisance, which includes “any animal kept in such a place or manner as to be prejudicial to health or a nuisance”. The powers are primarily used by Environmental Health Officers and allow the service of legal notice (an Abatement Notice) on the person responsible for the

nuisance requiring it to be abated, with the prospect of prosecution for failing to comply. This provision might be best used if horses, by virtue of the way they are being kept, cause nuisance to local residents.

- Horse Passport Regulations 2009 - These regulations require horses to have an identification document (passport) and micro-chip which are issued by and registered with an authorised Passport Issuing Organisation. The only exception to this is if the horse already had a passport prior to the regulations coming into force in 2009. Foals must be passported and micro-chipped by the 31st of December in the year of birth or within six months of being born, whichever is the later. The passport system aims to prevent horse meat, which may have been treated with veterinary medicine, from entering the human food chain, and helps prevent the sale of stolen horses. Local Authority inspectors have powers to require passport information and can prosecute people who do not comply. Although, in theory, this should be a useful tool for identifying horses that have strayed, or left in fields it is often the case that these horses are not micro-chipped and so identifying the owner is extremely difficult. One consequence of the legislation is that if a horse is seized and pounded it cannot be subsequently sold unless it has a passport and is micro-chipped, which places an additional cost onto the Council.

Proposed Interventions

9. Provision of land for grazing - The Council owns a number of areas of land across the authority, which if it chose to, could be licensed out to individuals allowing them to use the land, for example to graze horses. The Council has discretion whether or not to issue a licence, to set appropriate charges and to apply any conditions on the use of the land. Licenses usually last for a set period. In addition to the provision of existing land, consideration should be given to the purchase land, subject to availability of finance, where horses can be grazed.
10. As part of the early discussions, potential was raised with the National Farmers Union with regards to the options for local land owners to provide land for grazing. A key element of the discussion was the separation of the management and ownership of the land and the ability for any land to be returned to the land owner if requested.
11. It will be critical that core standards are put in place which have to be adhered to. It is suggested that before any licence is issued

checks should be made to ensure the applicant is not disqualified from keeping animals, or has any convictions for animal cruelty or welfare offences. As a minimum requirement, it is proposed that the following conditions should be applied to any licence:

- All horses must have a passport and be micro-chipped;
- The requirements of DEFRA's Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids must be followed;
- Horses should be kept so as not to cause a nuisance or danger to others;
- The lessee should have adequate public liability insurance and indemnify the Council against any loss or damage resulting from keeping the horse on the land;
- Any waste arising from the keeping of horses must be properly disposed of;
- Any damage to the land, including fencing etc, must be repaired at the lessee's cost;
- The horse owner, or their representative, must provide contact details in case of an emergency (full-time 24hr contact, including cover when on holiday etc).

12. Work with horse owners to reduce the overall numbers – There is a long tradition of horse ownership within the travelling community, which is embedded within the cultural of the community. The majority are responsible owners who legitimately graze their horses and ensure they are well cared for. However, there are also less responsible horse owners who tether their horses on land without permission from the land-owner in an attempt to avoid grazing charges or food costs.
13. Currently, where horses are identified Support Workers liaise with travellers for them to be moved, however, this is often only moving the problem from place to place. There are a number of potential options that could be considered, a key part of the Support Workers discussion with travellers who have illegally tethered horses should be not only the encouragement of utilising the grazing land made available as set out above, but where it is felt to be the most appropriate course of action, to work with the Animal Health team to, where possible, re-home the horses as part of a pre arranged re-homing agreement.
14. Horse welfare concerns – Where a report is received which raises concerns with regards to the welfare of a horse, be it tethered or not, this should be verified by the animal health team, where these

concerns are confirmed, they will then be referred to the RSCPA for investigation and any subsequent action.

15. Seizure of illegally tethered horses – There are a number of circumstances where the council may feel that the most appropriate course of action is to seizure of the horse. The legal framework which allows action in these cases is as set out earlier in this report.
16. One approach that the council could take is a zero tolerance approach and the seizure of all horses tethered and grazing unlawfully on council land. There is no legal requirement on the council to provide grazing land. However, it is felt that a zero tolerance approach could be counter productive, and unnecessarily expensive to the council tax payer.
17. It is felt that a more balanced approach would be appropriate where the provision of grazing land and an approach to re-homing horses is the most appropriate approach to take. However it is acknowledged that there may be occasions where it is felt that the location of a tethered horse constitutes a danger to either the horse itself or others (including road users). This should be assessed via a risk assessment. Where it is felt that there is a health and safety risk to either the horse or others, the relevant powers set out previously should be used and the horse seized.
18. It is clear that where a decision is made to seize a horse, there will be costs associated which will need to be met by the council, at least initially. Discussions with other agencies that have such policies in place identify that the cost are in the region of £1000+ per horse. The legislation allows for the council to recover its costs from the owner of the horse before it is returned, however, it should be acknowledged that in a large number of instances where horses are seized, it will be unlikely that we will be able to identify the owner as often the horses are not chipped or passported. In some instances owners may come forward, where this is the case, a condition of return should be that the horses are chipped and passported before return, the cost, along with all the costs associated with the seizure and subsequent stabling of the horse, to be paid before the horse is returned.
19. Where the owner is not traced or doesn't come forward, the horse should be sold to recover as much of the costs as possible, however it should be noted that in most cases it is very unlikely that the majority of the costs will be recovered. Budget provision will therefore need to be considered as part of the 2013/14 budget discussions to enable such an approach to be taken.

Consultation

20. In developing these proposals consultation has taken place with the Police, NYCC and the NFU. Further consultation will be undertaken with land owners, partner agencies and the travelling community as part of the development of the detailed joint protocol.

Options

21. Option 1 – To agree the proposals set out in the paper:

- That the council develop a joint protocol with the Police, RSPCA and landowners and travellers setting out responsibilities of all parties and detailing a course of action to be taken in the following circumstances:
 - Where a horse is tethered on a highway verge;
 - Where a horse is grazing illegally on CYC land;
 - Where a horse is grazing illegally on private land;
 - Where a horse is found loose on a public highway.
- The council consider its land assets to identify areas of land that it feels would be suitable for letting as grazing land.
- The council works with private land owners and the NFU the potential for land owners to provide land for grazing.
- The councils Animal Health Service work with the RSPCA and horse welfare charities to develop micro chipping and re-homing service.
- The council review its licence and tenancy agreements and insert a clause that prevents the tethering of horses on council land unless there is an agreement in place as part of the provision of land for grazing.
- The council enter into a procurement process to appoint a contractor to manage the seizure and, where necessary, the sale of any horses.

22. Option 2 – To agree some but not all of the proposals set out in option 1.

23. Option 3 - To not agree the proposals and retain the status quo.

Analysis

24. The majority of the analysis is set out within the body of the report, however:

- Option 1 would enable the council to ensure that an appropriate course of action is taken to ensure the safety and welfare of tethered animals as well as ensuring that a balanced approach to the problem is taken thereby reducing the financial and reputational risk to the authority. In developing the joint protocol it will be important that there is full consultation with all stakeholders so that full buy in to the proposals and everyone understands the roles and responsibilities of their organisation.
- Option 2 would enable the council to meet its statutory responsibilities, but could result in challenge from individual sections of the community that the council were not doing all it could to address the issue.
- Option 3 would mean that the council would continue to take a reactive approach to the issue.

Council Plan

25. The proposals set out in the report support the Council Plan, in particular the themes, Build Strong Communities, Protect the Environment & Protect Vulnerable People.

Implications

26. The implications arising from this report are:
27. **Financial** – If the recommended option is agreed there are likely to be significant costs to the authority. The majority of these costs are related to the seizure and subsequent sale of the horses if they are not claimed. It is expected that once any policy is approved there will be a high level of reporting from the local communities. The proposal does not suggest a blanket approach where all grazing horses are removed. Where the owners do not remove the horses the council will incur the costs.
28. **Equalities** – The proposals will disproportionately impact upon the Gypsy & Traveller community, as part of the development of the joint protocol a full Equalities / Community of Interest impact assessment will be carried out.
29. **Legal** - The legal implications are set out in the body of the report.
30. **Crime & Disorder** – Adoption of the proposed recommendations will have a positive impact on crime & disorder and ensure that a clear protocol is in place which clearly sets out the responsibilities of all stakeholders,
31. **Information Technology** – There are no IT implications arising from this report.

32. **Property** – If the council decides to make land available for grazing, this will impact on the council asset portfolio.
33. **Other** - Adoption of the proposals will ensure that the council has a robust approach to the welfare of tethered horses.

Risk Management

34. The key risks associated with this report are financial & reputational. Adoption of the proposals will place a financial implication on the council and discussions with other local authorities who have gone down this line have shown that in the majority of cases the costs associated with seizure of horses is not recovered. However adoption of the proposals will have a positive reputational impact on the council, as we will be responding to clear concerns set out by the public, whilst ensuring a balanced approach to enforcement.

Recommendations

35. Cabinet is recommended to:

- Agree the proposals set out at Para 21 and agree that a joint protocol be established and brought back to the Cabinet Member for approval in February 2013.
- Consider the costs associated with the proposal as part of the 2013/14 budget setting process.

Reason: To ensure that the council has a robust, yet balanced approach to dealing with tethered horses.

Contact Details

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| | Report Approved | √ | Date 22 November 2012 |
| Wards Affected: All | | | |
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Cabinet**4 December 2012**

Report of the Cabinet Member for Health, Housing and Adult Social Services

Proposals Regarding the Introduction of a Voluntary Landlord Accreditation Scheme in York**Summary**

1. This report builds on the recommendations made at minute 58 (2011/12) regarding the introduction of a Citywide Private Landlord Accreditation Scheme in York to support and improve the Private Rented Sector (PRS).
2. It recommends that the Cabinet approves, in principle, the implementation of a locally based Landlord Accreditation Scheme, subject to further partnership work and consultation regarding the detailed operation of the Scheme with a view to it being operational by June 2013.

Background

3. It is obvious, particularly in cities such as York where the population has grown by 9.2% since 2001, that the PRS is becoming more important in being able to provide affordable housing for residents. Government forecasts indicate that the Sector will experience significant growth over the next few years.
4. Through its housing strategies the Council is committed to supporting the PRS, which makes up an estimated 17.8% of the housing stock in the City, including the development of an Accreditation Scheme for landlords to sign up to as a means of defining and regulating standards and supporting the provision of the types of accommodation that the market is demanding (minute 58 refers). With a high take up, this could be a significant social and financial benefit to the general economy of the City.
5. The PRS is an important part of the housing offer in York and a safe, well managed sector will play an important role in the Council's Build Strong Communities elements in the Council Plan priorities.

6. The intention is to build upon the existing experience of working in partnership to deliver the Student Property Code of Practice, via a more expansive accreditation scheme covering all of the PRS in the City. It is important that good landlords are recognised for, and get support and assistance in providing, high standards of accommodation within York.
7. The Private Sector House Condition Survey in 2008 estimated the size of the PRS in York at 17,651 households in 12,727 dwellings in a broad distribution across the City. The number of dwellings in multiple-occupation is estimated at over 2,000.
8. Levels of overcrowding within the PRS at 3.9% were above the City average of 1.6%. Higher levels of socio-economic disadvantage in the sector contributed towards higher levels of fuel poverty. 2,899 private rented households were in fuel poverty, representing 16.4% of all households in the PRS, this compared to 5.6% of owner occupied households and 8.2% of all households.
9. Housing conditions within the PRS were generally worse on all main indicators. In particular, rates of non-decency in the PRS were significantly higher at 28.3%. Key contributing factors to non-decency included Category 1 hazard failure and energy efficiency.
10. The York Residential Landlords' Association (YRLA) has a membership approaching 500 and estimates that there are around 2,000 landlords operating in the City.
11. To be effective any scheme must influence the standards of the local market in York. It is estimated that a membership of at least 10% of the market could be effective. Following start up, evidence seems to indicate that schemes seem to grow by about 1-2% per year. It is therefore critical for landlords, landlord associations and agents to support any scheme introduced from the outset.
12. A number of local authorities currently offer accreditation schemes, but there is a great disparity between these. The regulatory function of accreditation is made effective by the vetting of landlords prior to their becoming accredited and a complaints and disciplinary procedure that can result in landlords losing their accreditation if they do not comply with the scheme. This self-regulation frees up Council enforcement resources to focus on those landlords and agents who do not engage with accreditation, particularly those who, consciously or unconsciously, choose to ignore existing legislation and good practice.

13. This freedom to focus on poor landlords also allows the authority to tackle that minority of rogue landlords, identified by Shelter in their “*Evict Rogue Landlords*” campaign, and pro-actively contribute to ending their activities.
14. The Department for Communities and Local Government’s view is that local authorities have the discretion to use self-regulation and statutory enforcement powers in a complementary way. It also sets out guidance for tackling rogue landlords in its recent Guidance Document, *Dealing with Rogue Landlords*, which would be followed as part of the pro-active enforcement of the Sector enabled by accreditation. (A summary of Accreditation is attached at Annex A and a potential Accreditation Scheme is attached at Annex B).
15. It is anticipated that an effective Scheme would have a positive impact on conditions in the PRS in York and would be beneficial to tenants. There are a number of potential measurements of success for a scheme which can be determined as part of the final implementation.

Consultation

16. A significant amount of consultation has been undertaken and will continue to be held with stakeholders in the PRS in the City. In particular landlords and agents have been consulted via the annual Private Landlords’ Fair, meetings of the YRLA, independent opportunities to comment and through a specially formed landlord focus group.
17. Twenty six landlords were consulted via questionnaire at the 2012 Landlords’ Fair, organized jointly with the YRLA. On the whole, respondents were evenly split between considering accreditation was a good idea and being unsure as to its usefulness. Subsequent discussions with the YRLA indicated that, of those members present at a meeting, a large majority could see no need for an accreditation scheme in York and would have to be offered significant benefits to join. Other members were unsure until they saw further details.
18. Also included in discussions were representatives of the relevant Council Departments involved with the PRS, the two Universities’ Accommodation Offices and Student Unions; Higher York, York CAB, YorHome, the Salvation Army Emergency Intervention Team, Safer York, the Centre for Housing Policy at York University, the Joseph Rowntree Foundation and the Yorkshire Energy Partnership. All of these acknowledged the potential benefit of accreditation to York.

19. Also included in discussions were representatives of the relevant Council Departments involved with the PRS, the two Universities' Accommodation Offices and Student Unions; Higher York, York CAB, YorHome, the Salvation Army Emergency Intervention Team, Safer York, the Centre for Housing Policy at York University, the Joseph Rowntree Foundation and the Yorkshire Energy Partnership. All of these acknowledged the potential benefit of accreditation to York.

Options

20. There are a number of options for the Council to consider with regard to the introduction of Landlord Accreditation.
21. Option 1 – Take no further action with regard to the introduction of an accreditation scheme.
22. Option 2 – Support another organisation in establishing a landlord accreditation scheme in York.
23. Option 3 – Negotiate with one of the national industry bodies for the provision of a scheme in York on behalf of the City of York Council.
24. Option 4 – Develop and implement a specific York Voluntary Landlord Accreditation Scheme, or develop a wider ranging North Yorkshire scheme in co-operation with other local authorities in the area.
25. Option 5 – Develop a more limited scheme to add value to the existing York Code of Best Practice for Student Accommodation Scheme.

Analysis

26. Option 1, No Further Action - There is an argument that an accreditation scheme is not necessary in such a high demand PRS as York. Landlords can be fairly confident of finding tenants easily. The introduction of a scheme will serve only to add further layers of bureaucracy and costs to those managing properties, which will potentially be reflected in rent levels charged in the sector.
27. Option 2, Support of a Third Party - The York Residential Landlord Association has been investigating the viability of creating a Landlord Accreditation Scheme in York, using a scheme based upon the best practice of that offered by the national Residential Landlords Association and UNIPOL schemes, with these organisations working together to deliver this. Other organisations that could set up a scheme include the Universities in the City, however discussions with the Accommodation

Offices have not indicated any intention to introduce any form of accreditation beyond the existing Student Code of Practice. Currently no-one offers a viable alternative.

28. Option 3, – Procurement / Adoption of a National Scheme - National industry bodies such as the National Landlords Association (NLA), the Residential Landlords Association (RLA) and the National Landlord Accreditation Scheme (NLAS) offer to develop, implement and run schemes on behalf of organisations such as local authorities. These schemes can be tailored to meet the requirements of the local authority concerned. For example the scheme in operation in Leeds is currently run by the Residential Landlords Association Accreditation Scheme Ltd., who have entered into a 5 year contract with Leeds City Council to run the accreditation scheme in Leeds for a sum of between £20-30,000 per annum. Leeds City Council has a mature and demanding scheme and the costs reflect the activities they demand. However, it was clear from the procurement process that there was little interest beyond this organisation in participating in the work.
29. RLAAS have a range of proposals starting from a recognition of accredited landlords based on training which would be of no cost to the Council or to landlords. They are able to offer a range of services tailored to need which could include self-assessment or compliance inspections which would require a fee subject to negotiations. At present they operate services with fees upwards of £2,000 a year.
30. The NLA is free to local authorities as it is self financing. There is no fee for the NLAS scheme, although neither of these schemes covers property standards.
31. The YRLA, although uncertain of the benefits of accreditation, would wish for a national scheme to be introduced in York if it is to proceed. There is a view that this would offer consistency to landlords with properties in more than one city/town. However in the local authority areas adjacent to York, only Leeds has adopted a national scheme, with Kirklees, Scarborough, the East Riding, Hull and Wakefield operating local schemes. No other schemes appear to be in operation at the present time (Annex C).
32. Option 4, Development of a Local Scheme - The development, introduction and operation of a local Scheme by the City of York Council offers more flexibility to accommodate the nature of the PRS in York. Accreditation means different things in different areas, from simple lists of private landlords and their properties, to a fully developed scheme where active engagement, checking, training, services and inducements

are offered to private sector landlords. The Government argues that “this diversity makes sense in that, at present, accreditation works best when it reflects local markets”.

33. However, the operation of a local scheme will have revenue implications, certainly until it is established and working towards self-funding when a critical mass of membership is reached. This will obviously depend upon the decision whether to charge for membership and, if so, how much is to be charged.
34. In order to achieve a higher scheme membership, there should be a holistic approach to the Council’s engagement with the PRS, preferably linking up with unified housing option appraisals and building on and complementing existing choice based letting arrangements as part of a range of benefits, including assistance, training and the provision of other services which will lead to a clear market advantage for members. Although difficult to quantify, it is hoped that the benefits offered by the City Council, and determined as part of the final development of the scheme, will at least offset membership fees where possible.
35. This option could also be expanded / developed into a wider scheme with neighbouring authorities sharing resources and costs.
36. Option 5, Limited Scheme - An alternative to a wide ranging scheme would be to develop a scheme focussing on off campus accommodation currently registered with the existing Student Code of Practice (COP), but not the wider PRS. The scheme could offer a complimentary inspection/ training service for landlords who own COP homes. Currently, 684 landlords are registered with the University of York and 300 properties were advertised for 2012-13. As in other options a 10% random sample of properties would be inspected to give credibility to the scheme. By providing training and information it would target a key issue with the PRS of lack of knowledge and would tie into proposals for working closely with Universities and Student Unions to monitor off campus accommodation issues identified within the Higher York Joint Community Strategy. Costs incurred could be recovered via a COP fee or input from the Council, Universities and/or Higher York.
37. With the exception of option 1, all of these options offer something positive to the City in the form of developing the PRS. Option 2 is limited by the willingness of a third party coming forward and taking responsibility for a scheme. Option3, dependent upon which potential partners are interested, might not be focussed on property standards or would limit the level of flexibility of a scheme to reflect local market conditions and needs and might not reflect the diversity of the various

PRS sub-markets within the City. There is also likely to be an element of revenue commitment from the Council and scheme members to this option. Option 4, although potentially the most expensive to the Council in the short to medium term, is also the most adaptable to the needs of both the PRS and the Council. It can deliver viable support and benefits to the entire sector, to tenants and to the community as a whole. Option 5 is a limited version of this, addressing student properties.

Implications

38. Financial – As accreditation is not a statutory function, it has been proposed that the scheme will be cost neutral, funded via fee income. However, until fully established, and to cover staffing, initial set up costs, promotion, publicity etc. it is anticipated that total costs would be around £40,000 p/a to run a locally managed scheme, with the potential to become self-financing over 18 months to 2 years.
39. As identified above, a membership of over 330 landlords would be required to cover the costs of a Grade 8 post to administer the scheme without covering promotional and training costs etc. Based on a 10% take up of accreditation (200 landlords) an anticipated annual income from suggested fees of £18,565 could be expected. This would cover the costs in officer time of administering member checks and carrying out inspections of 10% of the accredited properties.
40. As no existing budget provision has been identified to take forward the proposed scheme, a bid was submitted to the Council's Delivery and Innovation Fund, to cover the costs of the scheme for the first two years of operation. It is anticipated that, after this, the scheme will be self-funding through fee income or will be replaced by other proposals. The bid was approved on the 22nd November, 2012.
41. The limited scope option, focussing on COP properties could be predicted to bring in income of £3,500 in fees and cost the same in providing application administrative and inspection support.
42. The costs to landlords would include membership and property administration fees and possibly the costs of copying safety certificates and submitting the necessary paperwork. The property requirements may mean that some landlords will have to carry out works to improve their properties to comply with the scheme. This will benefit the condition of the privately rented stock in York.
43. Equalities - Raising management and property standards serves to address health inequalities in the PRS where standards are lower than

owner-occupied homes. Poor housing conditions not only have a detrimental effect on the health and wellbeing of the occupiers but also pose a risk to life for the most vulnerable. Accredited landlords must follow the code of management which specifies equality practices.

44. Legal – There are no legal implications.
45. Crime and Disorder – The introduction of accreditation might impact on crime rates by introducing advice regarding security which will impact on burglary rates etc.
46. Information Technology (IT) - Potential implications for the development of website support for a scheme.
47. Property - There are no property implications.
48. Other - There are no other implications.

Risk Management

49. A local, standalone accreditation scheme for the City, may not be in-line with some of the wider industry proposals for the Sector. Acting in isolation from the industry bodies, or even in addition to them, the Council will incur the costs and financial risk of creating and maintaining an accreditation scheme that the PRS in York has not requested, and that a sizeable proportion of landlords and agents do not actively support and which market conditions in York do not require. The York PRS has such a high demand that “market edge” benefits of accreditation may not be attractive. The incentives on offer to members must be of sufficient benefit to make membership worthwhile and must compensate for the potential lack of interest from landlords.
50. The resourcing of the Scheme would seem to indicate at least 1 fulltime member of staff would be required to work on accreditation. The need for a robust, independent programme of quality assurance is vital, if the introduction of the self- regulating scheme is to achieve any sense of ownership from the participating landlords and agents. If this is not the case then the Scheme will lack credibility and consequently buy-in. The experience in Leeds and other authorities has shown that without adequate resources, publicity and promotion, when management of existing schemes was scaled down, membership reduced and the reputation of the Scheme suffered.
51. There is no existing capacity within the Council to take on-board this work.

52. The introduction of a Scheme and its subsequent review following operation could enable significant benchmarking data to be established.
53. The obtaining of trade discounts for landlords might offer benefits but may also reduce the likelihood of generating income from advertising/sponsorship linked to the Scheme. Securing external funding is unlikely. An accredited landlord of a licenced HMO could achieve a saving of £50 on membership, take advantage of £150 worth of training and make savings against the cost of EPC certificates and other discounts if agreed by relevant Council Departments.
54. To ensure buy-in to the Scheme a sense of ownership through the PRS should be encouraged through participation in forums, training sessions and a Scheme Steering Group to extend involvement in the Scheme and to develop the principle of self-regulation beyond self-certification.
55. Should take up of membership not be sufficient to justify continuation of the Scheme after a reasonable period, the Council may wish to examine the introduction of licensing in one form or another, but to “passport” over those landlords and agents who have joined the accreditation scheme.

Recommendations

56. Members are asked to consider

- (a) Approving the implementation of a locally developed Landlord accreditation scheme, as detailed in Option 4 above and authorise further consultation and partnership work with local landlords, agents and other stakeholders, to agree the final details of the Scheme, with a view to it being operational by June 2013.

Reason: To ensure the support and improvement of the Private Rented Sector in York.

- (b) Authorising the Director of Communities and Neighbourhoods, in consultation with the Cabinet Member for Health, Housing and Adult Social Services, to take forward and implement the Landlord Accreditation Scheme as appropriate when the development process is complete.

Reason: To ensure the Scheme is developed in consultation with potential members; is fit for purpose and appeals to as wide a number of landlords and agents as possible to enable a positive

start and that it complements any other proposals for supporting the Private Rented Sector.

Contact Details

| | | | |
|--|--|---|-----------------------------|
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| | Report Approved | √ | Date 31 October 2012 |
| Wards Affected: All | | | |
| <i>For further information please contact the authors of the report</i> | | | |

Background Papers:

- The Distribution and Condition of Houses in Multiple Occupation in York – report to Cabinet November 2011
- The Private Rented Sector: Its contribution and potential – Julie Rugg and David Rhodes – Centre for Housing Policy, University of York and DCLG response
- 2012/13 York Code of Practice for Student Accommodation
- Developing a Voluntary Accreditation Scheme for Private Landlords – A guide to good practice - DETR May 2001
- English Housing Survey – Headline Report 2010-11
- Landlord Accreditation Good Practice Guide – Shelter
- Private Rented Housing – Labour’s Policy Review
- A Plain English Guide to the Localism Act – DCLG
- Leeds City Council – Scrutiny Board Enquiry into the Private Rented Sector
- Responses received to consultation questionnaires
- Notes of meetings with Stakeholders
- Higher York Draft Joint Community Strategy Document
- Shelter – Evict Rogue Landlords Campaign
- Dealing with Rogue Landlords – A Guide for Local Authorities – DCLG
- Relevant research documents and details relating to specific schemes – details available from the author on request

Annexes

- A** – Landlord Accreditation Summary
- B** – Summary of Potential Accreditation Scheme
- C** – Comparison of other Local Authority Schemes

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ACCREDITATION

Annex A

- 1.** An accreditation scheme should aim to introduce an achievable minimum standard of housing in the Private Rented Sector (PRS) that applies to Landlords and their properties.
- 2.** The Council has had experience of a voluntary accreditation type scheme through its work with the York Code of Best Practice for Student Accommodation, which sets standards that tenants can expect their properties to meet and provides a market advantage to landlords who sign up to the scheme by being identified as renting properties that meet this standard.
- 3.** The intention is now to build upon this earlier experience via a more expansive accreditation scheme covering all of the PRS in the City. It is important that good landlords are recognised for, and get support and assistance in providing high standards of accommodation within York.
- 4.** While the majority of landlords are professional in their approach, there are some who do not fully understand the legal framework in the PRS and find themselves unwittingly breaking the law. Evidence from elsewhere in the country indicates that there will also be a small number of rogue landlords who wilfully exploit tenants for profit. High demand for rented accommodation and a lack of information for tenants can make it difficult to differentiate between a good landlord, an amateur or a potential rogue.
- 5.** The introduction of landlord accreditation in York, with clear minimum standards, would improve the choices people make about private renting, whilst at the same time improving the information and support available to amateur landlords to raise standards and help good, professional landlords differentiate themselves in this important, growing sector.
- 6.** Accreditation is a set of standards, or code of conduct, relating to the management and/or physical condition of privately rented accommodation. Landlords and/or agents who join a scheme and abide by the standards are 'accredited'. Accreditation schemes are voluntary and most schemes are run by local authorities, or by national organisations on their behalf.
- 7.** Although there is no standard model, the key features of an accreditation scheme are:-

- It is voluntary – landlords and/or agents agree to join rather than being obliged to, and are usually closely involved in establishing and running the scheme.
- It outlines a set of standards relating to management practice and/or property condition to which accredited properties and landlords and agents must adhere.
- It is usually administered by an independent body such as a local authority, a university, or one set up specifically for the task, which checks that the required standards are met.
- There are incentives to membership such as access to training, information and advice, advertising of accredited properties, or grant aid with the cost of building work etc.

8. Accreditation may not be necessary or appropriate everywhere. There must be a genuine commitment to co-operative working on both sides. Voluntary accreditation only works when a significant number of landlords support it. Where landlords are sceptical or undecided, work will be needed to promote the benefits and negotiate over the appropriate incentives. Unlike compulsory registration, landlords must be persuaded to join an accreditation scheme.

9. The main features that make a scheme successful are the promotion of the scheme amongst landlords and tenants; a significant amount of benefits on offer to members, in addition to market advantage; a low or no fee membership cost and the inclusion of letting and management agents in addition to landlords. The factors that provide barriers to effective operation are insufficient resources to start up, manage and promote the Scheme; excessive membership fees or additional costs; the setting of physical standards at too high a level and a lack of credibility.

10. An Accreditation Scheme should aim to:-

- Improve the quality of accommodation available in the PRS.
- Reduce the number of landlord/tenant disputes needing intervention by Council officers both in relation to property condition and tenancy issues.
- Provide advice and support to landlords and agents to encourage good quality, well-managed accommodation.

- Provide a channel for consultation between the Council and the PRS on strategic issues, with information exchanged through questionnaires, forums and newsletters.
- Provide opportunities to inform landlords and agents about legislative proposals, policy or administrative changes, and other matters that might affect them.
- Improve relations between the PRS and the Council.
- Encourage and assist landlords and agents to provide accommodation to the vulnerable and those seeking social housing.
- Assist in the prevention of homelessness.
- Set and promote acceptable standards through the award of a “kitemark” / logo.
- Ensure support by requiring the Council to ensure that they only discharge their duty of homelessness by offering housing in the PRS that meets these standards. Likewise University accommodation units and Student Unions should only recommend to students landlords/properties that meet these standards.
- Ensure that tenants and prospective tenants in the PRS are made aware of what the accreditation standard is and of their rights and responsibilities and of the responsibilities of their landlord.
- Provide effective monitoring to ensure private landlords continue to meet these standards.

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11. The minimum standards outlined in any scheme should not be onerous for landlords to meet, nor do they need to constrain the Council’s ability to deal with particular local issues in the PRS; they simply have to offer a credible minimum that will lead to tangible improvements for private tenants.

12. Tenants will know that, by renting from an accredited landlord or agent, they can expect good standards, a responsive landlord and more piece of mind in their home.

13. The regulatory function of accreditation is made effective by (1) the vetting of landlords prior to their becoming accredited, and (2) a complaints investigation and disciplinary procedure that will result in landlords losing their accreditation if they do not comply with the Scheme.

14. A benefit to local authorities of increasing numbers of landlords self-regulating is that the Council can target their enforcement resources to

focus on those elements of the PRS who have chosen not to be involved in accreditation or who haven't joined one of the Landlord Associations who also provide standards by which their members operate. It can also assist local authorities with their strategic housing function by facilitating the provision of a good quality local PRS.

15.A potential disadvantage of accreditation is that, with the housing market and mortgage industry already in difficulty, its introduction adds an additional level of bureaucracy and costs which will serve to discourage new investment in the Sector, with a question of whether an accreditation scheme provides "real" benefit to any landlord in supporting their effort to let properties in such a currently buoyant market as York.

16.Landlords might be unwilling or unable to raise standards to achieve accreditation status, therefore it is proposed that any initial scheme focuses on easily attainable standards, such as the Decent Home Standard, and that, if considered necessary and achievable, these are then raised over time through the introduction of different levels of accreditation linked to such factors as the energy efficiency of properties.

Proposed Scheme for York

Annex B

1. It is proposed that a local scheme, operated by the City of York Council be introduced in York. On application, Landlords and Letting Agents will:
 - Complete a form declaring their 'Fit and Proper' status. Relaxed if already a holder of a mandatory HMO licence.
 - Provide the Council with a list of properties they own and details of relevant safety certificates. This requirement is relaxed for Letting Agents due to the number of premises they manage, however Letting Agents must agree that their records will be made available for inspection at any time by the Council.
 - Ensure that all their properties meet the Decent Homes Standard and are not in a condition that is liable to be hazardous to the health and safety of tenants, visitors or members of the community.
 - Provide access to properties for the Council to carry out random compliance checks.
2. Be given a date for the next training course due to be held by the Council.
3. On receipt of an application for accredited status, the Council will undertake a checking procedure to be satisfied, as far as is reasonably practicable, that the Landlord or Letting Agent is responsible, competent and suitable to be a member of the scheme.
4. The Council will run regular training courses involving a variety of agencies that Landlords and Letting Agents are required to attend.
5. Following successful checking, and registering for attendance at a training course, landlords and Agents will be awarded the status of accredited Landlord.
6. Some random property condition and management compliance checks will be undertaken by the Council to maintain the reputation of the scheme.
7. For those signatories complying with the scheme, the Council will provide a package of inducement benefits exclusively available to participating Landlords and designed to enhance their business.
8. All accredited Landlords and Letting Agents will be provided with a certificate and stickers for display.

- 9.** The Scheme is designed to benefit all partners equally and also provide help and advice to all individuals and agencies with an interest in the PRS in York.
- 10.** Membership of the Scheme would be open to any individual or company owning or managing residential property within the boundary of the City of York Council, whether they are locally based or not.
- 11.** Whilst membership of the scheme is voluntary, there are however, certain basic criteria which must be met to ensure the credibility of the Scheme and to provide some security to those taking part.
- 12.** Members' compliance with the conditions of the Scheme would ensure that –
 - Both landlords and tenants enjoy the benefit of good standards of housing management and practice.
 - The likelihood of misunderstandings and disputes are reduced.
 - Where problems do occur they are more likely to be promptly resolved.

The basic terms of a potential scheme are as follows-

A. Signatories to the Scheme must ensure that they comply with-

- a.** their legal obligations as a landlord in respect of the health, safety and welfare rights of their tenants.
- b.** the terms and conditions of the Scheme.

B. Landlords are required to inform the Scheme operator of all of the private rented properties they own that are located within the Scheme boundary.

C. Landlords are required to inform the Scheme operator of any changes to their property portfolio, for example, if they sell or buy a property within the Scheme boundary.

D. Upon request, landlords must arrange and provide access for authorised officers to inspect any of the properties they own within the Scheme boundary. These inspections are to ensure that they meet the current legal and Scheme requirements.

E. Member's properties should be maintained to meet the 'Decent Homes Standard'. Where it is found that any Category 1 or Category 2 Hazards exist under the Housing Act 2004, Scheme members will be issued with an improvement plan and given the opportunity and reasonable timescales to address the works.

There will also be a “lead in period” for improvement works to be carried out where necessary to meet the standards of the Scheme when joining. If a member fails to complete works to remove/reduce a Category 1 Hazard they will be served with a formal enforcement Notice and will be deemed to be in breach of the terms and conditions of the Scheme.

In a case where a member’s property presents a serious and imminent risk to health and safety (multiple Category 1 Hazards), it may be necessary to proceed straight to the serving of a formal enforcement notice which will also be deemed to be in breach of the terms and conditions of the Scheme.

F. Members must also be compliant with any other Statutory or legal requirements i.e. Planning, Building Control Notices, Fire Authority Notices etc.

G. On notification by a tenant, repairs should be carried out within the timescales outlined in the Scheme.

H. Landlords must ensure that an annual safety check is carried out on gas appliances, fittings and flues and a copy of the gas safety certificate is given to tenants. Copies of gas safety and electrical certificates must be made available to the Scheme operator.

I. Landlords are required to provide an EPC when they rent out a home. The EPC must be available free of charge to prospective tenants. This should be provided before any tenancy agreement is entered into. They are valid for 10 years and can be reused as many times as required within that period. An EPC is not required for any property that was occupied before 1 October 2008 and which continues to be occupied after that date by the same person.

J. Upon the start of a new tenancy, the tenant(s) should be given a written tenancy agreement. This should include information about the terms and conditions of the tenancy such as rent to be paid, frequency of payments, who is responsible for the payment of other services (water, gas, electricity, council tax etc), if a deposit is taken include details of what the deposit covers and under which scheme it is protected, details of the owner and agent.

K. The name and address of the landlord should be provided to the tenant or contact details of any managing agent or person/s acting on behalf of the landlord. This should include contact details for use in case of emergencies and for reporting repairs.

L. Tenancy Deposit Protection (TDP) schemes guarantee that tenants will get their deposits back at the end of the tenancy, if they meet the terms of the tenancy agreement and do not damage the property. Landlords wishing to be accredited must protect their tenants' deposits using a TDP scheme if they have let the property on an assured shorthold tenancy which started after 6 April 2007. The three approved schemes are -

- Deposit Protection Service
- MyDeposits
- Tenancy Deposit Scheme

M. Landlords should ensure that, in the provision and letting of housing or associated services and the letting of contracts for services, no person or group of persons applying will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin gender, disability or sexual orientation.

N. The landlord should notify the Scheme operator of any offence or conviction they are being investigated for or have been convicted of an offence that may compromise their suitability as a landlord as part of the “fit and proper person” criteria.

O. Any complaints received about an accredited landlord or properties owned by an accredited landlord will be appropriately investigated and discussed with the landlord.

P. Full membership will be given upon submission of a valid application, including a payment of a fee, completion of the declaration relating to the Scheme Criteria and other supporting information. It will be compulsory that a member attends the required training events within their membership period. An application for membership will be refused if qualifying criteria are not met following discussions with the Scheme administrator.

Potential Scale of Fees

| | No. of properties owned / managed | | | | |
|--|--|---------------|----------------|-----------------|-------------------------|
| | 1 – 5 | 6 - 10 | 11 - 30 | 31 - 100 | 100+ |
| Landlords' / Agents' Accreditation Membership Fee | £50 | £50 | £50 | £50 | £50 |
| Property Administration fee (not per property). | £35 | £75 | £155 | £260 | To be negotiated |

Q. A 10% discount in fees could be offered during the first six months of operation to encourage membership. Landlords who licence or who have licenced HMOs will not be charged a membership fee. Property administration fees will still be charged.

R. Membership will last for a year, after this time, landlords will be invited to renew their membership.

S. A member may be suspended from the Scheme pending investigation, where it becomes apparent that there has been a serious contravention of the scheme terms and conditions but there may be significant mitigating information to consider before a decision can be made regarding the landlords membership.

T. Membership will be withdrawn if -

a. It is found that a false declaration has been made in joining the Scheme.

b. There is an allegation of a serious contravention of the terms and conditions of the Scheme which is proven.

c. There are persistent infringements of the Scheme terms and conditions; or

d. Any other reason that can be justified by the Scheme Steering Group.

In cases where there is clear unambiguous evidence that there has been a gross contravention of the Scheme terms and conditions, membership will immediately be withdrawn.

U. All decisions regarding a landlord's membership will be made by the Scheme Steering Group Review Panel. A landlord will be informed of any review of their membership and provided with information on the process that is followed including how they may appeal.

Comparison of Local Authority Schemes

Annex C

| Authority | Accreditation Scheme? | Local / National Scheme? | Comments |
|--------------------------|-----------------------|--------------------------|--|
| Leeds | Y | NATIONAL/RLAAS | Formerly Authority run scheme, RLAAS have been running it since April 2011 under a 5 year contract, costing Leeds between £20,000 and £30,000 per annum. Leeds had a mature and demanding scheme and the costs reflect the activities they demanded. Although this provided significant cost savings to Leeds from its former accreditation budget of £100,000 per annum, in a report to Leeds City Council's Scrutiny Inquiry into Private Rented Sector Housing, it was stated that, during 9 months of operation, from April 2011 to January 2012, there had been a significant drop in accreditation scheme membership from 483 to 189, possibly linked to the introduction of and then subsequent increase in membership fees. Annual membership fee: up to 5 properties £45; 6-10 properties £90; 11-20 properties £135; 21-30 properties £180; 30+ properties £225. Also a £50 charge for training courses for members. |
| Bradford | N | LOCAL | The Landlord Accreditation Scheme at Bradford is currently suspended and being reviewed. Depends on how accreditation is perceived to fit into the private sector housing strategy that is currently being developed. |
| Hull | Y | LOCAL | 56 members listed on website. Does not charge membership fee. |
| East Riding of Yorkshire | Y | LOCAL | Two tier accreditation scheme. |
| Scarborough | Y | LOCAL | New scheme, approved December 2011. 1 landlord with 10 properties signed up by August 2012. Membership fee of £50. Staffed from existing resources. |
| Harrogate | N | N/A | N/A |
| Hambleton | N | N/A | N/A |
| Richmondshire | N | N/A | N/A |
| Ryedale | N | N/A | Looking at sub-regional accreditation scheme by 2014. |
| Selby | N | LOCAL | Landlord Accreditation scheme at Selby is not currently running. The scheme had limited interest. Considering a new scheme. |
| Craven | N | N/A | N/A |
| Wakefield | Y | LOCAL | From a slow start now has 150 members and 3000 properties. Does not charge membership fee. Has 1.5 members of staff attached to scheme. |

| | | | |
|--|---|-------|--|
| Sheffield | Y | LOCAL | Original scheme replaced by the Sheffield Landlord Registration Scheme whose aim is to support and encourage private landlords to improve standards in the private rented sector. Registration is only open to landlords who are offering properties to the Council's Private Rented Solutions team (Housing Options), or to landlords registering properties with the University Accommodation Offices. |
| Barnsley | Y | LOCAL | At least 30 members. Also a separate Barnsley Residential Landlord Association scheme in operation. |
| Calderdale | Y | LOCAL | Fair and Safe Tenancies scheme. Private landlord and agent property registration scheme. |
| Kirklees | Y | LOCAL | Landlord and Property Accreditation Scheme. Membership fee 1 property £20; 2-3 properties £30; 4+ properties £60. |
| Rotherham | N | LOCAL | Introduced in 2004. Geographic specific pilot scheme resulted in sign up of 3 landlords/8 properties in 6 months. No membership fee. Scheme later suspended. Consideration given to re-launch in 2012 subject to cost benefit analysis. |
| Doncaster | N | N/A | In response to an issue raised by an individual member, Doncaster MBC agreed in July 2012 to implement a scheme that meets the needs of tenants, landlords and neighbours. |
| Oxford | Y | LOCAL | Launched in March 2010. Does not charge a membership fee, membership lasts for 3 years. 35 landlord / 11 agent members. |
| Lancaster | Y | LOCAL | Accredited property scheme. One off fee of £50 per dwelling, included in cost of HMO licence if appropriate. Funding of scheme was supported from SRB. |
| East Midlands (DASH) | Y | LOCAL | Covers 40 local authorities. 1,000 members, covering 6,400 properties. Was free to Local Authorities and Landlords, introduced charges in Sept. 2012. Membership fee 1-19 properties £99; 20-49 properties £129; 50+ properties £199. Renewal £45. |
| Midlands Landlord Accreditation Scheme | Y | LOCAL | Covers 7 local authorities including Birmingham. No membership fee but charges £150 for a one day development course. 5 year membership. 2/3's of Agents' staff need to attend training. |



Cabinet

4 December 2012

Report of the Cabinet Member for Transport, Planning & Sustainability

Surface Water Management Plan

Summary

- 1 The enquiry into the flooding experienced nationally in 2007 resulted in the publication of the Pitt Review with a key recommendation for Lead Local Flood Authorities to prepare Local Surface Water Management Plans. These would outline the preferred strategy for the management of surface water in given locations, to establish a long term action plan and to influence future strategy development for maintenance, investment, planning and engagement.
- 2 The Surface Water Management Plan which covers the whole of the Council's area has been prepared, and this report requests members to approve it.

Background

- 3 While there is robust response procedure for the known effects of York's flooding from river sources, knowledge of the effects of local rainfall flooding is minimal, due mainly to the lack of any events that have caused major problems. The Preliminary Flood Risk Assessment (PFRA), approved by Cabinet on 6 September 2011, addressed this at a high level, and the Surface Water Management Plan (SWMP) assesses local flood risk in more detail. The output from these documents, together with the Council's Strategic Flood Risk Assessment (SFRA), will form key evidence in the preparation of the Local Flood Risk Management Strategy (LFRMS) which Lead Local Flood Authorities (LLFAs) are required to produce under section 9 of the Flood and Water Management Act 2010 (FWMA).

- 4 The SWMP study analysed a sample of the surface water floods which affected locations across York during intense rainfall in June 2007. Using Environment Agency (EA) flood mapping data, area specific hydraulic modelling and site investigation the analysis has enabled conclusions to be drawn as to the cause of the flooding and solutions. The SWMP report is included as annex 1.
- 5 The analysis has concluded that:
 - Drainage infrastructure is often unrecorded and, when found, frequently blocked with roots and silt, or sometimes damaged due to utility or other excavations. This has highlighted a lack of knowledge of the location and condition of surface water infrastructure and long term neglect in its maintenance often rendering it ineffective against even minor flood risk. Blockages of the pipe system serving gullies renders them ineffective, and cleaning gullies in isolation often does not address the cause of flooding problems. Therefore the performance of all of the elements of the highway drainage infrastructure needs to be confirmed and optimised.
 - Natural surface water flow paths have often been adversely affected by development. Increased areas of impermeable surfacing from development and road schemes have put pressure on drainage infrastructure, which is frequently in an unsatisfactory condition, all of which increases flood risk. While it may not be possible to remedy this it has highlighted the importance of managing future development effectively to minimise flood risk.
- 6 The Council, as highway authority, is responsible for maintenance of road gullies on the adopted network. The piped infrastructure serving these can be owned by Yorkshire Water Services, as is often the case in built up areas, or CYC, particularly on more rural roads. These may discharge into culverts or watercourses that are privately owned or maintained by an Internal Drainage Board. In practice it has been found that there is frequently a combination of ownerships and consequent responsibilities, which is why partnership working will be key to addressing the issues involved.
- 7 It is clear that data deficiencies and the lack of maintenance make local flood risk difficult to predict and manage. The effects of intense rainfall events, which are predicted to be more prevalent due to

climate change, increase this risk. It has also become clear from the investigations that flood risk has been increased by inappropriately designed development.

- 8 Investigations carried out in other areas not included in the study have led to the same conclusions. This gives confidence that the study sample is representative of the citywide situation. Arising from these conclusions the SWMP provides an action plan for the management of future local surface water flood risk.

SWMP Action Plan

- 9 The study has identified two principal ways in which future surface water flood risk should be managed:
- Maintenance of assets.
 - Control of development

Maintenance of Assets

- 10 Specific investment on highway drainage investigations and repairs was triggered by the 2007 flood event, and has resulted in repairs and the acquisition of data covering approximately 10% - 15% of the Council's area. On the basis of expenditure of £855k since 2008 and the progress that has been made, it is estimated that further funding of £5m will be required to investigate, record and bring up to a satisfactory standard the council's drainage infrastructure. The SWMP also raises concerns that the current gully cleaning regime does not focus satisfactorily on the mitigation of flood risk.
- 11 It is recognised that there are significant financial implications in the actions identified and it is recommended that a review of the management of the highway drainage service based on flood risk management principles is carried out which would be the subject of a further report in due course.

Control of development

- 12 Historically it has been normal for surface water from developments and highways to discharge unchecked into drainage systems, but this is no longer acceptable. The NPPF, SFRA and FWMA all require development to incorporate sustainable drainage (SUDS) to manage

not only the risk of flooding to the site itself, but also the surrounding area. The Flood Risk Management team takes a proactive role in development management to resolve drainage and flood risk design issues at application stage to avoid the need for conditions. Without considering flood risk and drainage as a fundamental element of the design, options to provide sustainable solutions at a late stage of the process are difficult or impossible to achieve.

13 The planning approval process does not cover highway works which can have an adverse effect on flood risk if carried out incorrectly. There is a clear requirement in the FWMA for highway authorities to make a contribution towards the achievement of sustainable development and the Flood Risk Management team will work with highway engineers to ensure that there is compliance with this requirement.

14 The Council will become a SUDS Approval Body (SAB) when the relevant part of the FWMA is enacted and guidance is issued. This will enable SUDS installations and their future management to be approved by the council to mitigate flood risk.

Consultation

15 Although guidance recommends the formation of a partnership and the involvement of stakeholders in the study it recognises that flexibility is required and that the way a partnership operates in practice will vary. In view of the council's well established working relationships with other flood risk management authorities and the dispersed and relatively minor nature of the flooding investigated it was decided that informal ad hoc partnerships would be most effective. Also there has been no impetus on the part of any communities to form action groups or to act collectively and as a consequence there have been no interest groups to involve as stakeholders in the study, though there has been liaison with residents and councillors as investigations progressed.

16 The EA, IDBs and YWS have all been consulted on the final report and have confirmed approval. Adjacent county authorities were consulted and both confirmed that they had not identified any cross boundary local surface water issues.

17 A formal partnership will be formed in the preparation of the Council's Local Flood Risk Management Strategy with the EA, YWS, IDBs and

appropriate community involvement, and the findings of this study, the PFRA and the SFRA will be form a key role in progressing it.

Options

- There is one option, to implement the SWMP

Analysis

- 18 Implementation of the SWMP will demonstrate that the Council recognises the importance of flood risk management and its duties under the FWMA. Although it will not prevent flooding it will ensure that the performance of existing infrastructure is optimised to minimise its effects. It will also ensure that flood risk is managed effectively in future development.
- 19 The consequence of not doing this is that flood risk will increase due to the continuing dilapidation of the drainage infrastructure, potentially aggravated by inappropriate development. Unpredictable and unbudgeted costs of reactive response to flood events will continue to be incurred and there could be compensation claims if the council is seen to have not responded to the findings of the SWMP. While the implementation of the action plan will not completely remove the risk of surface water flooding, the annual review of ongoing risk and priorities will identify where action should be taken to minimise it.

Council Plan

- 20 The SWMP is an assessment of local surface water flood risk with proposals for action. In conjunction with the SFRA, which will be used to guide development away from flood risk areas, it assists in the delivery of four of these priorities:

Get York Moving – helps to protect critical infrastructure from flooding.

Create jobs and grow the economy – managing the impact of flooding and guide development away from flood risk areas.

Protect Vulnerable People – identifying flood risk areas and potential protection.

Protect the Environment – Ensure that development takes flood risk into account.

Implications

21 The following implications have been identified:

- **Financial** The Surface Water Management Plan in itself has no financial implications but recognises the need to properly fund drainage issues within the council. Members will need to consider the issues raised within the plan as part of future budget rounds. Bids for ongoing capital drainage works are made through the Capital Resource Allocation Methodology process
- **Human Resources (HR)** There are no HR implications
- **Equalities** There are no equalities implications
- **Legal** There is no specific legal requirement to prepare a Surface Water Management plan although there is such a duty to prepare a Local Flood Risk Management Strategy. The Council may incur liability if flooding arises as a result of inadequate maintenance of the drains for which it is responsible.
- **Crime and Disorder** There are no Crime and Disorder implications
- **Information Technology (IT)** There are no IT implications
- **Property** There are no Property implications

Risk Management

22 Risk management is discussed in the analysis of the option.

Recommendations

23 It is recommended that Cabinet:

1. Approves the Surface Water Management Plan

Reason: to ensure that the Council has an action plan for managing surface water flood risk, and to influence the

development of future strategies for maintenance, investment, planning and engagement.

2. Approves a review of the Council's highway drainage maintenance service based on the principles of flood risk management, and to ensure that it is suitably funded. This will be the subject of a further report in due course.

Reason: To ensure that surface water drainage infrastructure operates effectively to reduce surface water flood risk in vulnerable areas.

3. Ensures that the current resources in the Flood Risk Management team are maintained, subject to the budget process, to enable effective involvement in the development control and highway design procedures.

Reason: To ensure that development does not increase flood risk.

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**Cabinet Member and Chief Officer
Responsible for the report:**

Cllr D M Merrett
Cabinet Member for Transport, Planning
and Sustainability

Richard Wood
Assistant Director, Strategic Planning &
Transport

**Report
Approved**



Date 22 November 2012

Specialist Implications Officer(s)

**Patrick Looker – Finance
Andrew Docherty - Legal
Wards Affected:**

All

For further information please contact the author of the report

Background Papers:

Annexes

Annex 1 – Surface Water Management Plan



Surface Water Management Plan

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| 4 Strategic Flood Risk Assessment (SFRA) (rev 2011) | Section 4: Approach to Flood Risk |
| 5 Gritting and Gully Cleaning Routes | |

Executive Summary

Background information

The enquiry into the wide scale flooding experienced in 2007 resulted in the publication of the Pitt Review. A key recommendation was for Lead Local Flood Authorities to prepare Local Surface Water Management Plans outlining the preferred strategy for the management of surface water in a given location(s), to establish a long term action plan and to influence future strategy development for maintenance, investment, planning and engagement.

While York is well known for flooding from fluvial sources and has a robust response procedure, knowledge of the effects of pluvial flooding is minimal, due mainly to the lack of any events that have caused significant problems, in particular property flooding. The Preliminary Flood Risk Assessment addressed this at a high level and the Surface Water Management Plan assesses local flood risk in more detail. The output from this, together with the Council's Strategic Flood Risk Assessment, will be used as key evidence in the preparation of the Local Flood Risk Management Strategy

The study and findings

A sample of areas where surface water flooding occurred in 2007 was modelled and investigated, enabling the cause(s) of the flooding to be identified and to propose potential solutions. At many locations it was found that the effects of flooding were greater than predicted by the model, either more frequent or more extensive and in some cases both. This is an indication of defective infrastructure limiting the capacity of the system, and this was confirmed by the investigations. The findings are considered to represent the citywide situation.

The investigations have highlighted a lack of knowledge of the location of surface water infrastructure and long term neglect in its maintenance. The causes of blockage were usually found to be root infiltration, silt or damage due to utility or other excavations, and often a combination of all of these.

The investigations also established that drainage infrastructure and natural flow paths have often been affected by development. While it may not be possible to remedy this it has highlighted the importance of managing flood risk correctly as part of the development control process.

It is clear that the significant data deficiency and maintenance backlog make local flood risk difficult to predict and manage. The effects of intense rainfall events, which are predicted to be more prevalent due to climate change, increase this risk. Investment in highway drainage investigations over the past four years has resulted in repairs and the acquisition of data covering approximately 10% - 15% of the Council's area.

Blockages of the pipe system serving gullies renders them ineffective, and cleaning gullies in isolation often does not address the cause of flooding problems. Therefore the performance of all of the elements of the highway drainage infrastructure needs to be

confirmed and optimised, and gully cleaning needs to be planned on the principles of flood risk management.

The conclusions from the study are:

- The location of much of the surface water infrastructure is unrecorded and its condition consequently unknown.
- When it is located riparian owners are usually unaware of its presence or strategic importance, or of their responsibilities for its maintenance.
- Drainage infrastructure is often inaccessible due to development.
- Development has often paid little regard to the pre-existing natural flow paths and drainage infrastructure. For example former field drains and minor watercourses have frequently been filled during development, or inadequately piped in with no record of location or provision of any access points for maintenance.
- Blockage of pipes, ditches and culverts in Council, YWS and private ownership is common
- Pipes and culverts are commonly blocked with silt and roots.
- Damage to pipes and culverts by the utility companies is common.
- Maintenance of known infrastructure beyond the emptying of gullies is poor or non-existent and when gullies are cleaned connections are not checked so re-blocking is common.
- Funding for maintenance of highway infrastructure, in particular gully cleaning, has been reduced annually over successive years to a point where it is now mainly a reactive operation. Such routine gully emptying that is carried out is generally not in the areas that suffer surface water flooding.
- Repairs to drainage systems and attempts at remedying flooding problems have often been badly executed and ill thought out with no regard to a holistic solution based on knowledge of the drainage of the area. Often these have not been effective, or have aggravated the problem.
- Designs for road alterations often do not take into account effects on drainage infrastructure. These can physically affect the drainage of a site and ease and access for maintenance, and also increase impermeable areas and flood risk. While this would be important anywhere it is an essential consideration in such a flat area. If not considered as an integral part of the design it can cause or aggravate flooding.

The recommendations from the study are:

- A commitment is made to fund continuing investigations to locate unrecorded drainage infrastructure in those areas where information is unavailable, and to record it.
- A commitment is made carry out repair work to damaged infrastructure already identified and remedial action taken to ensure that the performance of the existing surface water infrastructure is optimised.
- Future maintenance is scheduled rather than reactive and based on the requirements of the service.
- The effects of future rainfall events are monitored at known flood risk locations.
- CYC liaise with YWS to agree ownership of previously unrecorded assets.
- Riparian owners are made aware of their obligations with regard to maintenance of flows.
- CYC liaise with the relevant utility companies to remove their equipment where it has damaged the drainage system.
- Flood Risk Management should be an integral part of highway alteration and maintenance design.
- The Transport Asset Management Plan should be reviewed and updated.
- The Flood Risk Management Team continues to play a proactive role in the development control process to ensure that there is compliance with all relevant guidance.

Action Plan

Arising from the conclusions and recommendations the study has identified two principal ways in which future surface water flood risk can be effectively managed:

- Maintenance of assets.
- Control of development.

1) Maintenance of assets:

The deficiencies in the surface water infrastructure assets need to be addressed by appropriate investment to continue investigation work. This will enable the assets to be located and recorded, and to carry out cleaning and repairs as necessary. On the basis of the progress that has been made with the funding to date, it is estimated that a further £5m is required, calculated on a pro-rata basis, to complete the records and bring all of the assets up to a satisfactory standard. This will ensure that future flood risk is minimised. No capital schemes for improvements have been identified to date.

This is clearly a substantial amount and it has been calculated assuming that future investigations will be as complex as those already carried out. This may not be the case but can only be confirmed as investigations progress. Therefore this estimated amount should be regarded as confirmation that ongoing funding is required to address flood risk and provide highway asset data. In practical terms the amount that can be effectively spent in any year is limited by the availability of appropriately skilled resources to direct and carry out the work, and this should be the determining factor in deciding funding levels, together with an ongoing assessment of risk.

Taking the above into consideration it is recommended that:

1. Annual funding of £200k is made available to continue investigations and record data. The hierarchy for investigations will be:
 - a) areas of known flood risk.
 - b) areas where there are gullies but no recorded infrastructure serving them.
 - c) areas where there is a risk of back up of sewage from combined sewerage systems during surface water flood events.
 - d) other areas.
2. The Transport Asset Management Plan is reviewed and updated to reflect the improved asset information available from the investigations.
3. Progress on investigations, repairs and data acquisition is reported annually to enable:
 - a) requirements for future funding to be reviewed and revised as necessary.
 - b) the effectiveness and efficiency of the maintenance regime to be reviewed and amended as necessary.
 - c) residual flood risk to be assessed to determine whether specific funding is required to resolve more significant flooding problems.

2) Control of development

The study has identified numerous locations where flood risk has been aggravated by development and highway works. While historically it has been acceptable for surface water from developments and highways to discharge unchecked into drainage systems this is no longer acceptable. PPS25, the NPPF, CYC's SFRA and the FWMA all require development to incorporate sustainable drainage to manage not only the risk of flooding to the site itself, but also the surrounding area.

The SFRA provides detailed guidance to planning development managers to manage this risk. The Flood Risk Management team takes a very proactive role in development management striving to resolve drainage and flood risk design issues at application stage

to avoid the need for conditions. Without considering flood risk and drainage as a fundamental element of the design, options to provide sustainable solutions at a late stage of the process are difficult or impossible to achieve. Close working with the Development Management Team is necessary to ensure applications are dealt with appropriately.

The planning approval process does not cover highway works, which, if carried out incorrectly, can have an adverse effect on flood risk. There is a clear requirement in the F&WMA for highway authorities to make a contribution towards the achievement of sustainable development and the Flood Risk Management team will work with highway engineers to ensure that there is compliance with this requirement.

Taking the above into consideration it is recommended that:

- 1) Development in flood risk areas is only permitted strictly in accordance with the NPPF and SFRA.
- 2) The Flood Risk Management team continues to take a proactive role in development management with the aims of minimising the number of approvals that are given with drainage conditions attached.
- 3) Where drainage conditions are attached to approvals the Flood Risk Management team will ensure that they are realistic and achievable.
- 4) The Council sets up procedures to become the SuDS Approval Body when the relevant part of the Act is enacted and guidance is issued.
- 5) The Flood Risk Management team works with highway maintenance and design engineers to ensure that they fully understand the need for sustainable drainage in their work, and that suitable designs are implemented.

City of York Council
Surface Water Management Plan

Abbreviations

| Acronym | Definition |
|---------|--|
| AStSWF | Areas Susceptible to Surface Water Flooding |
| CFMP | Catchment Flood Management Plan |
| CYC | City of York Council |
| Defra | Department for Environment, Food and Rural Affairs |
| EA | Environment Agency |
| EC | European Commission |
| FCERM | Flood and Coastal Erosion Risk Management |
| FmSW | Flood Map for Surface Water |
| FWMA | Flood & Water Management Act 2010 |
| GIS | Geographical Information System |
| IDB | Internal Drainage Board |
| IUD | Integrated Urban Drainage |
| LDF | Local Development Framework |
| LLFA | Lead Local Flood Authority |
| LPA | Local Planning Authority |
| LRF | Local Resilience Forum |
| NPPF | National Planning Policy Framework |
| PPS25 | Planning and Policy Statement 25: Development and Flood Risk |
| PFRA | Preliminary Flood Risk Assessment |
| RBD | River Basin District |
| SAB | SUDS Approving Body |
| SFRA | Strategic Flood Risk Assessment |
| SUDS | Sustainable Drainage Systems |
| SWMP | Surface Water Management Plan |
| YWS | Yorkshire Water Services |

1.0 INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 The enquiry into the wide scale flooding experienced in 2007 at various locations across the country resulted in the publication of the Pitt Review. This contained a large number of recommendations for Government to consider and the key recommendation with respect to surface water management is Recommendation 18:

Recommendation 18: “Local Surface Water Management Plans, as set out in PPS25, and coordinated by Local Authorities, should provide the basis for managing all Flood Risk”

Surface Water Management Plans (SWMPs) are referred to in Planning Policy Statement 25 (PPS25) as a tool to manage surface water flood risk on a local basis by improving and optimising coordination between relevant stakeholders. SWMPs will build on Strategic Flood Risk Assessments (SFRAs) and provide the vehicle for local organisations to develop a shared understanding of local flood risk, including setting out priorities for action, maintenance needs and links into local development frameworks and emergency plans.

- 1.2 A SWMP outlines the preferred strategy for the management of surface water in a given location(s) and the associated study is carried out in consultation with local partners having responsibility for surface water management and drainage in that area. The goal of a SWMP is to establish a long term action plan and to influence future strategy development for maintenance, investment, planning and engagement.
- 1.3 Defra guidance on the production of SWMPs was published in March 2010 informed by the Integrated Urban Drainage (IUD) Pilot Studies carried out under the Government’s Making Space for Water strategy, between 2007 and 2009. The stages for producing a SWMP are:
- Preparation;
 - Risk Assessment;
 - Options; and
 - Implementation and Review.
- 1.4 The City of York SWMP was made possible by the availability of funding through the Surface Water Early Actions Grant Scheme in March 2010. The submission for funding highlighted the central area within the outer ring road as follows:

Within this area there are 2800 properties at risk of flooding. Many of these are protected from river flooding by flood defence structures which were constructed in the 1980/90s to withstand a 1 in 100 year event. The flooding in 2000 was within 50mm of overtopping those defences and subsequently it was assessed to be a 1 in 80 year event. Clearly the advent of climate change has

modified the perceived protection of the defences. The study will also look at the pluvial issues developing in the catchment”.

- 1.5 This funding was made available prior to the commencement of the Flood and Water Management Act and predated the availability of the supporting information which was issued to facilitate the compilation of the Preliminary Flood Risk Assessment (PFRA). However the information provided for the PFRA has been of use in this study.
- 1.6 York is well known for flooding from fluvial sources. This is well documented with a well rehearsed response. Monitoring of upstream rivers enables accurate warnings to be issued, events are predictable and rises in river level are usually slow, always affecting the same areas. However, knowledge of the effects of pluvial flooding is minimal, due mainly to the lack of any events that have caused problems which could be considered significant in terms of major impact on a particular area. Knowledge of such events is frequently dependent on reporting by the public, and it has been found that differing thresholds of tolerance and concerns regarding effects on property value and insurability may result in events going unreported to the Council.
- 1.7 Consideration of this background information and the SWMP Technical Guidance, published by Defra in March 2010, led to the decision that the study should focus purely on local sources of flooding to build up a clearer understanding of the risk specifically from those sources. In making this decision, consideration was given to the potential link between fluvial and pluvial flooding using the emerging information from Environment Agency surface water modelling and records of surface water flooding from one event in 2007. These sources of information confirmed that surface water flooding was independent of fluvial flooding and was likely to occur in relatively small isolated areas dispersed throughout the Council’s area. The mapping also suggested that there is often no obvious connection between the flooded areas.
- 1.8 Taking this into account the study area for the SWMP has been extended from that defined in the funding bid to include the whole of the area defined by the administrative boundary of City of York Council. It studies a sample of those areas where surface water flooding was recorded in 2007 and identifies the causes and potential solutions. It discusses whether the conclusions from the study are representative of the citywide situation and gives recommendations for future action.

Preliminary Flood Risk Assessment

- 1.9 The Preliminary Flood Risk Assessment (PFRA) is a high level screening exercise to identify areas of most significant flood risk across Europe. The chief drivers behind its preparation are two sets of legislation: the Flood Risk Regulations (The Regulations), which came into force on the 10th December 2009, and the Flood & Water Management Act (FWMA) which gained Royal Assent on the 8th April 2010. Under this legislation, all Unitary Authorities, and in two-tier systems, all County Councils, are designated a Local Lead Flood Authority (LLFA) and have been allocated a number of key responsibilities with respect to local flood risk

management, one of which is to prepare a PFRA. The aim of this PFRA is to provide an assessment of local flood risk across the study area, including information on past floods and the potential consequences of future floods.

- 1.10 The Council's PFRA has been completed and was approved by its Cabinet on 6 September 2011 and is available on the Council's website. This will be used to inform the preparation of the SWMP. The following is the executive summary:

Under the EC Floods Directive, which has been transposed into UK law through the Flood Risk Regulations (2009), City of York Council is required to undertake a Preliminary Flood Risk Assessment (PFRA) to assess the harmful consequences of past and potential future flooding, and to identify areas of significant flood risk ('flood risk areas').

City of York Council is a Lead Local Flood Authority (LLFA) as defined in the regulations, and has responsibility for preparing the deliverables of the Flood Risk Regulations for 'local flood risk' (flooding from surface runoff, ordinary watercourses and groundwater). The Environment Agency has responsibility for preparing the deliverables of the Flood Risk Regulations for flooding from Main Rivers and the Sea.

The PFRA process is aimed at providing a high level overview of flood risk from local flood sources, including surface water, groundwater, ordinary watercourses and canals. As a LLFA, City of York Council must submit their PFRA to the Environment Agency for review by 22nd June 2011. The methodology for producing this PFRA has been based on the Environment Agency's Final PFRA Guidance and Defra's Guidance on selecting Flood Risk Areas, both published in March 2011.

The first stage of the PFRA is to assess past floods that have had significant harmful consequences for human health, economic activity or the environment, or could have harmful consequences if they were to occur now. Little information on past flooding was available but that relating to one event in 2007, caused by flooding from local sources, was collected and analysed. This provided limited information but based on the evidence that was collected; no past flood events were considered to have had 'significant harmful consequences'.

The PFRA has also considered the potential risk of future flooding. This has been based on hydraulic modelling which predicts the potential impact of flooding on people, property and the environment. The best available information on potential future floods is the national Surface Water maps produced by the Environment Agency. This has been used to inform an assessment of the numbers and types of properties in York that are vulnerable to surface water flooding during an extreme rainfall event. The events modelled are in excess of any experienced or recorded in York to date.

The final stage of the PFRA process is the identification of 'Flood Risk Areas'. Indicative Flood Risk Areas' have been calculated by the Environment Agency

using a threshold defined nationally by ministers at the Department for food and rural affairs (Defra). An indicative 'Flood Risk Area' has been identified where clusters of at least 30,000 people have been identified as being at risk of flooding from local sources.

Of the ten indicative 'Flood Risk Areas' that have been identified nationally by the Environment Agency and Defra, none are located in York and City of York is not proposing to add a new 'Flood Risk Area' for the purposes of the PFRA.

- 1.11 Figure 1.1 shows the areas identified by the EA in their indicative mapping as being at theoretical risk of surface water flooding. Six of these 1km² areas fall within the CYC authority boundary. Four are in the City centre, one around the A59 north of Acomb, and one west of New Earswick. None of these produced clusters which would affect 30,000 people. One, the 1km² to the west of the centre encompasses an area that has recorded surface water flooding but the other squares do not.

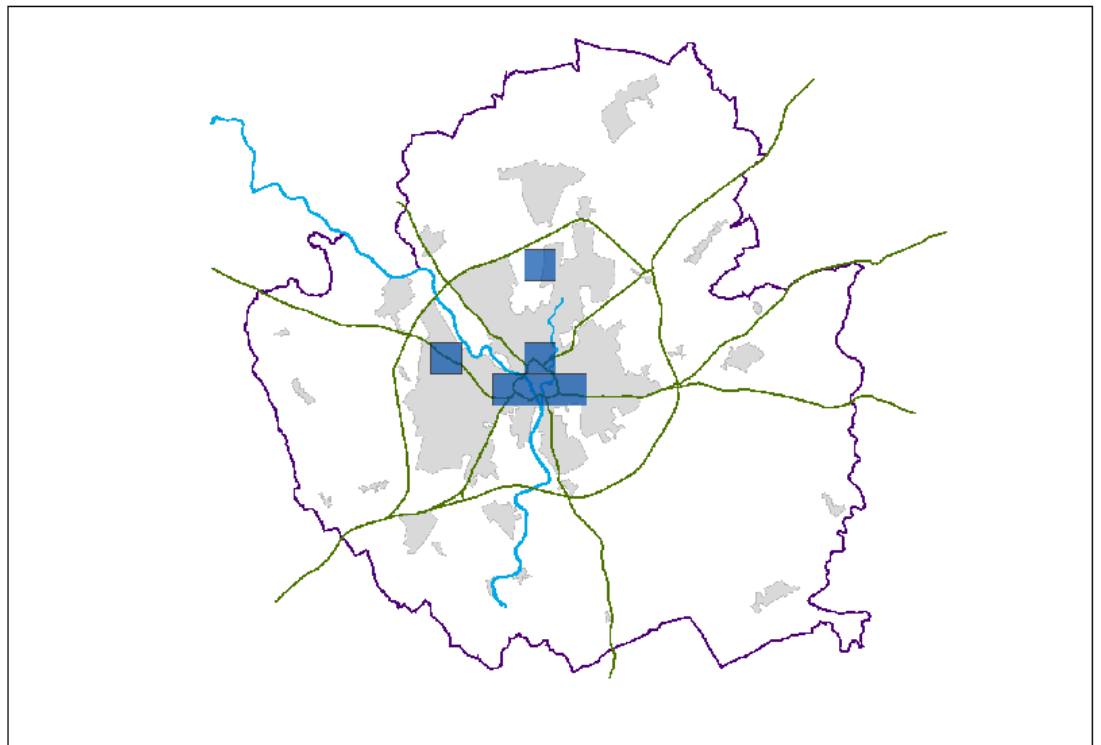


Figure 1.1: Flood Risk Locations identified by the EA

General Description of the York Area

Administrative Background

- 1.12 The study area for this SWMP is defined by the administrative boundary of City of York Council, located in the Vale of York in North Yorkshire, rather than that defined in the funding bid. The geographical extent of this area is shown in figure 1.2.
- 1.13 City of York Council Unitary Authority covers an area of approximately 275 km² and was formed in April 1996. It comprises the former York City Council area extended to include a rural belt with many villages of various sizes which were formerly within the Ryedale, Selby and Harrogate District Council areas. It is bordered by North Yorkshire County Council on its northern, western and southern boundaries and by East Riding of Yorkshire Council on its eastern boundary, which is formed by the river Derwent. The study area has no coastline. The geographical context of the authority area is shown in figure 1.3.



Figure 1.2 – Geographical Extent of City of York Unitary Authority

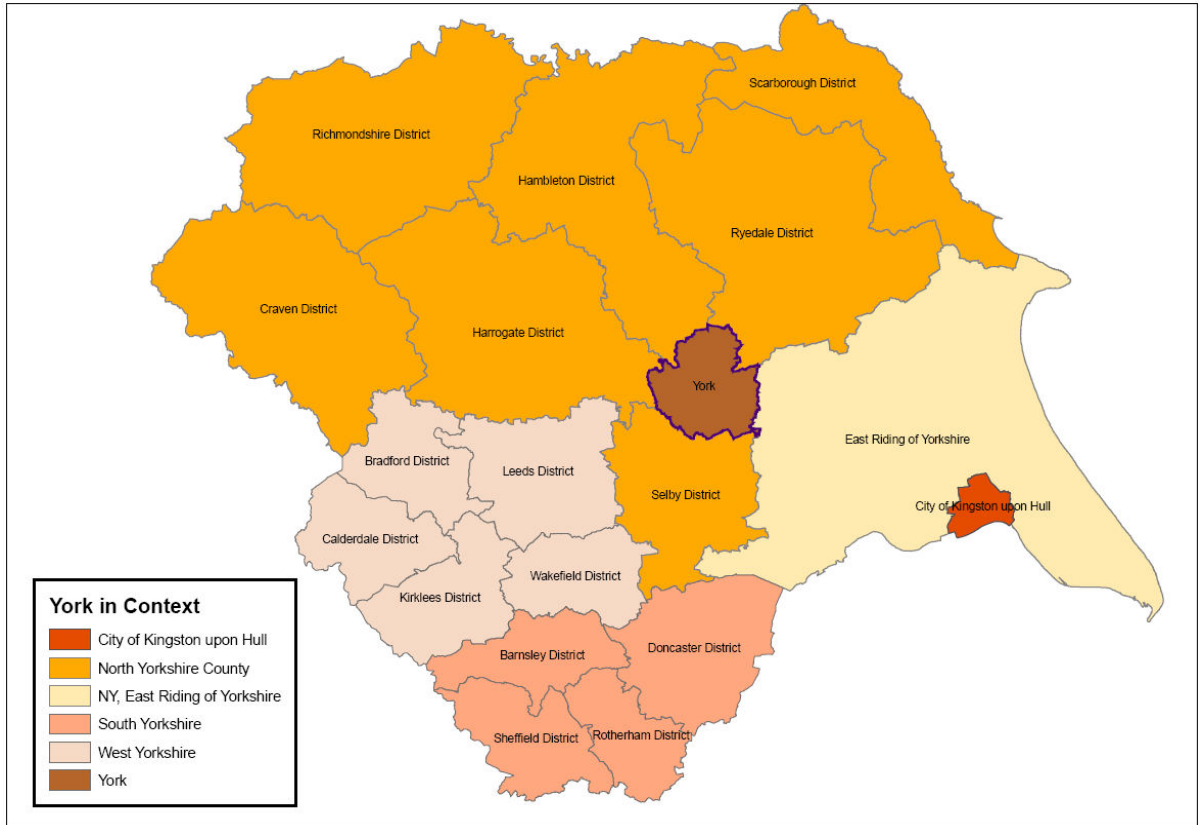


Figure 1.3 – Geographical Context of City of York Unitary Authority

The River Network

- 1.14 York is located at the confluence of the River Ouse and the River Foss with the River Derwent forming its eastern boundary with East Riding of Yorkshire Council. These rivers drain three catchments, the Yorkshire Dales, Howardian Hills and North York Moors respectively. The Ouse and Derwent are classified as Main Rivers, under the management of the Environment Agency, for their entire length though the area. The Foss is Main River for a distance of 3.3 km upstream of its confluence with the Ouse and beyond that point is an ordinary watercourse, the responsibility of the Foss (2008) IDB.
- 1.15 The three Main Rivers all run generally in a southwards direction, fed by a number of various sized tributaries. The river network is shown on Figure 1.4.



Figure 1.4 – Detailed River Network

- 1.16 In 2006 ordinary watercourses with potential to cause property flooding were also designated Main River and transferred to the EA's management. As a result the lower reaches of Blue Beck, Burdyke and Holgate Beck, all tributaries of the Ouse, and Tang Hall Beck and Osbaldwick Beck, tributaries of the Foss, are now the responsibility of the EA. Upstream lengths of these watercourses and their tributaries are designated ordinary watercourses and are the responsibility of the Council or appropriate IDB.
- 1.17 A summary of the rivers and watercourses, and responsibilities for them are as follows:

River Ouse - the largest river drains the Yorkshire Dales catchment and is formed from the Swale, Ure and Nidd upstream of York. The river downstream of Naburn weir is tidal and the Wharfe joins the Ouse at Kelfield just south of the York boundary. The Ouse has the following main tributaries within the York boundary: -

- Blue Beck, draining residential and commercial development in Rawcliffe and Clifton Moor northwest of the city, the responsibility of riparian owners to Rawcliffe Lake. The lake is the responsibility of YWS and its level is

controlled by them. Downstream of this, to the Ouse, Blue Beck is Main River.

- Burdyke, draining residential and commercial development in Clifton north of the city, to the south of Bootham Stray, the responsibility of Kyle and Upper Ouse IDB. Downstream of this point to the Ouse is Main River, including Burdyke pumping station.
- Holgate Beck, draining residential development in Woodthorpe, Acomb and Holgate west of the city to the north of Hob Moor, the responsibility of Ainsty (2008) IDB. Downstream of this point to the Ouse is Main River, including Holgate Beck pumping station.
- Germany Beck, draining residential development in parts of Heslington and Fulford including the existing and new university campuses, along with agricultural land east of the city to the River Ouse south of Fulford. The entire length is the responsibility of Ouse and Derwent IDB.

River Foss - the third largest river has the following main tributaries within the York boundary: -

- Westfield Beck, draining areas of residential development in Haxby, Wigginton and New Earswick north of the city to join the Foss south of New Earswick. This is the responsibility of Foss (2008) IDB. Westfield Beck pumping station, owned by YWS, diverts excess flows from the Haxby and Wigginton catchments to the river Foss to protect the downstream village of New Earswick from flooding.
- South Beck, draining Monk's Cross Retail Park and residential development in Huntington north east of the city. The upstream of length is the responsibility of Foss (2008) IDB and final 350m to the Foss is the responsibility of CYC.
- Tang Hall Beck, draining residential development in Tang Hall and agricultural land in the upper catchment around Stockton on Forest north east of the city, the responsibility of Foss (2008) IDB to the outskirts of Heworth. Downstream is Main River.
- Osbaldwick Beck, draining residential development in Osbaldwick and agricultural land in the upper catchment around Holtby and Murton east of the city, the responsibility of Foss (2008) IDB to the outskirts of Tang Hall. Downstream is Main River.

River Derwent - the second largest river with the following main tributaries draining into the river within the York area: -

- Elvington Beck, draining residential development and agricultural land to the west of the village of Elvington, including part of the former airfield which is now in commercial and leisure use. The entire length is the responsibility of Ouse and Derwent IDB including the pumping station at the confluence of the beck and the River Derwent.

Broad Physical Characteristics of the City of York area

- 1.18 York and its surrounding areas have a diverse character consisting of urban, industrial and agricultural land-uses. The Vale of York consists mainly of valuable agricultural land, with the urban and residential areas centered on the two largest settlements of York and Selby.

Topography: The Vale of York is a low-lying mainly flat landscape, though minor ridges and glacial moraines provide subtle local variations in topography. The area lies between the Pennines to the west and the North York Moors and the Wolds to the east. South of York, much of the land is less than 20m above sea level.

Geology: British Geological Survey maps show the bedrock in the area to consist of the Sherwood Sandstone group, thick soft sandstone of Triassic age that forms the centre of the Vale of York. The superficial deposits, which overlay the sandstone, consist predominantly of sands and gravels, with some clay and till. Bands of alluvium deposits can be seen to intersect the City of York along the path of the River Ouse and River Foss.

Soils: Soil types are often a reflection of the underlying solid geology and similarly land use is often associated with the soil. The river valleys are dominated by soils formed from glacial till, sands and gravels that are generally fertile and suitable for agriculture. A band of groundwater clay soils, which are seasonally waterlogged and affected by shallow fluctuating groundwater table, extends south easterly from Thirsk, around York to Selby.

Hydrogeology: The hydrogeology of an area is directly influenced by the characteristics of the local drift and solid geology. Different rock types may either hold or transmit water or may act as a barrier to groundwater flow. Aquifers are important for several reasons; they act as a source of good quality water for water supply and provide base flow to rivers. The underlying bedrock for the whole flood risk area is Sherwood Sandstone, a formation always classified as a Major Aquifer. The drift deposits overlying the Sherwood Sandstone are classified as a Minor Aquifer, where the drift is relatively permeable, and a Non-Aquifer, where the drift deposits are fairly thick and have low permeability.

2 PREPARATION

Guidance

2.1 The guidance for preparing SWMPs is provided by Defra in their Surface Water Management Plan Technical Guidance and Annexes published in March 2010. The introduction to this document provides background information on the use of the guidance and its appropriateness, and in particular paragraphs i.6 and i.7 and i.9 are relevant to this study:

i.6 It is recognised that SWMP studies will vary to meet local needs and circumstances and the guidance offers a flexible approach that will allow lead local flood authorities to undertake a SWMP study which is tailored to their needs and requirements.

i.7 This guidance is primarily intended to be used for the development of SWMPs in areas of high flood risk with complex integrated drainage arrangements. The principles contained within this guidance may also be usefully applied to less complex or lower risk areas although the approach and level of analysis should be proportionate to the risk and complexity of the area concerned.

i.9 The guidance is not prescriptive, but it provides a clear and logical framework which should be adopted to undertake a SWMP study and to produce an action plan. Technical detail in the main body of the guidance is kept to a minimum and further technical information is signposted throughout the guidance and in annexes. The guidance draws on good practice from the IUD pilot studies and the first edition SWMPs.

2.2 SWMPs carried out to date by other authorities have usually been triggered by significant flooding and have therefore tended to concentrate on specific problem areas known to suffer frequent flooding with significant consequences. By targeting resources in such a way, solutions can be developed with significant benefits specific to the affected areas.

2.3 The local definition of significant flooding, as opposed to that in the PFRA, will be the subject of debate in the preparation of the Local Flood Risk Management Strategy. These will also serve as a trigger for the initiation of section 19 investigations into flood incidents under the FWMA. It is likely that criteria considered for inclusion will include:-

- The internal flooding of one or more residential or business properties.
- A risk to life as a result of the depth and/or velocity of floodwater.
- A risk of contamination from sewage back up or flooding arising from the overloading of combined sewerage systems by surface water.

- Critical infrastructure (e.g. emergency services buildings, utility company infrastructure, schools, day centres, hospitals and main transport routes) suffering flooding or obstruction, or were in imminent danger of flooding.
 - The imminent danger of flooding of five or more properties
- 2.4 On the basis of these draft criteria, while there has been recorded flooding in some areas which would trigger investigations, it has not been on the scale for which the guidance is primarily intended. Therefore this SWMP has had to take a different approach which of necessity has required departures from the guidance.

Information

- 2.5 Two sources of information have been used to determine the scope and focus of this study:
1. The Council has records of surface water flooding at various locations across its area, mainly resulting from rainfall in 2007. At some locations the consequences would have merited a S19 investigation. The most comprehensive records relate to the consequences of intense rainfall in June 2007 when areas in Haxby, Wigginton, Rufforth, Strensall, Clifton, Rawcliffe, Acomb and Holgate were affected by very localised rainfall events ranging from 1 in 7 to 1 in 100 year return period. These records show that 138 locations reported flood related problems, of which 7 were believed to be habitable properties suffering from internal flooding. The flooding mostly affected roads where the rainfall exceeded the drainage infrastructure design capacity of 1 in 30 years. These flooding records correlated well with those of Yorkshire Water Services, with whom there was considerable liaison and sharing of information after the event during investigations. There are no other records available from other sources.
 2. The Environment Agency has produced 2 sets of modelled surface water flood risk maps, "Areas Subject to Surface Water Flooding" (AStSWF) and "Flood Maps for Surface Water Flooding" (FMfSW). Both have been looked at in some detail during both the PFRA process and this study and the FMfSW is considered to be the most realistic representation of the situation for the York area in the absence of observed data. The FMfSW estimated that 13,200 properties would be affected by a 1:200 AEP event, 11,500 to a depth of 0.1m and 1,700 to a depth of 0.3m. However, neither this modelling, nor the observed flooding in 2007 (see below) shows any large areas affected by flooding, but shows small areas affected at discrete locations across the City. Due to the type of very localised rainfall that causes such events and the dispersal of the affected areas throughout the City it is most unlikely that such a number of properties would all be affected at the same time. Additionally, although many areas are shown to be susceptible to surface water flooding, most have no record of actual flooding although it may have happened and not been reported.

- 2.6 A further source of local flooding can be from groundwater. Modelled information on this is provided by the EA is their “Areas Susceptible to Groundwater Flooding” (AStGWF) map. Groundwater flooding occurs as a result of water rising up from the underlying aquifer or from water flowing from abnormal springs. This tends to occur after long periods of sustained high rainfall, and the areas at most risk are often low-lying where the water table is more likely to be at shallow depth.
- 2.7 Groundwater flooding is known to occur in areas underlain by major aquifers, although increasingly it is also being associated with more localised floodplain sands and gravels. The British Geological Survey maps show the bedrock in the area to consist of the Sherwood Sandstone group, a thick soft sandstone of Triassic age that forms the centre of the Vale of York. This is always classified as a Major Aquifer. Superficial deposits overlaying the sandstone consist predominantly of sands and gravels, with some clay and till. Bands of alluvium deposits intersect the City of York along the path of the River Ouse and River Foss. The drift deposits overlying the Sherwood Sandstone are classified as a Minor Aquifer, where the drift is relatively permeable, and a Non-Aquifer, where the drift deposits are fairly thick and have low permeability.
- 2.8 Although the AStGWF map suggests a potential for groundwater flooding, the Council has no record of areas where groundwater emergence is known to be a cause of significant flooding. It has not therefore been considered in this study and was also ruled out as a potential cause of flooding in the PFRA.
- 2.9 The surface water drainage of many areas of York is poor due to the presence of clay. Flooding problems caused by this are often mistakenly referred to as groundwater flooding, whereas it is caused by the inability of water to drain downwards, not the effect of water rising from the ground.
- 2.10 Consideration of the available information has therefore led to the conclusion that York does not have any large areas susceptible to frequent surface water flooding with significant consequences. The main effect of recorded intense rainfall events, supported by evidence from the FMfSW, is occasional flooding, sometimes of significance as defined by the draft criteria, of isolated properties but more often flash flooding of roads at various locations dispersed across the area. By its nature this type of rainfall is localised and tends to affect different areas in each event. The study therefore examines the areas of recorded flooding in 2007 in conjunction with the FMfSW mapping.

Catchment Flood Management Plans

- 2.11 Catchment Flood Management Plans, prepared by the EA, provide an overview of all types of inland flood risk in each river catchment with recommendations for risk management now and over the next 50 – 100 years. Two CFMPs are relevant to the York area, covering the Ouse and Derwent.

River Ouse Catchment Flood Management Plan

2.12 There are 2 policy units in the CFMP covering areas within the York boundary, 7.1.25 the North York and City Centre, and 7.1.26 South of York. These contain short, medium and long term actions for flood risk management within those areas. Those relevant to surface water management are the same for both Policy Units and listed in Table 2.1

| SHORT TERM ACTIONS: Before the next review of the CFMP (1-5 years) | |
|---|--|
| Action | Outcome |
| Work in partnership with the LLFA to reduce the risk of flooding from surface water. Carry out detailed studies in areas identified as at 'significant risk' in the preliminary flood risk assessment. This should include investigation of areas known to be susceptible to surface water flooding in the North York and City Centre policy unit. | Working in partnership to reduce surface water flood risk within the policy unit a long term prioritised plan of action will be developed to reduce the risk of flooding from this source. Further detailed understanding of the risk this source of flooding poses will ensure that future strategic flood risk management plans and development documents take the risk of surface water into account. |
| MEDIUM TERM ACTIONS: 1-20 years | |
| Action | Outcome |
| <p>Promote the use of SuDS for the management of run-off, as per the recommendations of PPS25. This should be done by:</p> <ul style="list-style-type: none"> ▪ incorporating policies within the LDDs; ▪ encouraging developers to utilise SuDS wherever practicable in the design of development, if necessary through the use of appropriate planning conditions or by planning agreements; ▪ developing WCS to further encourage the use of SuDS as an aid to mitigating the rate and volume of surface water flows; ▪ promoting the use of SuDS to achieve wider benefits such as sustainable development, water quality, biodiversity and local amenity. <p>The commencement of schedule 3 of the Flood and Water Act 2010 will require sustainable drainage to be considered in all new development.</p> | By embedding the requirements for SuDs within regional and local policy we will be able to work together to influence the implementation of local drainage schemes to effectively manage surface water within all new developments. As part of this it is vital that we understand and plan for the long term management of such assets to ensure their operation and management is sustainable. |
| LONG TERM ACTIONS: 20-100 years | |
| Action | Outcome |
| None | None |

Table 2.1 River Ouse Catchment Flood Management Plan – Surface Water Management Actions

River Derwent Catchment Flood Management Plan

2.13 There are no actions relating to surface water management for the Council's area in the River Derwent CFMP.

Partnership

2.14 The Council is a member of the North Yorkshire Flood Risk Partnership, comprising CYC and NYCC elected members and officers, YWS, EA, IDB and the RFCC. This meets quarterly to provide a forum for statutory flood risk authorities to:

- support a joint strategic understanding and mitigation of flood risk in the sub region; and
- ensure that partners collaborate in the development of LLFA based local flood risk strategies and other necessary tasks required by current legislation.

2.15 It is well known that York suffers frequent flooding from the rivers Ouse and Foss, and to a lesser extent from the Derwent. The effects are well recorded, predictable and subject to a well rehearsed response plan. Because of this there is a longstanding relationship between the various partners involved, and both the River Flood Emergency Plan and Multi Agency Plan are reviewed annually. Due to the increasing frequency of non river flooding, these reviews include discussions of the effects of surface water flooding and response. In addition to the various Directorates within the Council and the emergency services, the participants are:

The Environment Agency

The Council has had a good working relationship with the Environment Agency since its inception in 1996, and with its predecessors before that. Its drainage engineers have always worked closely with the Agency's officers in all aspects of flood risk management, particularly in managing the frequent fluvial flood events that affect York and also in liaison over planning issues.

Yorkshire Water Services Ltd

Until 1998 the Council was sewerage agent for YWS and engineers familiar with the network are still employed by the Council in the Flood Risk Management team. Since the loss of the agency they have continued to liaise with YWS in investigating drainage problems and this relationship has been strengthened by the signing of an information sharing protocol following the enactment of the Flood and Water Management Act 2010.

Internal Drainage Boards

There are four Internal Drainage Boards around York to which the Council pays a special levy and may nominate members. Since 1998 one of these nominees has been a Council drainage engineer and as a result the Council's Flood Risk Management team enjoys a good working relationship with all of the Boards. Within their Districts the IDBs are responsible for managing flood risk from ordinary watercourses. The Board districts, where they overlap the City, are shown in Figure 2.1. It should be noted that all Boards are responsible for considerable areas beyond the City boundary, though in each case the largest urbanised area is York.

- 2.16 Although the IDBs manage watercourses within their areas, CYC is the LLFA and therefore has overall responsibility for managing flood risk within its area.

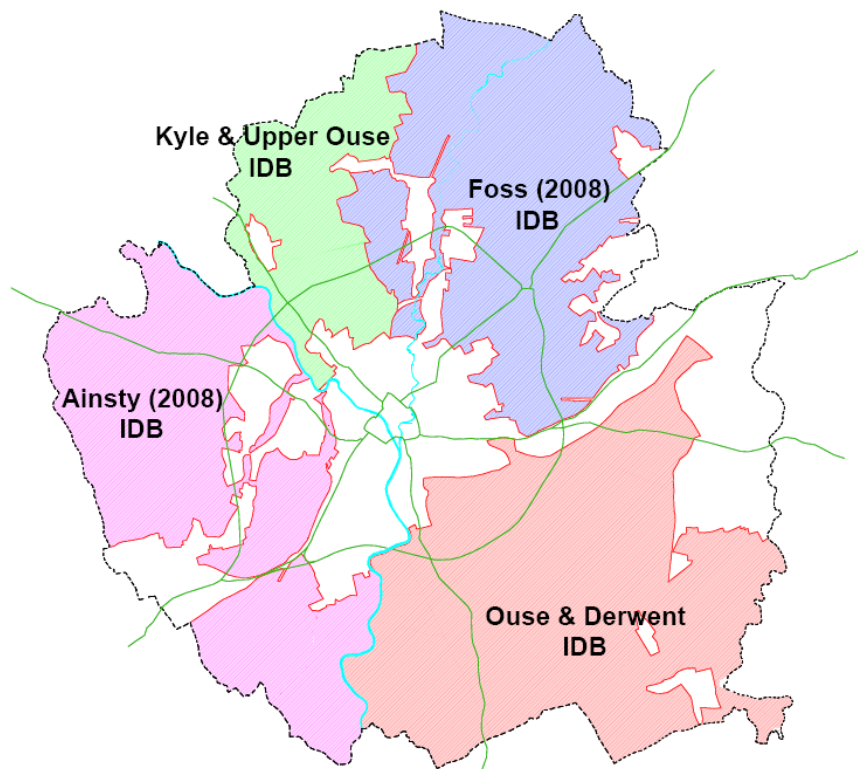


Figure 2.1 – IDB Districts

- 2.17 With reference to the Defra guidance a partnership should be formed of partners and stakeholders to progress the SWMP. Paragraph 2.2 states that “Due to the variable nature of organisations involved in a SWMP study, the guidance is not prescriptive about how the partnerships should be established, nor the specific roles and responsibilities of each partner. It is recognised that flexibility is required, and that the way a partnership operates in practice will vary.”
- 2.18 This was taken into consideration in this SWMP study. Recorded and predicted surface water flooding is of a localised small scale, dispersed and infrequent.

There has been no impetus on the part of any communities to form action groups or to act collectively and as a consequence there have been no interest groups to involve as stakeholders in the study.

- 2.19 Because of the nature of the flooding to be investigated in this study the Council considered that there was no overall strategic driver which would require a formal partnership as all interested parties are in regular dialogue regarding flooding issues as required. In investigating specific problem areas prior to and during this study, Council engineers have liaised as necessary with the EA, IDB and YWS in conjunction with local ward members, parish councils and residents. This partnership working on a local and ad hoc basis has proved very effective in identifying the causes of flooding problems, potential solutions and responsibilities for their implementation.
- 2.20 Cross boundary surface water drainage issues with neighbouring authorities were considered. The principal neighbouring authority is North Yorkshire County Council and its boundary with York extends from near Stamford Bridge on the River Derwent, around the north, west and south sides of York, to Wheldrake, again on the River Derwent. The boundary is completed by the River Derwent itself between Stamford Bridge and Wheldrake, on the other side of which is East Riding of Yorkshire County Council. Consultation with both Councils has confirmed that there are no cross boundary surface water drainage issues.
- 2.21 In the circumstances of this particular study it is not felt that a more formalised approach would have reached different conclusions or produced a different action plan. However, the issue of a more formal partnership will be addressed in the preparation of the Council's Local Flood Risk Management Strategy and the findings of this study will be form a key role in progressing it.

Scope of study

- 2.22 With no areas recorded to have suffered large scale, frequent or persistent surface water flooding, and none that are predicted from the FMfSW or recorded in the PFRA, the SWMP study has concentrated on investigating a sample number of the areas which suffered surface water flooding in 2007. While the investigations were centred on the flooded areas they have in many cases extended beyond to establish the underlying cause.
- 2.23 The study comprises:
- Modelling of a sample of areas recorded to have flooded in 2007 to provide an understanding of the cause of the flooding and also a check on the accuracy of the FMfSW mapping.
 - On site investigation centred on some of these areas, following consideration of the modelling, and either resolution as part of the investigation or to confirm an understanding of the cause for further action later.

2.24 Considering the flood risk situation in the Council's area the objectives of the study are:

- 1) A clear understanding of the causes of flooding at each location investigated.
- 2) A record of the infrastructure serving the location and its condition and ownership.
- 3) A validation of the EA Flood Map for Surface Water.
- 4) Recommendations for future maintenance to prevent a repetition of the problem.
- 5) An understanding of how representative the findings are of the situation citywide.
- 6) Recommendations for further investigation.
- 7) Recommendations for further work.
- 8) Advice and information to local authority planners.

2.25 This SWMP study may influence by or be influenced by other Flood Risk Management Authority local or regional delivery plans. Examples are the Environment Agency Catchment Flood Management Plans (CFMPs) which explain the policy for the management of flood risk from main rivers and may influence the development of a SWMP if there are areas where these interact with surface water. Figure 2.2 shows the potential inter-relationship between the multitude of plans which may exist, be in preparation, or be required in the future.

City of York Council
Surface Water Management Plan

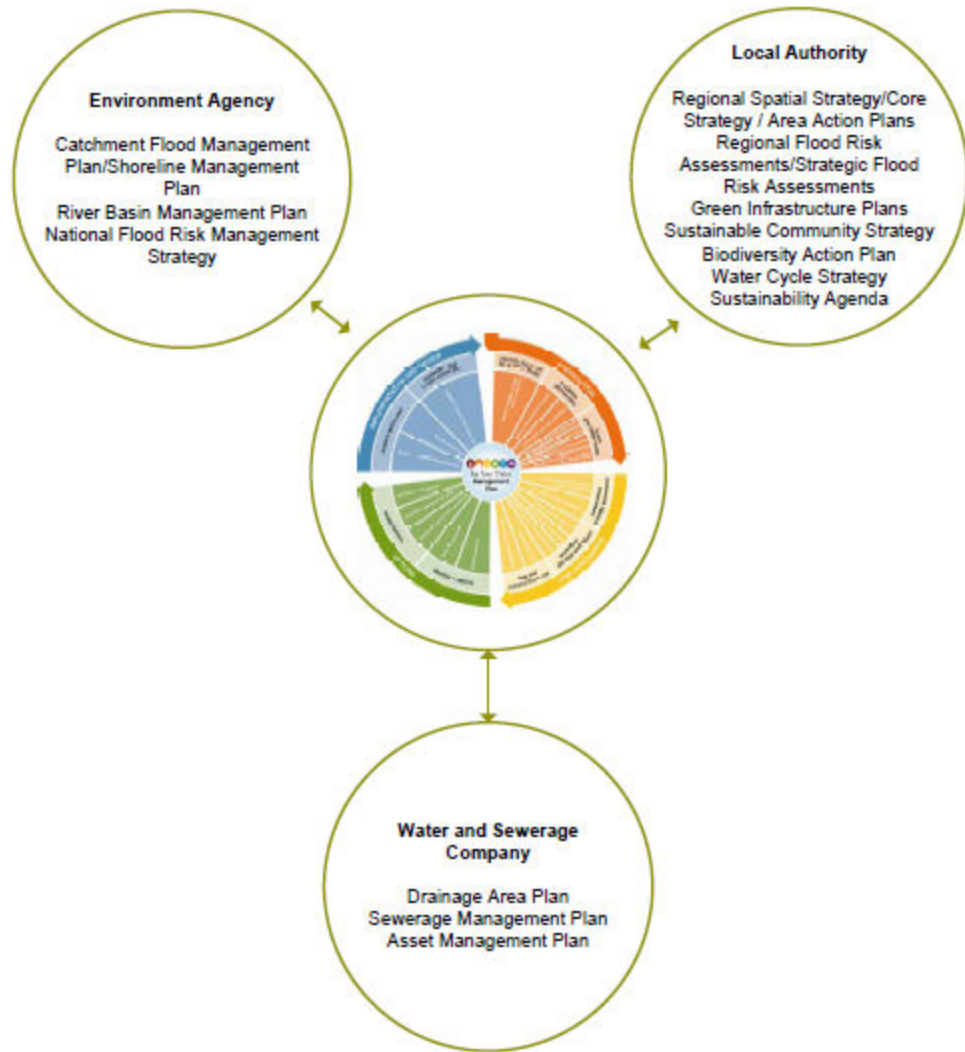


Figure 2.2 - Links between SWMP and other plans

3 AVAILABLE INFORMATION

3.1 Records of surface water drainage infrastructure in the Council's area are patchy. It is known that many watercourses have been culverted during development but their locations are poorly recorded, if at all. This is also the case for highway drainage in non sewerred areas. Very little information was inherited from the predecessor authorities and there were also significant gaps in the former York City drainage records. The location of most of the highway gullies is recorded on the EXOR Highway Management System as surface features but there is no record of the drainage system serving them or details of connectivity. The YWS statutory sewer records provide some guidance where public sewers may serve the gullies but there is no information in many areas of the City regarding the location of any highway drainage network, though it is clear from the presence of gullies that there must be some. This shortage of information throughout the Council's area has long been a concern as it makes resolution of flooding problems difficult and effective maintenance impossible.

3.2 A citywide desk study of the location of gullies, available highway drainage network records and YWS records has shown that an estimated 5% of the gullies have no obvious network serving them. While this figure may not appear to be very high a significant number of these missing records affect major arterial roads into and around the City. The most major of these are:

- A19, boundary to A19/A1237 roundabout
- A1237, entire length from Askham Bryan to Hopgrove
- B1363 Wigginton Road, boundary to hospital
- Haxby road between Haxby and New Earswick
- Strensall Road, A1237 to Strensall
- Strensall, York Road
- Stockton Lane from Heworth Without to Stockton on Forest
- A1036 Heworth to Hopgrove
- A1079 Hull Road, Windmill lane to boundary
- A166 Stamford Bridge Road, outer ring road to Gate Helmsley
- B1228 Elvington Lane, Hull Road to Elvington
- A19 Selby Road, south of Fulford to boundary
- B1222 Naburn Lane, A19 to designer outlet
- Bishopthorpe Road, racecourse to Bishopthorpe
- Sim Balk Lane, complete length
- A1036, Sim Balk Lane to Tadcaster Road, Copmanthorpe
- Askham Lane, Woodthorpe to A 1237
- B1224 Acomb to Rufforth
- A59 Poppleton to Boundary

- 3.3 This lack of information can cause major disruption to traffic in the event of a flood incident. Two such examples have occurred in 2012:
- On Friday 27 April flooding at the A19/A1237 roundabout caused major disruption to the whole of the A1237 outer ring road from 7 am to 2 pm as a major part of the roundabout was impassable and 1½ to 2 hours were typically added to journey times. Resolution of the problem required an investigation to locate the drainage system and outlet, which was blocked with tree roots. None of the highway drainage routes were recorded on any readily accessible database
 - On Sunday 10 June the A1079 both carriageways of the Hull Road flooded from the outer ring road roundabout to Badger Hill. The road was impassable for several hours and a subsequent investigation found major silt blockage in both highway drains and public sewers. None of the highway drainage routes were recorded. In addition at least 8 properties on the Badger Hill estate suffered internal flooding.
- 3.4 Following the flooding in 2007, and in recognition of this shortage of information and the recurrence of persistent highway flooding problems at many locations, funding has been made available for investigation and remedial work from the highway maintenance budget over the past four years.
- 3.5 The availability of funding for the SWMP has enabled modelling of areas to be carried which would not have otherwise been done. This has provided a better understanding of the problems and their causes, and a check of the accuracy of the FMfSW. Some of the funding was also used to assist with the cost of investigations, which have established the cause of many flooding problems and often resolved them, while also providing improved records of the drainage infrastructure.
- 3.6 In accordance with the SWMP Technical Guidance information is categorised as follows:
1. Asset data and information
 2. Background information
 3. Historical information
 4. Future development information
 5. Document and plans
 6. Water quality information
- 3.7 In order to indicate the quality of the data the guidance suggests the following scoring:
- 1 Best possible
 - 2 Data with known deficiencies
 3. Gross assumptions
 4. Heroic assumptions

Table 3.1 summarises the data available for the study:

| Source of Information | Category | Knowledge/data type | Data quality score | Usage restricted? |
|--------------------------|----------|--|--------------------|--|
| City of York Council | 5 | Strategic Flood Risk Assessment (SFRA) | 1 | No |
| | 5 | Preliminary Flood Risk Assessment (PFRA) | 1 | No |
| | 3 | Historic flood event data | 2 | No |
| | 1 | Highway drainage records | 2 | No |
| | 1 | Information on ordinary watercourses | 2 | No |
| | 1 | Maintenance regimes and records | 3 | No |
| | 2 | OS mapping data | 1 | OS licence restrictions |
| Environment Agency | 4 | Catchment Flood Management Plans (CFMPs) | 1 | No |
| | 1 | Fluvial Flood Maps | 1 | No, if not modified |
| | 2 | Ground data (LIDAR) | 1 | Subject to EA license agreement |
| | 2 | Areas Susceptible to Surface Water Flooding (AStSWF) | 2 | No |
| | 2 | Flood Map for Surface Water (FMfSW) | 2 | No |
| | 2 | Areas Susceptible to Ground Water Flooding | 2 | No |
| Yorkshire Water | 1 | Foul/combined/surface water models | 2 | In accordance with Data Sharing Protocol |
| | 1 | Drainage asset data | 2 | |
| | 3 | DG5 register | 1 | |
| Internal Drainage Boards | 1 | Information on local watercourses | 1 | No |

Table 3.1: Available Data

4 LEVEL OF ASSESSMENT AND MODELLING APPROACH

4.1 In accordance with the Defra technical guidance the appropriate level of assessment for the SWMP was considered to be a Detailed Assessment for the following reasons:

- A Strategic Assessment is inappropriate due to the small size of the authority's area, its topography, and the lack of any identified areas of significant flooding on the basis of records or EA modelling. The FMfSW provides a strategic broad scale assessment of risk.
- An Intermediate Assessment was not considered appropriate as sufficient data was available to identify localised small areas that had been affected by flooding, with further guidance provided by the FMfSW mapping.

4.2 At the time of commencing the Surface Water Management Plan there was little evidence in the form of reported incidents available pointing to widespread, frequent or persistent surface water flood risk at any location within the study area. However, it was considered that the opportunity should be taken to carry out a detailed assessment of those areas where flooding was recorded in 2007, and to use this to validate the EA's FMfSW, establish the causes of flooding and identify solutions.

4.3 To progress this Halcrow were engaged to provide modelling expertise. The following is an extract from their report regarding the selection of the modelling approach. The full modelling report is included as Appendix 1:

The purpose of the pluvial modelling was to provide quick and simple modelling of pluvial flows to identify the broad surface water risk areas. By applying rainfall directly onto a 2D mesh using TUFLOW software flood extent and depths was determined for eight hot spot areas. Allowance for storage capacity available within the below ground drainage network for each hot spot has been included. Further simulations to investigate the impact of blocked or insufficient gullies on flood extents and depths were also undertaken.

The conceptual approach adopted was to assume that rainfall falling within each modelled hotspot area was the primary source of flooding in that area. Inflows generated by rainfall falling outside each area being secondary either because these flows are very small, or because their time-of-arrival at each study area would be much later than the occurrence of more severe flooding due to the local rainfall). This assumption was considered acceptable due to the very small size of the urban hotspots being investigated.

Rainfall was computed using the Flood Estimation Handbook methodology with losses computed using the FEH rainfall-runoff model. Losses represent hydrological processes which do not directly contribute to surface flooding such as infiltration and interception. Rainfall depths were computed for a range of return period between 1 in 1 yr and 1 in 1000 yr. Allowance for the

below ground drainage network capacity was made by subtracting the net rainfall for the estimated sewer standard of service from the specified return periods.

Resultant net rainfall was distributed onto a 2-D terrain model and routed using the TUFLOW hydrodynamic modelling package. A separate 2-D model was developed for each of the eight flooding hot spots. Maximum flood extents for depths greater than 0.1 m and 0.3 m were plotted for specified return periods.

- 4.4 Areas of surface water flooding concern (flooding hotspots) were identified by CYC based on known historic flooding, Yorkshire Water's sewer flooding record, and the Environment Agency's surface water flood maps. Twelve hotspots were identified as in Table 4.1:

| Area | Hotspot Name |
|------|-------------------------------|
| 1 | Strensall |
| 2 | Wigginton / Haxby |
| 3 | Rawcliffe |
| 4 | Clifton Without |
| 5 | Clifton |
| 6 | Heworth |
| 7 | Burnholme |
| 8 | Acomb |
| 9 | Holgate |
| 10 | a. Westfield b. Woodthorpe |
| 11 | Bishopthorpe |
| 12 | Rufforth |

Table 4.1: Initial list of Hotspots

- 4.5 Each of these 12 hotspots was reviewed by Halcrow together with CYC, to understand better the existing flood risk and sources and causes of flooding. Where the reasons for flooding were well understood in a particular hotspot, or solutions had already been identified or implemented, hotspots were removed from the scope of further work. Table 4.2 summarises the review of the hotspots:

City of York Council
Surface Water Management Plan

| Area | Summary of review | Conclusions | Hydraulic modelling? |
|------|--|---|----------------------|
| 1 | The key area of concern is that centred on York Rd where the EA mapping shows deep flood risk. More detailed modelling should be carried out here. | Hydraulic modelling required. CYC to consider a culvert survey of Strensall Drain d/s of this area. | Y |
| 2 | The key area of concern is The Village, in the vicinity of the property flooded in 2007. | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. | Y |
| 3 | The key areas of concern are Howard Drive and Rawcliffe Croft. | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. | Y |
| 4 | The key area of concern is in St Phillip's Grove area. Other areas of flood risk appear to be as a result of culvert capacity on Birdike. | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. Birdike culvert may benefit from CYC culvert survey. | Y |
| 5 | Two key areas of concern are in Shipton St and Field View. The sewer system appears to be under capacity in Shipton St area, and there are vulnerable people at risk of flooding (elderly care home shown within EA flood risk area). | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. | Y |
| 6 | The three key areas (in Straylands Grove, Elm Park Way and Elmfield Ave appear to be due to under capacity of existing drainage. | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. | Y |
| 7 | Only key issue is at junction of Badbargain Lane and Gerard Avenue, due to known gully issues. | Hotspot removed from the scope of this study. | N |
| 8 | Two key areas are junction of Carr Lane and Boroughbridge Rd, and Ouse Acres. | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. CYC to consider survey to determine capacity and condition of Ings Cliff Drain, as EA flood risk map show this area at risk, although no flooding reported here in June 2007. | Y |
| 9 | The area around Beech Ave appears to be an issue. Likely main cause is a sewer capacity issue. | Hotspot removed from the scope of this study. | N |

City of York Council
Surface Water Management Plan

| Area | Summary of review | Conclusions | Hydraulic modelling? |
|------|--|---|----------------------|
| 10a | The key flood risk areas are around Huntsman Walk. | Hydraulic modelling required. CYC to consider a flooding questionnaire for properties in this area. There is a known DG5 issue with a property on Foxwood Lane. CYC to follow this up with YWS. | Y |
| 10b | Key flood risk areas here are around Acombwood Dr and Alness Dr. Likely main cause is a sewer / land drain capacity issue. | Hotspot removed from the scope of this study. | N |
| 11 | It was agreed that the flooding issues here would not benefit from additional surface water modelling. | Hotspot removed from the scope of this study. | N |
| 12 | It was agreed that the flooding issues here would not benefit from additional surface water modelling. | Hotspot removed from the scope of this study. | N |

Table 4.2: Review of hotspots

4.6 Following this review, focus areas within eight hotspots were taken forward for hydraulic modelling and further assessment. The complete list is included in Table 4.3 below.

| Area | Hotspot Name | Focus Area Name |
|------|-------------------|--|
| 1 | Strensall | York Rd |
| 2 | Wigginton / Haxby | The Village |
| 3 | Rawcliffe | Howard Drive Rawcliffe Croft |
| 4 | Clifton Without | St Phillip's Grove |
| 5 | Clifton | Shipton St Field View |
| 6 | Heworth | Straylands Grove Elm Park Way Elmfield Ave |
| 8 | Acomb | Junction of Carr Lane and Boroughbridge Rd Ouse Acres |
| 10a | Westfield | Huntsman Walk |

Table 4.3: Final hotspots and focus areas

- 4.7 Investigations were undertaken at and around the locations detailed in Table 4.4 to support the modelling and to help to understand its outputs and conclusions. The prioritisation of the investigations was determined by the scale and extent of the problems identified from the 2007 flooding records and available engineering and financial resources. Most investigations commenced with very minimal information on the existing drainage infrastructure so the process was slow and progress dependent on what was found. For this reason the investigations at many locations in Strensall, Haxby and Wigginton occupied a considerable part of the investigation time as they, of necessity, extended outwards as further problems were uncovered. This is discussed in part 5.

| Area | Hotspot Name | Investigation |
|------|-------------------|---------------|
| 1 | Strensall | Yes |
| 2 | Wigginton / Haxby | Yes |
| 3 | Rawcliffe | No |
| 4 | Clifton Without | No |
| 5 | Clifton | No |
| 6 | Heworth | No |
| 8 | Acomb | Yes |
| 10a | Westfield | No |

Table 4.4: Modelled areas investigated

5 ANALYSIS OF MODELLING AND SITE INVESTIGATIONS

5.1 The analysis has been carried out using three main sources of information:

- 1 A number of selected hotspots that flooded in 2007 have been modelled. The short listing is covered in part 4 and the full report is in Appendix 1.
- 2 The EA flood risk mapping “Flood Map for Surface Water Flooding” (FMfSW) which was agreed during the PFRA process as providing the best guidance for the Council’s area.
- 3 Investigations which have been carried out by CYC flood risk engineers focussed on some of the modelled hotspot areas as detailed in part 4 and more extensively where further problems have been identified.

5.2 The sections in the following analysis are referenced using the modelling report hotspot numbering shown in Table 5.1. Maps showing the locations of flooding are included in the modelling report, Appendix 1:

| Area | Hotspot Name | Focus Area Name |
|------|-------------------|--|
| 1 | Strensall | York Rd |
| 2 | Wigginton / Haxby | The Village |
| 3 | Rawcliffe | Howard Drive Rawcliffe Croft |
| 4 | Clifton Without | St Phillip’s Grove |
| 5 | Clifton | Shipton St Field View |
| 6 | Heworth | Straylands Grove Elm Park Way Elmfield Ave |
| 8 | Acomb | Junction of Carr Lane and Boroughbridge Rd Ouse Acres |
| 10a | Westfield | Huntsman Walk |

Table 5.1: Final hotspots and focus areas

5.3 Hotspot 1: Strensall

Location

Strensall is a large village 10km north of York, and 4km north-east of Haxby. It is located between the River Foss to the west and Strensall Common to the east. The Common covers over 500 ha and is a Special Area of Conservation, being an example of lowland heathland habitat. To the south of the village is Strensall Camp, built by the War Office in 1884 for training troops, covering an area of about 730 ha and stretches to Towthorpe at its southern end. The military estate includes an army firing range and training area on the Common. Before 1996 it was part of the Ryedale district.

Topography

The area is very flat with little variation in height, and the village is in the natural flow path from the western side of the Common to the river. The area is predominantly warp and lacustrine clay and drains poorly. There is a history of clay extraction in the area with consequent areas of land fill and ponds.

Drainage

The older part of the village is centred around The Village (road) and Bone Dyke, which flows to the River Foss from the Common and is culverted through the urbanised area. This dyke is one of the main routes for surface water drainage from the northern western part of the Common picking up flows from a network of field ditches. There are few surface water sewers in the old village and the sewerage system is mostly combined, flowing by gravity to the YWS Cobbs Cottage pumping Station then on to Walbutts treatment works northeast of Strensall.

Development

The first major expansion of the village occurred after 1950, to the south west of the old village east of York Road, significantly increasing its size. Surface water from these developments discharges to the Foss (2008) IDB Strensall Drain which in turn discharges to the River Foss south of the York to Scarborough railway line. It is largely culverted in various sizes and materials, and often inaccessible due to the developments either side. Strensall Drain had previously drained the south western part of the Common but it is understood that, prior to this area being developed, it was intercepted south of the junction of Ox Carr Lane and Moor Lane. A 600mm/750mm culvert was constructed which conveys flows from the Common on a route to the south east of Ox Carr Lane, discharging to the River Foss south of the village.

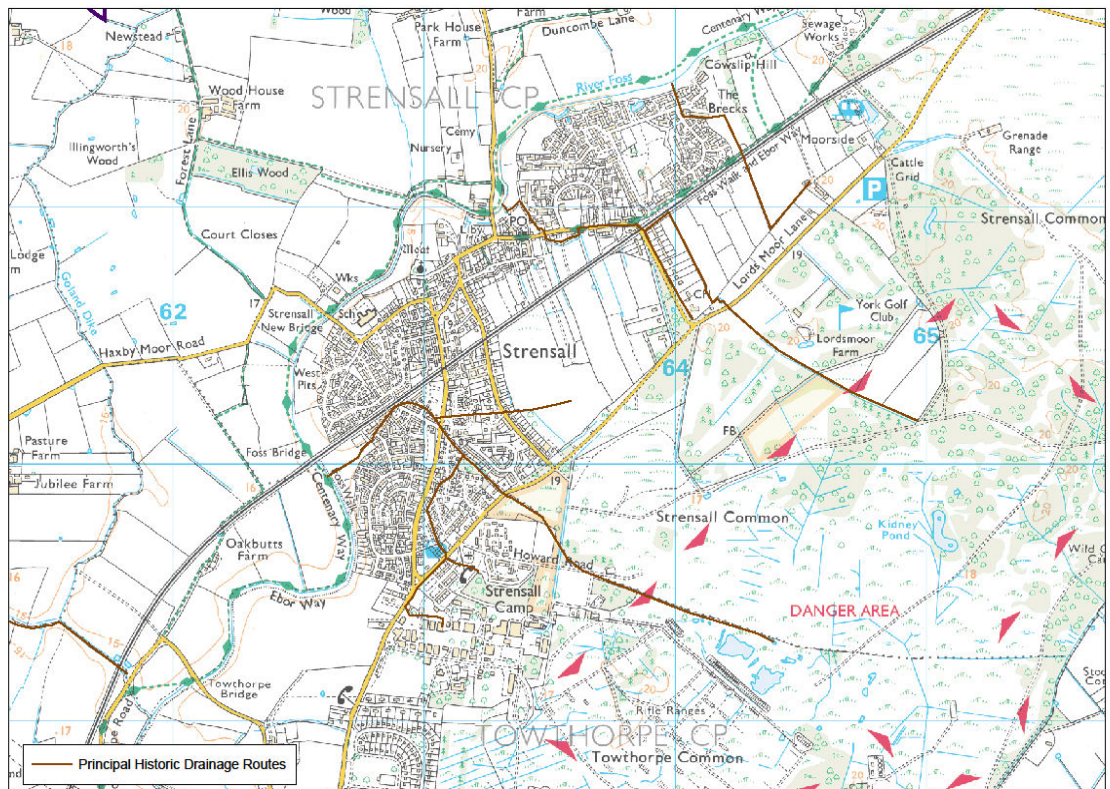
Subsequent development west of York Road extends from the junction of York Road and Strensall Road northwards across the York to Scarborough railway line to West End. This represents another very significant increase in the size of the village. Surface water from these developments is drained via the sewerage network to six outfalls into the River Foss.

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The final area of significant development, known as The Brecks, is located to the north east of the old village. This is post 1990 development and surface water discharges directly to the River Foss through a further six sewerage system outfalls between Strensall Bridge and the eastern end of the development.

The railway, roads, housing development and military use of the Common have all affected the natural drainage of the area and surface water flooding has occurred at many locations throughout Strensall, affecting both urban and rural highways and also gardens and a few properties. It has been found that, in Strensall, there is often interconnectivity between the individual flooded areas that have been recorded and/or investigated indicating widespread infrastructure failure.

The historic drainage routes in relation to the current development are shown on drawing 5.2



Drawing 5.1: Historic Drainage Routes in Strensall

Recorded Flooding

Flooding has occurred at many locations throughout Strensall over a long period of time. The modelling concentrated on the area most affected in 2007. The following analysis groups some of the most significant problem areas together from the investigating engineers' reports mostly concentrating on the more urbanised areas. In most areas the investigations started with a very poor understanding of how the drainage systems should work, due to lack of records.

However, there are fundamental infrastructure problems that have been identified, which further links many of these grouped areas together.

Analysis

a) Hallard Way/Kirklands/Highland Avenue

This urban area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 1 (Strensall):

The flood evidence from the 2007 event indicates flooding of the Kirklands highway adjacent to the junction with Hallard Way. The Environment Agency Surface Water Flooding maps indicate flooding in a very similar area with deep water around Kirklands and an adjacent area between Kirklands and Oak Tree Close.

Results from the model are consistent with the 2007 and Environment Agency results. Shallow flooding in the 1 in 30 yr and 1 in 75 yr occurs along Kirklands with limited property flooding commencing at 1 in 100 yrs. Results for the 1 in 100 yr + CC are very similar to the 1 in 200 yr. Confidence in model results is therefore good.

The extents and depth of predicted flooding for the gully blocked scenarios are more extensive than the baselines simulations, indicating that gully maintenance is important in this area.

This area is centred on Strensall Drain. Investigations carried out following the 2007 flooding in this and surrounding areas have found root and siltation problems in both CYC and riparian owned pipes and culverts, both those discharging to Strensall Drain and within the Drain itself. It is likely that these blockages have affected the performance of gullies rather than them being blocked. Some of the problems have been solved by this investigation but more work is necessary to maximise the performance of the infrastructure both here and in the wider area.

Recommendation

As both models indicate a risk of flooding to both highways and property and the investigation is incomplete, it is recommended that investigation is continued to resolve remaining problems to minimise the risk.

b) York Road

This area, the main road into Strensall from York, is built up and adjacent to area a). It was affected by highway flooding in 2007, but no property is recorded to have flooded. Although the modelling report does not comment on this area it does show that very minor scattered shallow flooding may occur from a 1 in 200 year event. This correlates well with the FMfSW for the same return period. The scale of observed flooding exceeded that modelled, indicating that infrastructure failure could be the cause.

Little of the highway drainage infrastructure was recorded in this area and subsequent investigation found problems with roots, siltation, blocked gullies, damage by utilities affecting CYC owned pipes and culverts. The opportunity was taken to carry out repairs as the blockages were located.

Following this remedial work it is thought that future events will closely replicate the predicted flooding from the models.

Recommendation

Monitor effect of future rainfall events.

c) Flaxton Road (various locations) and junctions with Scott Moncrieff Road and Moor Lane

This mainly rural area has suffered persistent highway flooding at a number of locations over many years, most severely in the winter with depths up to 150mm, but also in summer. No modelling predicts flooding at these locations indicating that deficiencies in the drainage infrastructure together with the flatness of the area are likely to be the cause. Investigations carried out over several years as funding has permitted have confirmed this view.

Investigations have confirmed that this area should drain to the culvert which was constructed to intercept Strensall Drain. Little of the highway or other infrastructure in the area was recorded and much of the surrounding land on Strensall common is owned by the MoD which has riparian responsibility for ditches and culverts. Investigations found the cause of flooding to be minimal maintenance of these assets and root growth and siltation in the highway drainage system. Some repairs have been carried out but more work is to be done in some areas.

It is likely that, once effective repairs have been completed, flood risk in this area will be minimised and if the drainage systems are maintained there should be little risk of flooding and those areas still affected will correlate closely with both models.

Recommendation

While this flooding does not affect property, the standing water on this well used rural road can be hazardous, particularly in winter. It is recommended that investigation is continued to resolve remaining problems to minimise the risk.

d) Moor Lane

Internal flooding affected 39 Moor Lane in 2000, together with the highway midway along Moor Lane, in front of it and adjacent properties. The highway outside 52 Moor Lane, about 100m north of its junction with Flaxton Road has also flooded several times since 2000.

Both the study and FMfSW models confirm that the area in front of 39 Moor Lane would be affected by shallow flooding from a 1 in 200 year event. The FMfSW flood envelope extends slightly into the garden of 39 Moor Lane towards the property, while the study model just shows flooding in the highway. Both models also show highway flooding south of that observed outside 52 Moor Lane.

Investigations have established that the property flooding was due to overland flows through the garden from open fields behind to the road in front. This is on the line of a tributary to Strensall Drain from the north western area of the Common. The modelling reflects a low point in front of the property and the flows appear to have followed a natural flow path. Investigations have been carried out and it is likely that the flooding has been caused by root infestation and siltation in downstream culverts, but there are also problems with riparian drainage in nos. 37, 39 and 41 and complications with foul sewers which have not been resolved. Further work may reduce the flooding to that shown in the models, but onset of flooding could continue to be from less extreme events.

The extent of flooding nearer the junction with Flaxton Road is reasonably predicted by the models but, once again, the onset of observed flooding was probably from a lesser event. An investigation found a defective culvert with many buried manholes and the culvert was once again blocked with roots and silt. Since this has been cleaned it appears to have prevented the early onset of flooding, though more extreme events are likely to affect the area as shown by the modelling, which is considered to be a reasonable prediction of likely flooding.

Recommendation

It is recommended that the investigation be continued and necessary remedial work carried out to minimise risk of flooding to property.

e) Ox Carr Lane / Oak Tree Close

Ox Carr Lane: A 260m length of Ox Carr Lane from the west of its junction with Moor Lane to Strensall Drain behind Oak Tree Close has suffered persistent ponding at gully positions along its length. As with Flaxton Road, which is a continuation of this road north eastwards, this was not reflected in modelling, indicating that the gullies and associated infrastructure were probably not functioning correctly.

The investigation in this area established the previously unrecorded presence of the 600mm/750mm culvert which appears to have been constructed to intercept Strensall Drain. This conveys flows from the Common on a route to the south east of Ox Carr Lane, discharging to the River Foss south of the village. It is assumed that this was done prior to the urbanisation of the village around the original route. This culvert also has many connections from the Common. Poor quality land drains full of silt and roots, and in one location damaged by a lamp column, were found in the

verges of both sides of the road. The pipes were of such poor quality that many disintegrated when jetted.

Limited repairs have been carried out, together with the provision of new gullies, and the system now operates more effectively though further investigation and repairs need to be carried out. It is unlikely that the flooding here has been completely remedied as it is known that there is further work to be carried out.

Recommendation

While this flooding does not affect property, the standing water on this well used rural road can be hazardous, particularly in winter. It is recommended that investigation is continued to resolve remaining problems to minimise the risk.

Oak Tree Close: Strensall Drain behind Oak Tree Close has caused flooding in the rear gardens of the odd numbered properties in Oak Tree Close. This is predicted in both models, but it is likely that the onset of flooding was sooner than predicted due to various ways in which the ditch had been interfered with - weirs, filling in, culverts of various sizes, built over with sheds etc., and was found to be aggravated by the problem investigated in Hallard Way/Kirklands/Highland Avenue ((a) above), further downstream on Strensall Drain.

Recommendation

It is recommended that the investigation be continued as resources permit to ensure that there are no obstructions to the flow of Strensall Drain and its adjoining drains.

f) Strensall Road

Highway flooding has occurred at various isolated locations on Strensall Road between Towthorpe Lane at the southern end and Ox Carr Lane at the north. This is beyond the extent of the study model and is not shown to be affected in the FMfSW. Investigation work found unrecorded highway drains and culverts blocked with silt, roots and damaged by utility work.

Repair and cleaning has been carried out, together with the improvement of poorly designed gullies, and the system now operates more effectively.

Recommendation

Monitor effect of future rainfall events.

g) Southfields Road

Highway flooding has occurred on several occasions across the full width of the road along a 200m length. This is beyond the extent of the study model

but the FMfSW predicts that a shorter length may be affected by shallow flooding in a 1 in 200 year event. The frequency of observed flooding would indicate that infrastructure failure is the cause of the problem. The road is shown on the YWS sewer record to be served by a combined sewer and there was no clear evidence of how the road drained.

The investigation located blocked uncharted highway drains and a collapsed manhole flowing northwards to The Village. The repair of this has not completely solved the problem and further investigation is required.

Recommendation

It is recommended that the investigation be continued as resources permit.

h) The Village

Highway flooding has occurred on The Village (road) at its junction with the Sheriff Hutton Road and at its crossing of Bone Dyke 180 metres east. This older part of Strensall is served by a combined sewerage system but there was no clear evidence of how the road drained. Both of these areas are beyond the extent of the study model but the FMfSW predicts that both areas may be affected by shallow flooding in a 1 in 200 year event. The frequency of observed flooding would indicate that infrastructure failure is the cause of the problem.

The investigation at the Sheriff Hutton Road junction noted that the combined sewer is under capacity as sewage escapes from a YWS manhole cover have been noted on several occasions. A substantially blocked uncharted pipe was located discharging westwards from outside 22 The Village. This pipe was heavily silted and lacked any obvious means of access for maintenance. Excavations and further CCTV surveys revealed numerous chambers that were slabbed over, which have now been raised to the surface to provide future access. Although this pipe appears to be operating satisfactorily it outfalls to a section of culverted watercourse beyond Church Lane which may be affected by tree roots.

A pipe was also found running east from the same location, and then north along the Sheriff Hutton road discharging to the River Foss west of the bridge. Although apparently working, flooding was experienced in August 2011 and further investigation is required. There is evidence that an old ditch leading directly to the River Foss, which would have allowed the water level on the road to overflow, has been filled in.

The investigation at The Village crossing of Bone Dyke found blocked gullies and obstructions in the downstream open watercourse but has not been conclusive as to the cause of flooding.

Recommendation

It is recommended that the investigations at both locations be continued as resources permit.

5.4 Hotspot 2: Wigginton/Haxby

Location

Haxby is located 7km north of York and 4km south of Strensall. It is bordered on the east by the River Foss and to the west by the village of Wigginton. Expansion has caused the two settlements to form a continuous densely populated urban environment. The garden village of New Earswick is to the south with open farmland to the north as far as the villages of Sutton-on-the-Forest and Strensall. Before 1996 they were part of the Ryedale district.

Topography

The two villages sit on ground consisting mostly of clay with sand and alluvium soil, near the old Forest of Galtres. To the north is Goland Dike, a small tributary of the River Foss, to the east is the River Foss which flows southward towards York and the River Ouse. Forming the western boundary of Wigginton is Westfield Beck. The area is very flat with little variation in height. There is a history of clay extraction in the area with consequent areas of land fill and ponds.

Drainage: Haxby

The older part of Haxby is centred around the junction of The Village (road), Station Road and York Road. The area to the south of The Village and east of York Road drains eastwards towards the River Foss via several minor field drains which cross the York to Scarborough railway line. There are two large ponds at the site of former brickworks between York Road and the railway. North of The Village the natural drainage is northwards via the minor Foss (2008) IDB maintained watercourses Wigginton Drain, Usher Lane Drain and Haxby Grange Dyke, which discharge to Goland Dyke which in turn discharges to the River Foss at a point north of Haxby. Windmill Lane Culvert drains the north eastern corner of the village eastwards to the River Foss.

The older part of the village and York Road are served by a combined sewerage system which gravitates to a pumping station on Landing Lane, but generally all of the development beyond the rear curtilages of these properties both north and south of The Village and west of York Road (i.e. the vast majority of the area) is sewered separately. The expansion of the village is understood to be mostly post 1960 and there is now little or no scope for any further significant expansion.

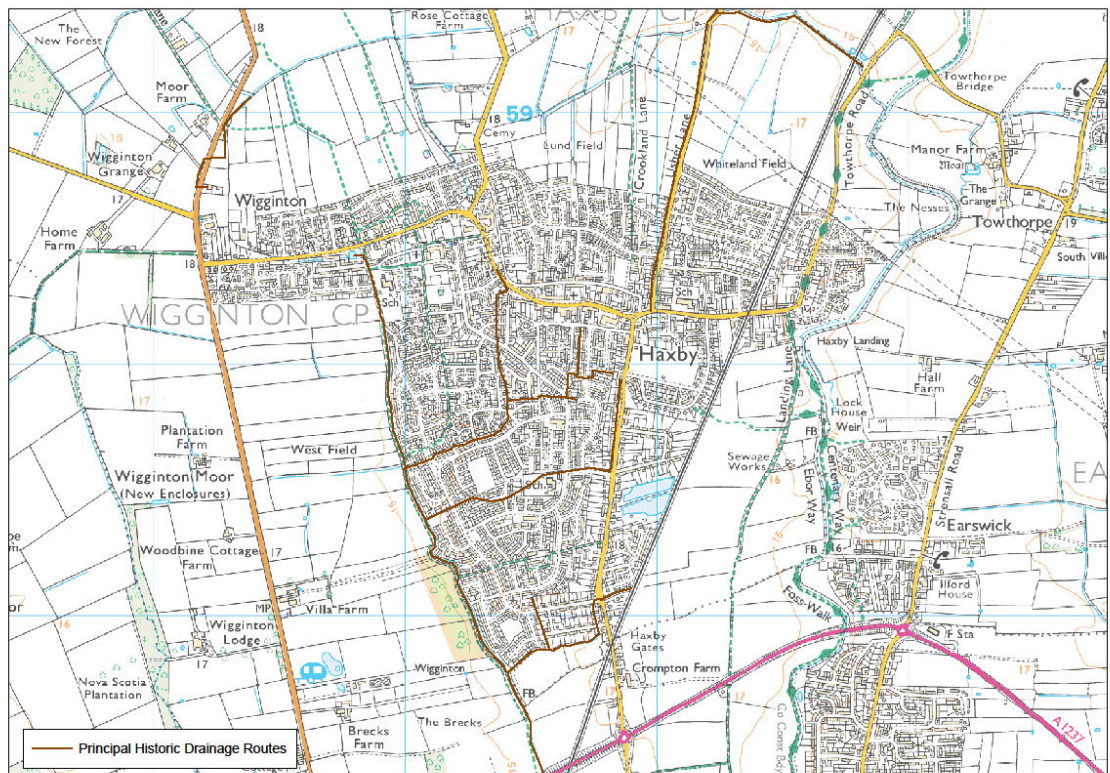
Drainage: Wigginton

The older part of Wigginton is centred around Mill Lane and The Village (road), between the B1363 York to Helmsley Road and Haxby. As is the case with Haxby, the old village is served by a combined sewer, but all other areas, again post 1960, are separately sewered and there is little or no scope for any further significant expansion. Most, if not all, of the urbanised area west of York Road to Haxby (the western part of Haxby and all of Wigginton) ultimately drains to Westfield Beck which forms the western boundary of Wigginton. There are seven

direct discharges to the beck and approximately twelve connections to the Headlands Lane Dyke Culverts which runs southwards through Wigginton before discharging to Westfield Beck. Westfield Beck and the Headlands Lane Dyke Culverts are the responsibility of the Foss (2008) IDB.

It has been found that, in Wigginton and Haxby, there is often interconnectivity between the individual flooded areas that have been recorded and/or investigated indicating widespread infrastructure failure.

The historic drainage routes in relation to the current development are shown on drawing 5.2



Drawing 5.2: Historic Drainage Routes in Wigginton and Haxby

Westfield Beck Pumping Station

Prior to the extensive development of Haxby and Wigginton flooding problems from Westfield Beck were experienced in certain areas of New Earswick downstream of Wigginton. To protect the village from future increased flooding, which would result from the proposed upstream development of Haxby and Wigginton, the then local authority and sewerage undertaker, Flaxton Rural District Council, constructed a pumping station at the south end of Wigginton next to Westfield Beck in the early 1970s. A rectangular penstock, controlled by depth sensors in the downstream beck, was built across the channel diverts excess flows to the pumping station. This lifts the flow and discharges it into a gravity sewer which passes through the southern side of the Hartrigg Oaks development

and onwards directly to the River Foss. The pumping station has two no. 0.49m³/s pumps which provide the capacity to discharge a 1 in 100 year flow³. The pumping station and sewer are owned by YWS. Subsequently, in 1988, the Foss IDB improved the culverted length of Westfield Beck running through New Earswick, further reducing the risk of flooding.

Westfield Beck Storage Lagoon

Areas of housing at the north of New Earswick have been identified as being at risk of fluvial flooding by the EA. Their Development Control Team is concerned that the flood risk could potentially increase in the future due to additional runoff from further development in the Westfield Beck catchment, primarily in Haxby and Wigginton upstream. The nature of this development, in the form of property extensions and the creation of patios and drives, is difficult to control through the planning regime, and has a cumulative effect in increasing runoff. Although there is little scope for more major development, if it does occur there is more opportunity to control its runoff and minimise the impact than there is with minor development.

The EA commissioned a study to investigate the feasibility of flood storage as a potential solution to this problem, and has proposed a scheme to construct a storage lagoon located next to the beck between Haxby and New Earswick to control maximum flood levels. However, it has not been possible to obtain funding for this at the time of writing though it still remains an aspiration both for CYC and the EA.

Recorded Flooding

Flooding has occurred at many locations throughout Wigginton and Haxby over a long period of time. The modelling concentrated on the area most affected in 2007. The following analysis groups some of the most significant problem areas together from the investigating engineers' reports mostly concentrating on the more urbanised areas. In most areas the investigations started with a very poor understanding of how the drainage systems should work, due to lack of records. However, there are fundamental infrastructure problems that have been identified, which further links many of these grouped areas together.

Analysis

a) Junction of The Village and York Road, Haxby

This urban area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 2 (Wigginton/Haxby):

Records indicate flooding at the junction of The Village and York Road in 2007. The Environment Agency Surface Water Maps indicate shallow flooding around Hall Rise and the Ambulance Station and to in the gardens between The Village and North Lane.

Output from the model indicates less extensive flooding than the Environment Agency surface flooding maps. The model 1 in 100yr + CC extent is very similar to the 1 in 200 yr, with very limited predicted flooding of property and limited flooding of highways within the hotspot area. For the 1 in 200 yr event, flooding is predicted of the roadway cul-de-sac in Hall Rise and adjacent to the Ambulance Station. The recorded 2007 flooding along highways of The Village and York Road is not replicated by the model.

A key difference between the Environment Agency Surface Water flooding maps and approach adopted here is explicit allowance for storage capacity in the below-ground drainage system. For this hotspot, it is assumed that the below-ground drainage network provides a 1 in 5 yr standard of service, which is represented through a reduction in net rainfall. The reduction in the 1 in 200 yr rainfall is from 20.5 mm to 14 mm (equivalent to a 1 in 75 yr event).

The event severity of the 2007 event is recorded, in a report to the Council's Executive Member dated 10 December 2007, to vary across the city from 1 in 20 yr to 1 in 100yr. On basis of this event severity, even when taking into account drainage, the model results seem to under-estimate flooding.

It is plausible that flooding in 2007 was caused by localised blockages in the below-ground drainage system which are not replicated in the model. Similarly it is plausible that localised flow routes that cannot be defined at the scale of the model could also have contributed to flooding.

Due to poor replication of evidence from the 2007 event, confidence in model results for this hotspot is lower than other hotspots.

Investigation carried out in this area located both public sewers and CYC culverts blocked by roots and silt, with problems compounded by blocked gullies and damage by utilities, confirming the suggestion from the modelling. The surface water pipework outside 32 York Road was totally blocked causing floodwater to enter the gardens of nos, 28 and 30. Damage to the pipework was located and further work is required to resolve the problems in this area.

Recommendation

It is recommended that further investigations at this location be continued as resources permit.

b) The Avenue /York Road/Old Orchard/Little Meadows, Haxby

Flooding is recorded to have occurred in the highway and to some properties in The Avenue in 2004 and 2007 as a result of summer rainfall. The problem was compounded by foul flooding and both CYC and YWS have been involved in investigations to determine the cause. This section covers the findings of the surface water system investigation only.

The FMfSW shows that shallow flooding from a 1 in 30 year event may affect some gardens on the north side of The Avenue and a short length of the highway at the western end of Holly Tree Lane. It also predicts that in a 1 in 200 year event shallow flooding would affect a wider area including the four properties with recorded flooding. Therefore this prediction of affected areas is considered to be a good correlation with observed events but the onset of the observed flooding arises from a considerably less severe event indicating that there are infrastructure failures.

The Avenue is served by a separate sewerage system with the surface water public sewer within the road draining westwards towards the York Road/Holly Tree Lane junction. In the course of the investigation a silted up riparian owned culvert was found in the front gardens of the five properties on the southern side of the Avenue next to the junction. A further culvert was found between nos. 79 and 81 York Road extending to the rear of the properties on the north side of The Avenue. These, together with the public sewer, were found to be connected to a further riparian owned culvert crossing York Road and passing through several ownerships on the north side of Holly Tree Lane. Significant sections of these culverts were found to be blocked with silt and roots over a length of approximately 300 m. The Holly Tree Lane culvert was in poor condition at many locations with several collapses. Beyond Little Meadows this discharges to the Foss (2008) IDB maintained culvert Headlands Drain South which flows to Westfield Beck on the west side of Wigginton.

Flooding experienced in this area has been much more frequent than predicted by the FMfSW and the investigation has confirmed that this has been caused by infrastructure failure due to lack of knowledge of its location and consequently no maintenance. Although much has been done to date there is work still outstanding at this location.

Recommendation

Monitor the effect of future rainfall events and continue investigation and remedial work.

c) Station Road, Haxby

Persistent frequent highway flooding has occurred over many years at Station Road, and two properties, 51 and 55 Station Road, are recorded to have suffered internal flooding, most recently in 2009.

The FMfSW predicts that these properties and the adjacent highway would suffer shallow flooding from a 1 in 30 year event and more widespread shallow flooding from a 1 in 200 year event. This prediction of the affected area is considered to be a good correlation with observed events, but the onset of the observed flooding arises from a considerably less severe event indicating that there are infrastructure failures.

The investigation has established that the surface water sewer in the northern footpath, outside the affected properties, is significantly under capacity. The problem was compounded by tree root blockage and a high percentage of blocked gullies. These blockages have been cleared but there still remains the issue of under capacity which YWS are addressing.

Recommendation

Monitor the effect of future rainfall events and assist YWS in continuing their investigation and remedial work.

d) Mill Lane, Ascot Road and Delamere Close, Wigginton

Frequent and widespread highway flooding has occurred at Mill Lane and Ascot Road over many years and property flooding has only narrowly been avoided on several occasions.

The FMfSW indicates that shallow highway flooding from a 1 in 30 year event might be expected to affect the southern end of Ascot Road between its junctions with Mill Lane and Delamere Close, possibly affecting some of the odd numbered properties though they may be sufficiently elevated to avoid this. This shallow flooding becomes more extensive from a 1 in 200 year event, affecting a longer length of highway, more properties and rear gardens on the odd numbered side. The area is very flat and this prediction of the affected area is considered to be a good correlation with observed events, but the onset of the observed flooding arises from a considerably less severe event indicating that there are infrastructure failures.

There were four road gullies in the 150m length of Ascot Road and four in the 100m long Delamere Close which is slightly less than the current design standard. This alone would not help the situation in such a flat area but the investigation found that the surface water sewer in Delamere Close, to which Ascot Road flows, was up to 40% blocked with silt and the pipe to which that connects in Mill Lane was permanently surcharged above soffit level. In an attempt to lessen flows running off Mill Lane into Ascot Road two additional gullies were installed by CYC. An uncharted highway drain/culvert was found to run the full length of Mill Lane which was affected by tree roots. Cleaning and CCTV surveying of this part of the network is planned. Some of the network connects to the head of a 145mm diameter SW sewer which had 50% blockage with silt, and this will be cleared by YWS.

Further investigation also found that a weir had been constructed in one of the YWS manholes upstream of this junction to divert flow into the village pond. This caused the sewer to be permanently 75% full, severely limiting its capacity to convey storm flows, and it has been removed. The investigation has also found that the problems are compounded by a backfall in a length of the sewer in Delamere Close and possibly a siphon at its connection in Mill Lane. YWS are to carry out further investigations in this area but it still currently remains at risk of flooding.

Recommendation

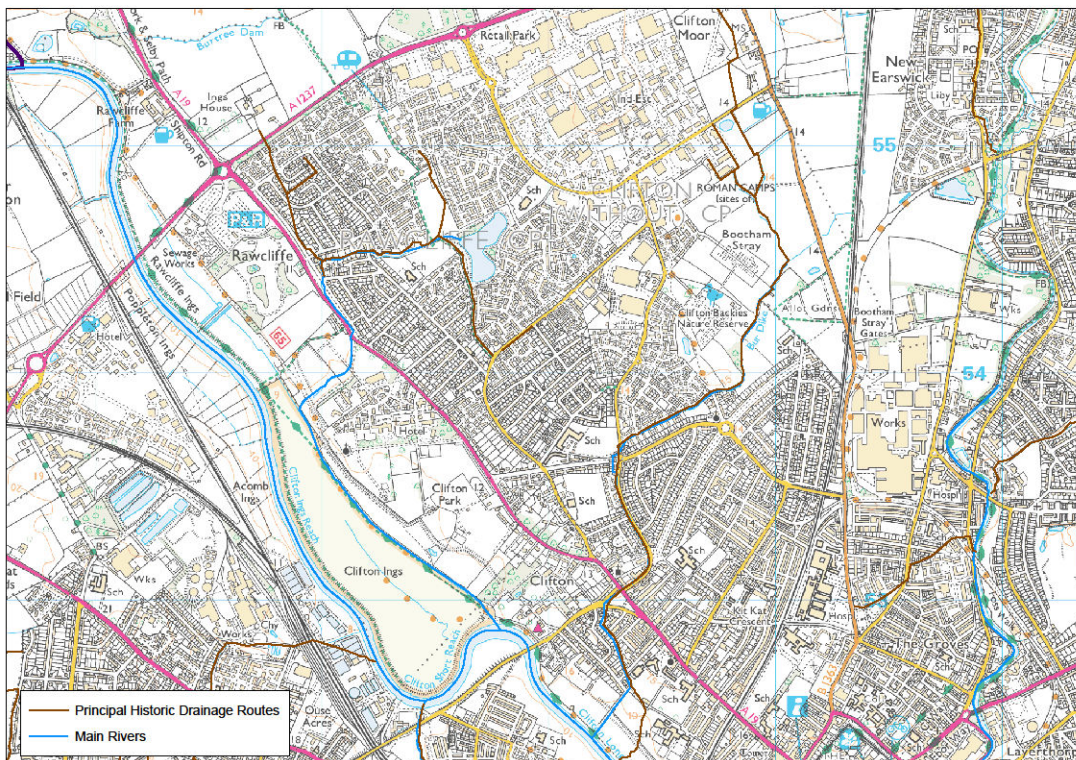
Monitor the effect of future rainfall events and assist YWS in continuing their investigation and remedial work, along with CYC remedial work on Mill Lane.

5.5 Hotspot 3: Rawcliffe

Location and Drainage

Rawcliffe is a suburb located 5 km to the north west of York. It is centred around Blue Beck, a watercourse draining Rawcliffe and the majority of Clifton Moor to the River Ouse. Blue Beck is a designated Main River as it can cause flooding to property, primarily fluvial, as a result of the River Ouse backing up. Clifton Moor was an airfield prior to its development as a residential, commercial and retail area in the 1980s. Rawcliffe Lake, owned by YWS, was created to provide storage and attenuation of surface water flows from the airfield redevelopment to protect the existing downstream properties. Surface water sewers serve the majority of the catchment draining either to the lake, which has a controlled discharge into Blue Beck, or directly to Blue Beck downstream of the lake. A flood detention area is situated next to the EA's floodbank to provide additional storage for flows from the Blue Beck catchment during high River Ouse levels. Surface water flooding affecting property is not a major problem in this area. However, some localised flooding occurred in 2007 including significant sections of highway drainage serving Shipton Road.

The historic drainage routes in relation to the current development are shown on drawing 5.3



Drawing 5.3: Historic Drainage Routes in Rawcliffe, Clifton and Clifton Without Flooding

Flooding of several roads was recorded in 2007 including sections of Rawcliffe Croft and at the intersection of Howard Drive and Manor Park. No property is reported to have been affected.

Analysis

The affected area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 3 (Rawcliffe):

Two focus areas within this hotspot are identified, located along Rawcliffe Croft and at the intersection of Howard Drive and Manor Park. Records from the 2007 event indicate localised flooding of the highways in Rawcliffe Croft, Howard Drive and Manor Park. Environment Agency Surface Flooding maps replicate shallow flooding along a localised length of Rawcliffe Croft highway and adjacent properties. The Environment Agency maps show shallow flooding adjacent to Howard Drive but not along Manor Park.

The results from the latest model replicate the 2007 flooding well. Shallow flooding in Rawcliffe Croft commences at 1 in 30 yr although flooding of adjacent properties is not indicated even in the 1 in 200 yr and/or 1 in 100yr + CC. Flooding at Howard Drive/Manor Park is less well predicted by the model with very minor flooding predicted in the 1 in 200yr event.

Confidence in model results is therefore considered good.

Due to the relative lack of severity of this flooding with no property being affected, and confidence in the model, no investigations have been carried out in this area. However, in the same vicinity, the occurrence of flooding from rainfall events in spring and early summer 2012 has shown the highway drainage in Shipton Road to be inoperative on the outward bound lane, flooding half of the carriageway. While this is unlikely to be directly connected to the modelled area an initial investigation confirmed that this has been caused by infrastructure failure due to lack of knowledge of its location and hence no maintenance. Further investigation of this area is required.

Recommendation

Ensure surface water drainage infrastructure is located and restored to working condition and monitor effect of future rainfall events.

5.6 Hotspot 4: Clifton Without

Location and Drainage

The Clifton Without area is located approximately 3 km northwest of York and comprises a large area of post war residential development centred around Kingsway North and Water Lane, with further 1990s/2000s residential development north of Bur Dike Avenue. The drainage system is mostly separate with surface water draining to Bur Dike which drains predominantly open stray land upstream and a small part of the southern area of Clifton Moor. Bur Dike is culverted from the end of Lilbourne Drive at the northern end of the residential development all of its way to the River Ouse under Clifton Green and through the Clifton area, a distance of approximately 2 km. This length of Bur Dike is a designated Main River as it can cause flooding to property, primarily fluvial, as a result of the river Ouse backing up. To protect areas from this flooding, which occurs mostly around Clifton Green, a pumping station was constructed in the 1980s on the Bur Dike culvert approximately 110 m from the river in the flood bank, to prevent backflow from the river at times of high level and overpump flows from the catchment. This is owned and operated by the EA.

The historic drainage routes in relation to the current development are shown on drawing 5.3 in the section on Rawcliffe.

Flooding

Surface water flooding is not a major problem in this area, but some localised highway flooding occurred in 2007, affecting Water Lane, Rainsborough Way and St Philip's Grove.

Analysis

This affected area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 4 (Clifton Without):

Records from the 2007 event indicate flooding of the highway along Water Lane, Rainsborough Way and St Philip's Grove. The Environment Agency Surface Flooding maps indicate similar flooding along Water Lane and St Philip's Grove with a small number of adjacent properties affected. The localised flooding in Rainsborough Way is not indicated in the Environment Agency maps.

Results from the latest modelling indicate flooding consistent with the 2007 event for the 1 in 30yr event along Water Lane. Flooding along St Philip's Grove is also predicted but concentrated at a central low point rather than the more extensive flooding indicated by the 2007 records. Localised flooding in Rainsborough Way is predicted in the 1 in 200 yr and 1in 100yr+CC event. Flooding of adjacent properties is not indicated.

Confidence in model results is therefore considered good.

Due to the relative lack of severity of this flooding with no properties being affected, and the confidence in the model, no investigations have been carried out in this area.

Other flooding

An additional area that has been known to flood on several occasions is the roundabout at Lilbourne Way, up to a depth of 0.5m, necessitating the closure of the road. The cause of this was found to be the non operation of the Surface Water pumping station serving the adjacent housing estate and it is understood that issues affecting this have now been resolved.

Recommendation

Ensure surface water drainage infrastructure is maintained and monitor effect of future rainfall events.

5.7 Hotspot 5: Clifton

Location and Drainage

The Clifton area is located approximately 3 km north of York and comprises Victorian era terraced housing east and west of Burton Stone Lane and south of Crichton Avenue. The area is served entirely by a combined sewerage system and comprises a high percentage of impermeable surfacing compared to suburban areas. Significant flooding occurred in the 1980s and 2007 saw some localised flooding affecting the highway at Field View to the west of the railway, Haughton Road, Baker Street, Pembroke Street and Shipton Street.

The historic drainage routes in relation to the current development are shown on drawing 5.3 in the section on Rawcliffe.

Flooding

Flooding of several short lengths of roads was recorded in 2007 though no property is reported to have been affected. The area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 5 (Clifton):

Analysis

Records from the 2007 event indicate flooding of the highways at

- *Field View to the west of the railway*
- *Haughton Road*
- *Baker Street*
- *Pembroke Street*
- *Shipton Street.*

Flood extents from the Environment Agency Surface Water flooding maps are broadly consistent with the 2007 event although do not replicate the full extent of flooding on Baker Street.

Results from the baseline model results indicate much less extensive flooding than indicated by the 2007 records. For the 1 in 200 yr and 1 in 100yr+CC there is some predicted flooding along Field View. Results from the blocked gully simulations indicate some further flooding but again less than indicated from the 2007 records.

For modelling this hotspot, it was assumed that the below ground drainage capacity provided approximately a 1 in 5 yr standard of service. This below ground capacity was represented by a commensurate reduction in the net rainfall. For the 1 in 200 yr event, net rainfall was reduced from 20.5 mm to 14 mm, equivalent to a 1 in 75 yr event. The inclusion of the below ground drainage capacity contributes, but does not fully explain the apparent under prediction of flooding in the model results.

The extents and depth of flooding are more extensive in the outputs from the modelling with blocked gullies, indicating that gully maintenance is important in this area. For example, flooding of the area around the care home for the elderly is predicted with blocked gullies during the 1 in 200yr event.

Due to less replication of flooding evidence from the 2007 event, confidence in model results is lower than other hotspots.

Due to the relative lack of severity of the surface water flooding recorded in 2007 with no properties being affected no investigations have been carried out. However, the situation in this area differs from the others as the drainage system

in the study area is combined. In addition there are properties on the YWS DG5 register that are known to flood internally in certain conditions. The wider catchment sewerage system has been subject to modelling by YWS in the past and it is understood that they are reviewing this with a view to resolving the issues for which they are responsible. It is therefore not proposed to take any further action other than to liaise with YWS as required.

Recommendation

Liaise with YWS in developing their hydraulic model.

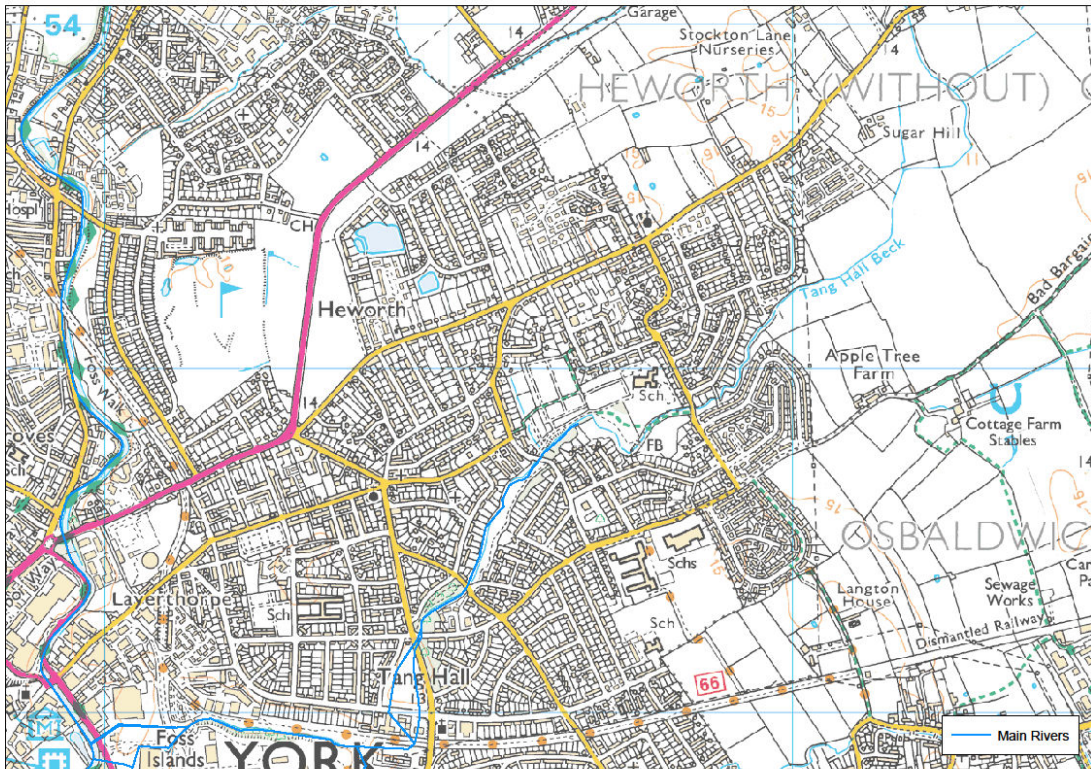
5.8 Hotspot 6: Heworth

Location and Drainage

Heworth is a suburb 2 km northeast of York. The original development of the area is around East Parade, Heworth Road and Heworth Green with later 1930s semi-detached houses on Stockton Lane. A considerable amount of suburban development has taken place since then, leaving Monk Stray as the only significant open space in the area. The basic road layout was established by the late 19th century and it appears that surface water drainage would have been via minor ditches to either the River Foss to the west or Tang Hall Beck to the south, both classified as main rivers. The locations of these are still very evident and they are critical elements of the surface water drainage system of the area.

Older parts of Heworth are served by a combined sewerage system while the newer development is drained separately, principally to Tang Hall Beck.

Drawing 5.4 shows the area in relation to the River Foss and Tang Hall Beck.



Drawing 5.4: Heworth, the River Foss and Tang Hall Beck

Flooding

The area that flooded in 2007 is located between the A1036 Malton Road and Stockton Lane adjacent to Monk Stray. Flooding of the highway occurred along Straylands Grove and in localised areas of Elmpark View/Way. The area is very flat and clay extraction and brick manufacture have been previous uses. As a result there are several ponds of various sizes, as well as known filled areas.

Analysis

The area was modelled and the findings are recorded in their report (Appendix 1) as Hotspot 6 (Heworth):

Records from the 2007 event indicate flooding of the highway along Straylands Grove and localised areas of flooding in Elmpark View/Way junction. Additionally localised highway flooding is indicated to the west of Malton Road on Elmfield Avenue. The Environment Agency Surface Water flooding maps indicate more extensive shallow flooding along Elmpark View and Elmpark Way but less extensive flooding along Straylands Grove. Localised flooding on Elmfield Avenue is replicated well in the Environment Agency maps.

Results from the model indicate commencement of highway flooding in Elmfield Avenue in the 1 in 30 yr event. Model results indicate extensive highway flooding along Straylands, Elmpark View and Elmpark Way during the 1 in 75 yr event.

Results from the 1 in 200 yr results indicate significant numbers of properties at risk.

Confidence in model results is considered good.

The flooding in this area is localised in natural low points, exacerbated by the underlying clay preventing infiltration. Infiltration measures are therefore unlikely to prove suitable for this area. One approach which could contribute significantly to the reduction of surface water flooding would be to reduce the amount of run-off entering the existing drainage system. By retrofitting source control attenuation and storage SUDS we can interrupt run-off and delay its entry into the underground drainage system, helping to manage peaks in flow. Pathway SUDS such as swales could potentially help to slow run-off as well, although these may be more difficult to design into the existing urban landscape. Source control SUDS measures appropriate for retrofitting are explained in more detail in the table in Appendix F.

Given that we are dealing with an existing urban area with limited available land, it is likely that property scale measures such as water butts, rainwater harvesting, permeable driveways and disconnection of downpipes will prove the most achievable and best value for money (based on research, including: Environment Agency science report SC060024, Cost Benefit of SUDS Retrofit in Urban Areas, SNIFFER report: Retrofitting Sustainable Urban Water Solutions" and "Stovin and Swan (2007)").

Depending on site specifics, however, there may be potential for other measures such as green roofs, community rainwater harvesting and street scale permeable paving to be considered.

No investigation has yet been carried out in this area as the flood risk to property is not severe and while it is believed that the drainage infrastructure is in good condition and operates effectively this should be checked. The fundamental problem in this area, as identified in the modelling report, is its flatness and the clay ground which rules out any form of infiltration drainage.

While property level attenuation may provide some relief this would be dependent on individual householders implementing and maintaining measures, which they would have to pay for. They would need to be convinced of their potential effectiveness, to understand how they work and be aware of what maintenance would be required. In making a decision as to whether it is worthwhile for them to make such an investment they would have to assess this against the relatively infrequent inconvenience of shallow road flooding, which they may not perceive as a high risk.

It is considered unlikely that householders would make a decision to implement such measures on the basis of their experience of flooding to date and theoretical future risk. Additionally it is doubtful how much impact the relatively small volume of storage that could be created at property level, should it all be available at the required time, would make on the overall flood risk in the area.

Recommendation

CYC and YWS will ensure surface water drainage infrastructure is in good condition as assumed and monitor effect of future rainfall events.

Other flooding

Extensive flooding has also been recorded several times on Malton Road adjacent to Heworth Golf Club, affecting a 500m length of both sides of the carriageway. Investigations have found a lack of ditch and pipe maintenance to be the main cause of the problem but this is undoubtedly compounded by the significant increase in impermeable area that drains to the system. A comparison of aerial photographs from 2002 and 2007 shows the overall road width to have been increased by almost 25% with the addition of pedestrian/cycle tracks on both sides, where there were formerly verges, and a bus lane. It is known that no consideration was given to improving the drainage system to take the extra flows generated from this extra impermeable area and it is therefore unsurprising that flood risk has increased at this location.

Recommendation

CYC will liaise with the golf club to clear its ditch and will carry out further investigations into the watercourse running through the Stray. It will also work with highway design and maintenance engineers to ensure that they are aware of the importance of managing flood risk properly in their designs.

5.9 Hotspot 8: Acomb

Location and Drainage

Acomb is a large suburb 3.6 km west of the centre of York extending from Woodthorpe in the south to the River Ouse in the north, Holgate in the east and the Outer Ring Road in the west. It encompasses the A59 Boroughbridge Road and the B1224 Wetherby Road. One of the highest areas of York, peaking roughly along the line of the Wetherby Road, it falls southwards through Westfield to Woodthorpe and northwards to the River Ouse.

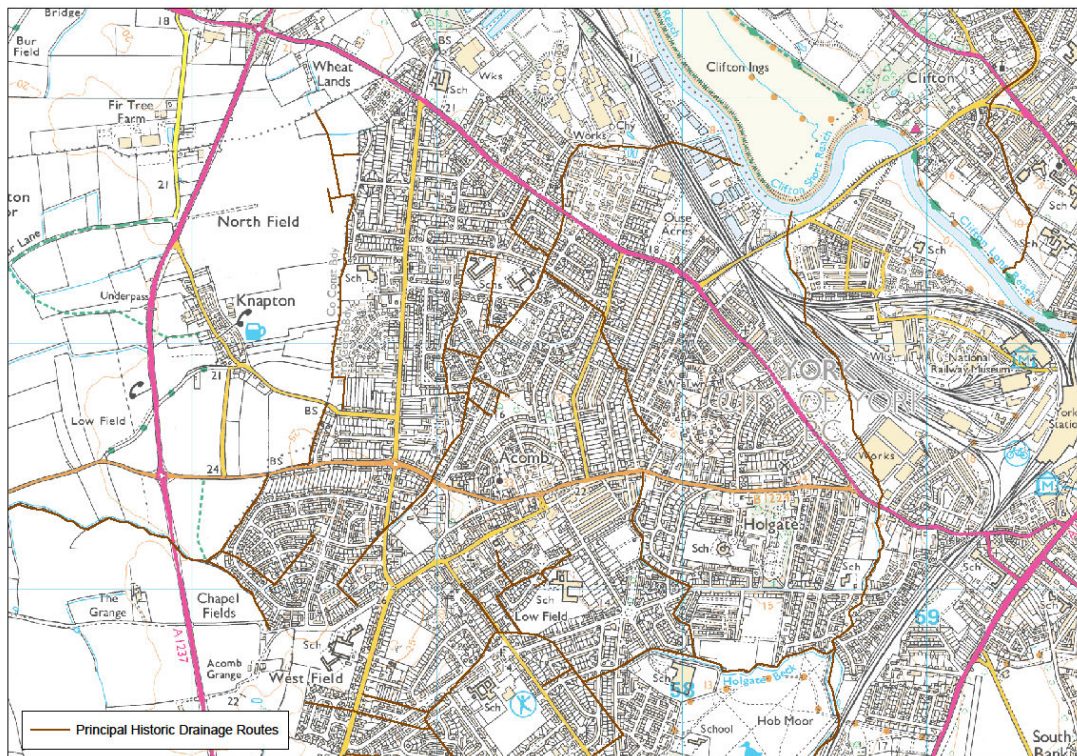
Drainage of north Acomb

Natural drainage northwards is by Carr Drain which originally flowed from near Walton Place in the Chapelfields estate. There is no trace of this now and the first evidence of it is where, in open ditch, it forms part of the north western boundary of Acomb cricket ground west of Acomb Green. From there it is culverted under Croftway and Wetherby Road and flows northwards in open ditch behind nos. 5 to 47 Danebury Drive. It is then culverted again for a distance of approximately 1 km through a large area of inter and post war housing, and under Boroughbridge Road. Access to the culverted lengths is very restricted and the precise route is not recorded, though it is roughly indicated by reference to former field boundaries on historical maps.

Changing name to Ing Cliffs Drain, the watercourse then forms the western boundary of the Sovereign Park development as an Ainsty (2008) IDB maintained watercourse before being culverted again under the southern end of the York Northwest development area (formerly the British Sugar works) and the railway (East Coast Main Line). It finally flows in open watercourse to the River Ouse through the water treatment works.

The majority of the housing areas, through which Carr Drain and Ing Cliffs Drain pass, are separately sewered. Although not entirely clear, it is likely that these sewers ultimately flow into this watercourse. A large part of the area through which the culvert passes is Council housing and it is assumed that culverting was carried out satisfactorily at the time and that ownership and riparian responsibility was clear. However, with the mass sale of Council housing over the past decades it is likely that there are many private house owners who are unaware of the presence of the watercourse, though it is still likely to be a Council owned asset. The culvert also passes through private housing and responsibility in these areas is likely to be individual riparian, though it is likely that house owners are unaware of the presence of this strategic watercourse in their property or their liabilities for it. This issue is not unique to this area.

The historic drainage routes in relation to the current development are shown on drawing 5.5.



Drawing 5.5: Historic Drainage Routes in north Acomb

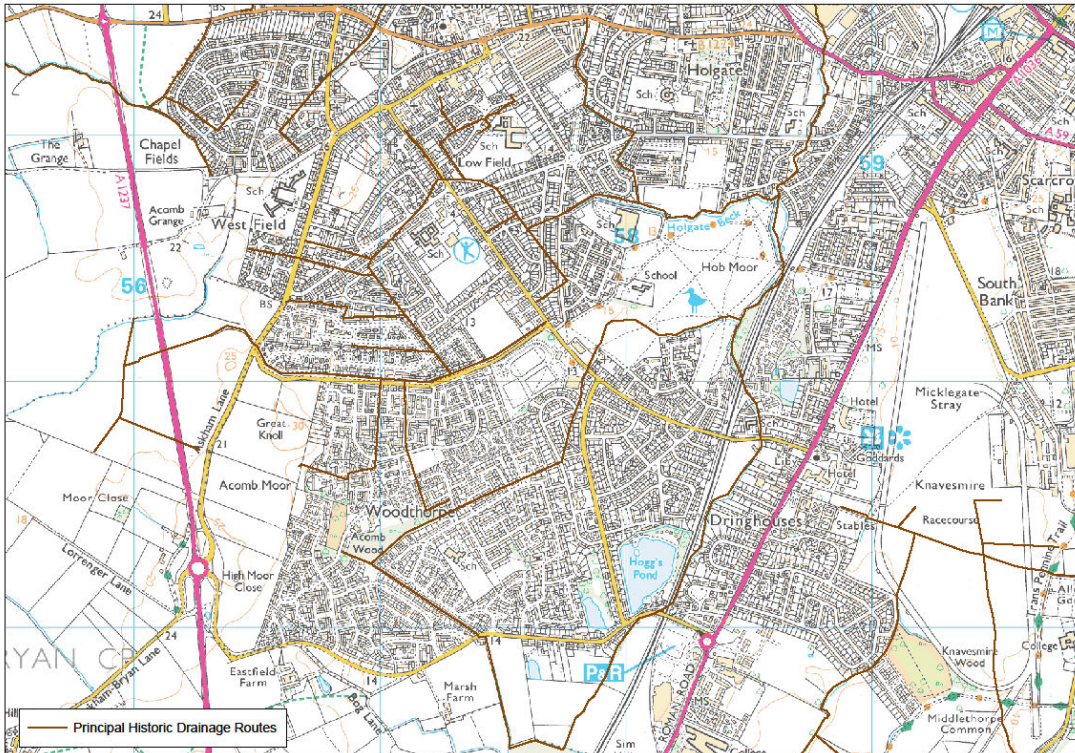
Drainage of south Acomb

The southern part of Acomb comprises the original village centred around Front Street, which is served by a combined sewerage system, and a large area of inter and post war housing further south which is separately sewered.

An examination of historical maps showing the area prior to development indicate the presence of a minor watercourse, Gale Lane Drain, half way down Gale Lane, and it is likely that a network of field drains conveyed flows to this. This flows to Acomb Moor Drain and is now an Ainsty (2008) IDB maintained culvert. Its route is not clear, but it passes though an area of largely Council housing around St Stephens Road and private housing near Foxwood Lane. The route of Acomb Moor Drain itself, flowing west to east and over 1 km long, is now Foxwood Lane. The drain is culverted along Foxwood Lane and is an Ainsty (2008) maintained watercourse discharging to the YWS Foxwood Lane surface water pumping station. This pumps flows onwards to Holgate Beck.

Further south, Moor Drain is shown on the historic maps, running from agricultural land at the western boundary of Woodthorpe eastwards to Hob Moor to Holgate Beck, a distance of almost 2 km. The route of the majority of this is untraceable due to development, mostly private housing. The first length is culverted between late 1970s houses and is thought to be about 900mm in diameter though it has not been seen by the Council's engineers. It then forms the southern boundary of Acomb Wood and from the eastern end of the wood is culverted for a distance of approximately 425 m through dense private housing and then a further 550 m through a Council housing area. There are few if any known access points and no knowledge of a definitive route. It is not known if the surface water sewers from the housing are connected to it, and it is unlikely that any of the residents are aware of its presence or their probable responsibilities as riparian owners.

The historic drainage routes in relation to the current development are shown on drawing 5.6.



Drawing 5.6: Historic Drainage Routes in south Acomb Westfield and Woodthorpe

Holgate Beck

Holgate Beck, into which all of the above watercourses discharge, flows northwards through Holgate, ultimately discharging to the River Ouse at Water End. It also picks up flows from the Hobgate and Moorgate area in Holgate. This tributary was culverted through a privately owned housing area from Hobgate to the south end of Lady Hamilton Gardens by York City Council in the early 1970s. The route of this is unrecorded though it is likely to follow the watercourse line visible on the historic maps. It is thought that access may be available in some gardens. Once again residents may be unaware of its presence or their probable responsibilities as riparian owners.

At the confluence of Holgate Beck with the River Ouse is a pumping station owned by the EA which prevents backflow into the beck from the river protecting lower lying areas in the Hamilton Drive area of Holgate from fluvial flooding. To provide further relief from flooding in the same area, which could be caused more directly by the beck, there is a flood relief culvert which intercepts flow from the beck on Hob Moor south of the housing area and conveys it, via a culvert laid under the racecourse, to the River Ouse south of the city near Bishopthorpe.

Ground conditions

Ground conditions in the Acomb area are perhaps the most variable in the whole of the Council's area. The northern part is predominantly sand and gravel while further south there is silt and clay. This is evidenced by Acomb Green, a triangular

hollow formed by the extraction of sand, and former brick extraction pits, now filled, in the vicinity of Gale Lane. Underlying the whole area are lenses of running sand, which break the surface locally at Fishponds Wood, situated between Danebury Drive and Rosedale Avenue. This is the site of an old pond which was filled in before 1950 but a continuous trickle of water still flows from it downwards towards Danebury Drive.

Flooding

The most persistent and longstanding flooding problem in the Acomb area occurs at the junction of Carr Lane, Boroughbridge Road and Ouseacres in the northern part. At least ten gardens and one property are known to have suffered flooding.

Analysis

The area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 8 (Acomb):

Records from the 2007 flood event indicate highway flooding along Ouse Acres. The Environment Agency Surface Water maps indicate deep flooding at the northerly end of Ouse Acres but additionally localised flooding along Carr Lane. The area at risk at the northerly end of Ouse Acres is considered to be at risk from fluvial flood risk rather than surface flooding and is therefore excluded from the hot spot area.

Results from the modelling study indicate commencement of highway flooding along Carr Lane in the 1 in 30 yr event. Flooding along the southerly end of Ouse Acres is not replicated even for higher order events. The 1 in 200 yr event indicates some property flooding.

Comparison of blocked gully scenarios with baseline simulations indicates that flooded areas and depths are similar.

Confidence in model results is considered good.

This problem has occurred over many decades and can affect up to 11 properties in a low area of Carr Lane near its junction with Boroughbridge Road. The area is predicted to be affected by flooding in the FMfSW, with both shallow flooding from a 1 in 30 year event and deep flooding from a 1 in 200 year event affecting properties. However, the frequency of observed flooding is indicative of infrastructure failure. The flooding has in the past been attributed to 'rainfall beyond the design capacity of the system' but this is not thought to be the case on the basis of the modelling and observed flood events. Previous attempts have been made to alleviate the flooding, including removing a tree, installing two additional gullies on the odd-numbered side, CCTV inspection and two repairs, but met with little success. An apparent increase in the frequency of flooding and increasing pressure from one of the residents instigated a more detailed investigation which commenced in 2009.

An uncharted highway drain was found in Carr Lane which was found at various locations to be blocked with silt, an inflatable bag-stopper, long length of nylon rope, large slabs of stone, broken pieces of pipe and tree roots. This has been extensively jetted, cleaned and surveyed by CCTV with the defective lengths repaired. A particular problem at this location is drives that fall away from the back of footpath to the properties. To prevent flow from the highway entering the drives additional gullies have been installed and the footpaths outside all of the affected properties have either been raised and/or cut-off channels installed. An existing gully was also enlarged at the junction with Boroughbridge Road to intercept run-off into Carr Lane.

The gullies on both sides of Boroughbridge Road, from its junction with Water Lane to Ings Cliff Drain, were checked. Some were found to be blocked and were subsequently cleared. An uncharted highway drain blocked with tree roots was found on the northern side of the road and was cleared by jetting along with a concrete obstruction and siltation. However, flooding of the highway in Carr Lane has recurred and further investigations have shown evidence of surcharge in both the highway drain and YWS's foul sewer to which some of the gullies are connected. There is also a YWS surface water sewer on the southern side of Boroughbridge Road which discharges to Ings Cliff Drain.

The opportunity was taken during a closure of Carr Lane to carry out further investigation and the remaining 10m section of highway drain was jetted up to the YWS public surface water sewer in Boroughbridge Road. The surface water sewer was found to be obstructed with large amounts of silt and rubble directly preventing the effective draining of Carr Lane. YWS raised two buried manholes on their surface water sewer in Boroughbridge Road and cleared their pipework.

YWS surveyed their foul/combined sewers in Carr Lane and Boroughbridge Road and found a large accumulation of fat. This was causing partial blockages and had a significant effect on flow. This has been cleared by YWS and they will monitor the effect of this action.

Recommendation

Continue investigation in conjunction with YWS, and monitor effect of future rainfall events. CYC has installed two additional conventional gullies in Carr Lane to prevent flow running past arterial (within kerblines) gullies and the effect of this will be monitored.

5.10 Hotspot 10a: Westfield

Location and Drainage

Westfield is the southern part of Acomb centred around Foxwood Lane and the drainage of the area is described in section 8 and shown on Drawing 5.6.

Flooding

Highway flooding occurred in 2007 affecting Huntsman's Walk but did not affect properties.

Analysis

The area was modelled and the findings are recorded in the report (Appendix 1) as Hotspot 10a (Westfield):

Records from the 2007 event indicate flooding of the highway along Huntman's Walk. The Environment Agency Surface Water maps indicate flooding centred around a similar area with deep flooding of Thornwood Covert and Huntman's Walk. Shallow flooding of property is predicted.

Results from the modelling indicate commencement of highway flooding in the 1 in 75 yr with more extensive highway flooding in the 1 in 200 yr event along Huntman's Walk and Thornwood Covert. Baseline simulations are less extensive than Environment Agency outlines, and very limited property flooding is indicated. Comparison of baseline and blocked gully simulations, indicate blocked simulation show more consistent flooding with areas of flooding/not flooding combining along the highway. Differences between blocked and unblocked scenarios are relatively small.

Confidence in model results is considered good.

Due to the relative lack of severity of the surface water flooding recorded in 2007 no investigations have been carried out at this location.

Recommendation

Ensure surface water drainage infrastructure is maintained and monitor effect of future rainfall events.

6 DISCUSSION OF ANALYSIS AND ASSESSMENT OF RISK

Discussion

- 6.1 The next stage in the Defra SWMP guidance following modelling and analysis is mapping and communication of flood risk. It has been established that the PFRA did not identify any areas of significant risk in accordance with its definition, but the SWMP provides the opportunity to define flood risk on the basis of locally agreed criteria, which will then be used to prioritise work in the local strategy for flood risk management.
- 6.2 Paragraph 2.3 suggests potential criteria for defining local flood risk, and this will be the subject of debate in compiling the Local Strategy. It has been established by the detailed modelling for this study that the FMfSW provides good guidance as to where surface water flooding may occur. However, it is not considered that it is, or will ever be, sufficiently accurate to be used to identify flood risk areas with any certainty for action in the strategy. Realistically actions will only relate to known problems of flooding, not theoretical, and therefore any action plan will be generic and non specific in terms of locations for this Council's area. Actions will be driven by future events as well as dealing with those problems that have already been identified.
- 6.3 As stated previously no incidences of widespread or frequent major surface water flooding have been recorded, but flooding that has occurred has been dispersed and usually affected small areas. A sample of these events have been modelled and investigated and no major schemes have been identified as being necessary. This section therefore discusses the analyses of the sample study areas, considers how representative they are of the wider situation, sets out conclusions and makes recommendations based on them.
- 6.4 This study has provided an opportunity to check the EA's Flood risk mapping with small scale area specific modelling at eight locations. This modelling has consistently shown the FMfSW map provides good indicative guidance of flood risk. The FMfSW mapping shows indicative affected areas for two flood events:
- 1 in 30 annual chance for two depth bandings (greater than 0.1m and greater than 0.3m).
 - 1 in 200 annual chance for two depth bandings (greater than 0.1m and greater than 0.3m).
- 6.5 The site specific modelling produced flood depth maps for the following rainfall return periods:
- 1 in 30 year (3.3%)
 - 1 in 75 year (1.33%)
 - 1 in 100 year (1%)

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- 1 in 100 year plus 30% to allow for future urbanisation and climate change
 - 1 in 200 year (0.5%)
- 6.6 Throughout this study the site specific modelling has shown a close correlation with the FMfSW. Both models make assumptions regarding the capacity of surface water drainage infrastructure and have provided reliable guidance of the potential location, extent and probability of flooding.
- 6.7 While the FMfSW provided an indicative overview, the site specific modelling was able to target areas and verify scenarios for different levels of efficiency of the infrastructure i.e. to model not only the theoretical capacity of the system and the effects of exceedance on the area for different return periods, but also the effect of blockages and deficiencies.
- 6.8 A common theme that has emerged in those areas investigated is that the effects of flooding have been greater than predicted by both models. This has often been either more frequent or more extensive than modelled and in some cases both. This is invariably an indication of defective infrastructure limiting the capacity of the system.
- 6.9 The modelling report frequently concluded that this aggravation of flooding was caused by defective infrastructure, suggesting the cause to be either blocked gullies or blocked pipes. Investigations have confirmed this to be the case at most locations, highlighting a long term legacy of neglect in the maintenance of surface water infrastructure. Frequently, where the suggested cause of flooding has been the blockage and/or insufficient number of gullies, the investigation has found it to be a more fundamental blockage of the gully connections and pipe network, preventing the gullies working. The causes of blockage were usually found to be root infiltration, silt or damage due to utility or other excavations, and often a combination of all of these.
- 6.10 The investigations have also highlighted that a lack of knowledge of the location of the infrastructure, especially CYC highway drainage, is also a contributory factor in the lack of maintenance, a point which was raised in Section 3: Available Information. This is a longstanding issue which is discussed further in the next section, Maintenance and Asset Management.
- 6.11 In addition to the sample areas covered by this study, investigations, usually triggered by highway flooding, have also been carried out in the following areas over the past six years:
- Rufforth
 - Foxwood
 - Woodthorpe
 - Bishopthorpe
 - Wheldrake

- Naburn
- Elvington
- Stockton on Forest
- Dunnington

6.12 Every investigation has located unrecorded poorly maintained infrastructure essential to the efficient operation of the drainage system. The findings from these investigations are consistent in confirming that the sample analysed in the study is representative of the citywide situation.

Maintenance and Asset Management

6.13 The national standard for highway maintenance is Well-Maintained Highways - Code of Practice for Highway Maintenance Management (CoP) published by the Roads Liaison Group (2005, latest update 16 January 2012). There are two other Codes of Practice that cover highway structures and lighting. Relevant extracts from this CoP are included in Appendix 3 and are:

- Section 9.11: Service inspection Of Highway Drainage Systems
- Section 10.7: Condition Of Highway Drainage Systems
- Section 14.4: Flooding From Inadequate Drainage

6.14 The Council published its first Transport Asset Management Plan (TAMP) in 2006 and this confirms (para.1.5) that the CoPs “...set out an acceptable approach to maintenance. They specify certain core standards and give guidance for development of other standards based on local decisions. The Code of Practice approach will be adopted as part of the York asset management plan”. There are no declarations of any departures from the CoP in the TAMP so it is assumed that the Council’s highway maintenance should be carried out generally in accordance with it.

6.15 This first version of the TAMP was a statement of the existing situation with an identification of performance gaps. The principle of the Asset Management process is to be able to manage the highway assets on a lifecycle planning basis. Subsequent versions would update the plan with more information as performance gaps were addressed.

- 6.16 Paragraph 1.3 of the TAMP, included in Appendix 2, estimates there to be approximately 40,000 carriageway gullies in the Council's area. In order to produce a TAMP within the required timescale many assumptions and estimates had to be made, due to the lack of records and limited resources to produce them, and this was identified as a performance gap to be addressed. Yorkshire Water Authority found itself in a similar situation with their public sewer records in the 1980s and invested heavily in locational surveys. This allowed the extent and condition of their assets to be recorded and assessed enabling future maintenance requirements to be programmed, and this should be the aim for CYC's highway drainage system.
- 6.17 Residential and commercial areas are invariably served by sewerage systems, and while it is not always apparent where they ultimately discharge to, it is a fair assumption that gullies are connected to them. The citywide desktop study of the location of gullies on the Exor database against the YWS sewer records, referred to in paragraph 3.2, has shown that some 2,000, 5% of the total number, have no obvious drainage infrastructure to which they could be connected. A significant number of these missing records affect major arterial roads into and around the City, as detailed in paragraph 3.2, and the lack of information can severely affect the time taken to remedy highway flooding at these locations. Two such recent incidents are detailed in paragraph 3.3.
- 6.18 Section 10.0 of the TAMP is included as Appendix 2. This covers highway drainage and subsection 10.2: Routine Maintenance defines the service provided. It states:
- Routine carriageway gully cleaning is carried out at: 6 monthly intervals on tree lined streets, arterial routes into the city centre and the city centre and annually on all other gullies
 - All reactive gully cleans not causing an immediate hazard to road users or properties have been carried out on Fridays, a list being faxed to the contractor every Thursday. Recently this has been extended to a daily planned schedule, achieving additional savings and efficiency.
 - Routine grip cutting is carried out annually, in late summer / early autumn.
 - Drain clearance is carried out on a reactive basis following defect reports.

Comment

- The frequency of gully cleaning has been reduced in the six years since the publication of the TAMP due to budget cuts. Prior to changes introduced in 2012/13 the authority carried out scheduled annual cleans on all road gullies

and a further clean where account had to be taken of leaf burden which had an adverse effect on the ability of gullies to function in times of precipitation. This was already a reduction in service from the TAMP.

- Blockages of the pipe system serving gullies renders them ineffective, and cleaning gullies in isolation often does not address the cause of flooding problems. Therefore the performance of all of the elements of the highway drainage infrastructure needs to be confirmed and optimised,
 - Currently the only gullies that are cleaned on a scheduled annual basis are those on the defined network of primary and secondary gritting routes shown in Appendix 5. Gullies which are reported as defective and are not on the gritting routes are responded to on a reactive basis. Future gully cleaning needs to be planned on the principles of flood risk management.
 - It is a false economy to minimise scheduled gully cleaning and rely on reactive cleaning. There are major efficiencies in proactive bulk cleaning on a scheduled basis and this would reduce the number of expensive one-off reactive visits which can disrupt routine work. It would also enable flood risk to be managed more effectively.
 - The current priority of scheduled cleaning of gullies only on gritting routes is flawed, and is not based on flood risk management requirements. Locations that have suffered surface water flooding, affecting the highway as well as property, are unlikely to be on gritting routes, but are most likely to be residential areas. As this study has shown, lack of routine maintenance in such areas can aggravate the effects of surface water flooding.
 - Routine cutting of existing grips in rural locations is carried out but due to resource limitations there are no new grips cut.
 - There has been no statement of change of Council policy or review or revision of the TAMP. This should be reviewed.
 - Routine or reactive gully cleaning only involves the emptying of the gully pot and does not include the checking of connections to ensure that the gullies work as recommended in para 10.7.4 of the CoP. Therefore problems frequently recur but due to a lack of a monitoring system are unlikely to be investigated.
- 6.17 Section 10.4 of the TAMP identifies performance gaps. It acknowledges that “The accuracy of inventory records for highway drainage ranges from approximate (carriageway gullies) to non existent (footway channels). It is proposed to collect inventory data for all surface drainage infrastructure during the carriageway and footway inventory surveys. A system is being introduced to record all subsurface drainage on the (highway management) Exor system, as and when details are confirmed by works or investigations”.

Comment

- The proposed method of data collection during inventory surveys has severe limitations and is very unlikely to produce the required information. There is frequently no indication of sub-surface drainage infrastructure on the surface and the only way to locate it is to commence a locational survey by excavation.
- The funding for investigations of highway drainage related flooding problems (ref para 3.3) has been effective in producing inventory information and where possible the opportunity is taken to remedy faults. Evidence of this approach is recorded in section 5. Progress has been made in recording the information on Exor but it should be noted that the funding only became available in response to flooding. If this had not occurred it is unlikely that any progress would have been made in recording highway drainage assets, as required in the TAMP. Regardless of flood risk, funding should be available to improve the inventory information and efficiency of maintenance.
- The investigations often start with little or no information and are very labour intensive requiring direction by suitably experienced drainage engineers. It is estimated that perhaps 10% - 15% of the missing information has been acquired to date and therefore a future commitment to funding is required to enable further infrastructure to be located, repaired and recorded. The Local Strategy will provide guidance on triggers for instigating statutory investigations.

6.18 Section 10.4.2 of the TAMP states “There are no routine maintenance programmes for inspection and clearance of sewers, drains, catchpits and manholes. At present all such work is reactive following a fault report. When the inventory survey is complete it is proposed to investigate the introduction of such programmes in order to reduce reactive work by proactive intervention”.

Comment

- There are still no routine maintenance programmes for these items, and as stated above routine maintenance of gullies is now minimal. As infrastructure is located and repaired it will be in serviceable condition but consideration needs to be given to routine future maintenance to ensure that the condition of these assets do not deteriorate again through future neglect.

7 CONCLUSIONS AND RECOMMENDATIONS

Conclusions

- 7.1 The conclusions arrived at from this study, which are also confirmed by investigations at other locations across the Council's area are:-
- 7.1.1 The location of much of the highway drainage infrastructure is unrecorded and its condition consequently unknown. This makes effective and efficient targeting of maintenance resources difficult and as a result work tends to be reactive.
 - 7.1.2 When culverted watercourses and ditches have been located during investigations riparian owners are often unaware of their presence or strategic importance, or of their responsibilities for its maintenance.
 - 7.1.3 Drainage infrastructure, especially watercourses and land drainage, is often inaccessible due to development.
 - 7.1.4 Development has often paid little regard to the pre-existing natural flow paths and drainage infrastructure. For example former field drains and minor watercourses have frequently been filled during development, or inadequately piped in with no record of location or provision of any access points for maintenance. There is still a danger of this occurring without adequate consultation with the Flood Risk Management team during the development control process.
 - 7.1.5 Blockage of pipes, ditches and culverts in Council, YWS and private ownership is common and with no inspection or maintenance regime cannot be monitored.
 - 7.1.6 Pipes and culverts are commonly blocked with silt and roots.
 - 7.1.7 Damage to pipes and culverts by the utility companies is common.
 - 7.1.8 Maintenance of known infrastructure beyond the emptying of gullies is poor or non-existent. When gullies are cleaned connections are not checked so re-blocking is common.
 - 7.1.9 Funding for maintenance of highway infrastructure, in particular gully cleaning, has been reduced annually over successive years to a point where it is now mainly a reactive operation. Such routine gully emptying that is carried out is generally not in the areas that suffer surface water flooding.
 - 7.1.10 Repairs to drainage systems and attempts at remedying flooding problems have often been badly executed and ill thought out with no regard to a

holistic solution based on knowledge of the drainage of the area. Often these have not been effective, or have aggravated the problem.

- 7.1.11 Designs for road alterations e.g. speed tables, road and footpath widening and the creation of cycle paths, can affect existing drainage infrastructure and should be designed to take this into account, ideally incorporating the use of SUDS. Such alterations can significantly increase impermeable areas and increase flood risk. Alterations can also physically affect the drainage of a site and the ease of access for maintenance. While this would be important anywhere it is an essential consideration in such a flat area. If not considered as an integral part of the design it can cause or aggravate flooding.

Recommendations

- 7.2 On the basis of the conclusions from the study it is recommended that:-

- 7.2.1 A commitment is made to fund continuing investigations to locate unrecorded drainage infrastructure in those areas where information is unavailable, prioritised to where there are known flooding problems. The information should be recorded on a geo-referenced database, such as Exor, which can be used as a management tool.

Reason: It is not possible to have a planned maintenance regime if there is no record of the location and condition of the infrastructure to be maintained.

- 7.2.2 A commitment is made to carry out repair work to damaged infrastructure already identified, prioritised to where there are known flooding problems, and remedial action taken to ensure that the performance of the existing surface water infrastructure is optimised.

Reason: To minimise flood risk by ensuring that the existing infrastructure is effective.

- 7.2.3 Future maintenance is scheduled rather than reactive and based on the requirements of the highway maintenance service.

Reason: To enable effective budgeting for and planning of future maintenance and to make the most efficient use of resources.

- 7.2.4 The effects of future rainfall events are monitored at known flood risk locations, though this is likely to be a reactive process.

Reason: To check the effectiveness of works carried out.

7.2.5 CYC liaise with YWS to agree ownership of previously unrecorded assets.

Reason: To ensure that future maintenance responsibility is clear.

7.2.6 Riparian owners are made aware of their obligations with regard to maintenance of flows as assets are found.

Reason: To ensure that future maintenance responsibility is clear.

7.2.7 CYC liaise with the relevant utility companies to remove their equipment where it has been found to have damaged the drainage system.

Reason: To minimise flood risk by ensuring that the existing infrastructure is effective

7.2.8 Flood Risk Management should be an integral part of highway alteration and maintenance design.

Reason: To minimise flood risk by ensuring that the impact of proposed addition and alterations to existing highway infrastructure, including allowances for climate change, is factored into designs.

7.2.8 The Transport Asset Management Plan should be reviewed and updated.

Reason: To enable the highway network to be managed holistically.

7.2.9 The Flood Risk Management Team continues to play a proactive role in the development control process to ensure that there is compliance with all relevant guidance.

Reason: To ensure that future development does not increase flood risk.

7.3 These conclusions, together with the following action plan, will be used in the preparation of the Local Flood Risk Management Strategy.

8 ACTION PLAN FOR THE FUTURE MANAGEMENT OF SURFACE WATER

8.1 The objectives of the study, as detailed in paragraph 2.24, were:

- 1) A clear understanding of the causes of flooding at each location investigated.
- 2) A record of the infrastructure serving the location and its condition and ownership.
- 3) A validation of the EA Flood Map for Surface Water.
- 4) Recommendations for future maintenance to prevent a repetition of the problem.
- 5) An understanding of how representative the findings are of the situation citywide.
- 6) Recommendations for further investigation.
- 7) Recommendations for further work.
- 8) Advice and information to local authority planners.

8.2 Through the modelling and investigation work the study has achieved objectives 1 to 7. The recurrent conclusion throughout the study has been that neglect of drainage infrastructure in all ownerships has been deficient over a long period of time and that a significant backlog of maintenance needs to be addressed to enable future surface water flood risk to be managed.

8.3 It has also become clear from the investigations that poor control of development in the past has affected natural drainage paths and that increased impermeable areas both in developments and highway alterations have aggravated flooding problems. In order to minimise the further effect of this, flood risk management must be an integral part of development management and highway design, and this will address objective 8.

8.4 The study has therefore identified two actions for the future management of surface water flood risk. No other actions have been identified:

- Maintenance of assets.
- Control of development.

Maintenance of Assets

- 8.5 The study has identified very serious shortfalls in both past and current maintenance of surface water drainage assets (Refer to conclusions paragraphs 7.1.1, 2, 5, 6, 7, 8, 9, and 10). These assets are principally in the ownership of CYC and YWS, although some are privately owned. The IDBs rarely if ever own assets but have a responsibility to maintain flow in or through them. They have permissive responsibilities only.
- 8.6 Investigations have clearly identified that neglect of this infrastructure by all owners has been either the cause of flooding or has aggravated it. Furthermore it has clearly identified that there are very poor records of the highway drainage infrastructure throughout the Council's area. Even if funding were available maintenance would be very difficult to prioritise on the basis of existing information.
- 8.7 In the areas modelled specifically for the study the EA's FMfSW has been shown to provide good general guidance to the location of areas likely to suffer surface water flooding. In view of the topography of the Council's area and observations and investigations in other areas it has been concluded that the FMfSW provides good guidance throughout the Council's area. However, it is not considered that this mapping of theoretical flood risk can be used to plan routine maintenance, but it will continue to be used in conjunction with future investigations. It is not proposed to carry out any further modelling, but that carried out has been used by the EA to update the FMfSW.
- 8.8 Since 2008/09 funding has been made available through the highway maintenance service to investigate surface water flooding, driven by the flooding which occurred in June 2007. Of necessity this has taken a holistic approach, identifying and recording the location and condition of drainage assets as found, to enable the effective management of future flood risk. From a highway maintenance and asset management point of view this has had the benefit of providing information on the highway drainage infrastructure to address the performance gap identified in the TAMP in 2006, but without the flooding occurring it is unlikely that any progress would have been made on this issue. Priorities for investigation have been driven by targeting known flood risk areas.
- 8.9 The funding that has been available to date is a total of £855k:
- | | |
|---------|-------|
| 2008/09 | £200k |
| 2009/10 | £200k |
| 2010/11 | £235k |
| 2011/12 | £55k |
| 2012/13 | £165k |
- 8.10 On completion of the ongoing investigations in the current financial year, it is estimated that progress will have been made in investigating, rectifying problems and collecting data, in approximately 10% to 15% of the Council's

area where information is lacking. The study has shown that uncertainties over ownership can affect the progress and conclusion of investigations, and continuing liaison with flood risk management partners will be required. However, regardless of ownership or responsibility the location of the infrastructure will be recorded, and flood risk will be better understood, fulfilling the Council's responsibilities as LLFA.

- 8.11 It is estimated that further funding of approximately £5m will be needed, calculated on a pro-rata basis, to complete investigations citywide and to collect and record information and remedy defects. On completion of the work, continued funding will be required for maintenance but expenditure can be planned and prioritised, rather than being reactive, and therefore maximise future efficiency.
- 8.12 This is clearly a substantial amount, and it has been calculated assuming that future investigations will be of the same level of complexity. Investigations to date have targeted known flooding areas and sought to resolve, in many cases, longstanding problems. Future investigations may not be as complex but this can only be confirmed once they have commenced, so it is not possible to assign specific amounts of funding to particular areas.
- 8.13 Therefore this estimated amount should be regarded as confirmation that ongoing funding is required to address flood risk and provide highway asset data. In practical terms the amount that can be effectively spent in any year is limited by the availability of appropriately skilled resources to direct and carry out the work and this should be the determining factor in deciding funding levels, together with an ongoing assessment to enable higher risk areas to be prioritised.
- 8.14 An option to do nothing could be considered. Should this be chosen, the condition of the drainage infrastructure will continue to deteriorate and reactive action will become more frequent, as has been already been experienced. This disrupts the planned work programmes for both engineers and the workforce, and both of these resources are becoming more stretched with reduced funding. The two events detailed in paragraph 3.3 can be used to make an assessment of the implications of doing nothing and the resulting costs.
- On Friday 27 April flooding at the A19/A1237 roundabout caused major disruption to the whole of the A1237 outer ring road from 7 am to 2 pm as a major part of the roundabout was impassable and 1½ to 2 hours were typically added to journey times. Resolution of the problem required an investigation to locate the drainage system and outlet, which was blocked with tree roots. None of the highway drainage routes were recorded on any readily accessible database.

It is difficult to calculate actual losses in a case like this but using guidance provided by the Council's traffic modellers the following indicative calculation of economic loss has been made:

Allow for an assumed 3,000 vehicle movements per hour (peak).
Assume all vehicles delayed by average of 1 hour.
Assume the duration of disruption to be 4 hours.
Assume cost of delay to be an average of £7/vehicle/hour.

Economic losses = $3,000 \times 1 \times 4 \times £7 = \mathbf{£84,000}$

Actual costs incurred in managing the incident and remedying the problem:

An engineer from the Flood Risk management team has spent approximately 40 hours dealing with the incident on the day and carrying out a subsequent investigation to locate the drainage system and manage various contractors.

40 hours @ £39 = **£1,560**

The Flood Risk Manager wrote a report on the incident, which took 5 hours. This was not a Section 19 report under the F&WMA.

5 hours @ £55 = **£275**

Contractor costs for jetting, CCTV, creating a track to gain access to the blocked drain etc. **£7,500**

Total costs actually incurred **£9,335**

None of this was programmed work and therefore there are further unquantifiable costs incurred in disrupting routine work.

- On Sunday 10 June the A1079 both carriageways of the Hull Road flooded from the outer ring road roundabout to Badger Hill. The road was impassable for several hours and a subsequent investigation found major silt blockage in both highway drains and public sewers. None of the highway drainage routes were recorded. In addition 8 properties on the Badger Hill estate Way suffered internal flooding.

Once again it is difficult to calculate actual losses but using guidance provided by the Council's traffic modellers the following indicative calculation of economic loss has been made:

Allow for an assumed 500 vehicle movements per hour (Sunday afternoon)
Assume all vehicles delayed by average of 0.25 hour.
Assume the duration of disruption to be 2 hours.
Assume cost of delay to be an average of £7/vehicle/hour.

Economic losses = $500 \times .25 \times 2 \times £7 = \mathbf{£1,750}$

Had the event occurred on a weekday the repercussions would have been on the same scale as the A19/A1237 incident as the Hull Road is a major route in and out of the City.

Insurance costs for householders – unknown but assume to be £5,000 per property = **£40,000**

Actual costs incurred in managing the incident and remedying the problem:

Emergency callout on Sunday afternoon and plant costs. **£700**

Engineers from the Flood Risk Management team have spent approximately 40 hours to date carrying out an investigation to locate the drainage system and manage various contractors plus extensive liaison with YWS. A Section 19 report under the F&WMA is required due to the severity of the flooding.

80 hours @ £39 = **£3,120**

10 hours @ £55 = **£550**

Contractor costs for jetting, CCTV, etc. **£7,500**

Total costs actually incurred by Council to date **£11,870**

None of this was programmed work and therefore had a knock on effect on other work of the team.

- 8.15 The SWMP technical guidance requires LLFAs to consider whether a Strategic Environmental Assessment (SEA), an Appropriate Assessment (required by the Habitats Directive) or an Article 4.7 Water Framework Directive (WFD) assessment is required. As the recommendations arising from this study relate to the location and subsequent maintenance of existing surface water infrastructure and no major works are proposed that will have a significant environmental impact, it is therefore considered unlikely that a SEA will be required but it will be looked at on a case by case basis.

Maintenance of Assets: Recommendations

Taking the above into consideration it is recommended that:

1. Annual funding of £200k is made available to continue investigations and record data. The hierarchy for investigations will be developed in the local strategy based on:
 - a) areas of known flood risk.

City of York Council
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- b) areas where there are gullies but no recorded infrastructure serving them, prioritising principal transport routes.
 - c) other areas.
2. The Transport Asset Management Plan is reviewed and updated to reflect the improved asset information available from the investigations.
3. Progress on investigations, repairs and data acquisition is reported annually to Cabinet as part of the regular review of the Local Strategy to enable:
 - a) requirements for future funding to be reviewed and revised as necessary.
 - d) the effectiveness and efficiency of the maintenance regime to be reviewed and amended as necessary, to enable any funding changes to be based on real efficiencies.
 - e) residual flood risk to be assessed to determine whether specific funding is required to resolve more significant flooding problems.

Control of Development

8.16 The study has identified numerous locations where development has aggravated flood risk (Refer to conclusions paragraphs 7.1.2, 3, and 11). It has done this by:

- affecting natural drainage paths; for example former field drains and minor watercourses have frequently been filled in during development, or inadequately piped in with no consideration of future liability or the effects on flood risk to the site or locality.
- Increasing impermeable areas
- adversely affecting access to infrastructure for maintenance.
- creating future maintenance liabilities for which responsibility is not established at approval stage.

8.17 While this refers to development sites with planning approval, it should be noted that the same problems have occurred as a result of highway alterations, ref conclusion 7.1.11:

Designs for road alterations often do not take into account effects on drainage infrastructure. These can physically affect the drainage of a site and ease of access for maintenance, and also increase impermeable areas and flood risk. While this would be important anywhere it is an

essential consideration in such a flat area. If not considered as an integral part of the design it can cause or aggravate flooding.

Road alterations can cause significant increases in surface water flows and the sustainable management of drainage is rarely addressed by designers, leading to a consequent increase in flood risk. An example of this is given in section 5.8 Hotspot 6: Heworth, in the paragraph titled "Other Flooding".

- 8.18 Historically, the development that has taken place over many decades has permitted the discharge of surface water, with no volume restrictions, to existing drainage systems. This was accepted practice for the scale and type of development at the time, taking into account the prevailing climatic conditions, and was not questioned. However, the more recent demands of development and urbanisation, largely driven by ever increasing vehicle ownership and use, together with proven evidence of climate change, have made this approach unsustainable and unacceptable. At the same time the gradual deterioration in the condition of surface water drainage systems through neglect has reduced available capacity further aggravating flood risk.
- 8.19 Depending on its scale, development in its widest sense can typically include:
- The construction of more and bigger roads.
 - Out of town shopping centres and associated car parks.
 - The creation of bus and cycle lanes.
 - The hard surfacing of urban verges to create parking areas.
 - The hard surfacing of gardens to create parking areas.
 - The construction of larger houses and at a higher density than previously
 - Domestic properties with multiple parking spaces.
 - The construction of house extensions and garden infill development.
- 8.20 All of these activities reduce the available permeable areas which absorb surface water and therefore all development can increase surface water flood risk.
- 8.21 Planning Policy Statement 25 (PPS25) addressed this issue, requiring developers to consider all flood risk with a site specific Flood Risk Assessment (FRA). Section 10 of the new National Planning Policy

Framework (NPPF) and the associated technical guidance note maintains this requirement.

8.22 The Council's Strategic Flood Risk Assessment (SFRA) was produced in response to PPS25 and assesses the different levels of flood risk in the York Unitary Authority area and maps these to assist with statutory land use planning. It provides concise information on flood risk issues, to assist planners in the preparation of the Local Development Framework (LDF) and in the assessment of future planning applications. It is also intended that this document is used by the general public and those wishing to propose developments as a guide to the approach that Local Planning Authorities will follow in order to take flood risk issues into account in a sustainable manner. Part 4 of the SFRA includes detailed policy recommendations covering these issues and also guidance for Development Managers, and is reproduced as Appendix 4.

8.23 The SFRA states that all watercourses are at capacity and therefore surface water must be managed so as not to increase, and if possible reduce existing flows. Of particular relevance is paragraph 4.1.8 of Appendix 4, Forward Planning (FP) Policy Recommendation: Flood Zone 1. This is repeated as a policy recommendation for all fluvial flood zones:

4.1.8 The majority of the watercourses in York are up to maximum capacity. Consequently, 1 in 100-year (1%) surface water runoff rates for developments in this zone should be, where practicable, restricted to either: -

- Existing runoff rates (if a Brownfield site, based on 140 l/s/ha, in accordance with The Building Regulations 2007, Part H.3, with a reduction of 30% in runoff where practicable (as agreed with the EA) or,
- Unless otherwise calculated, agricultural runoff rates (if the site has no previous development) will be based on 1.4 l/s/ha. To achieve this, additional run off volume will require balancing.

8.24 Appendix 4 of the SFRA also includes guidance for Development Management and the Consideration of Planning Applications. Paragraph 4.1.108 provides General Surface Water Drainage Guidance:

4.1.108 The 2000 flood saw all the major Becks and rivers flowing at full capacity, in each of the three river zones. Flooding affected 365 properties and threatened a further 5000. Consequently, the following policy should apply to all new development / redevelopment, irrespective of which flood zone it lays in: -

1. In accordance with PPS25, surface water flows from all sites should, where practicable, be restricted to 70% of the existing runoff rate i.e. 30% reduction (as agreed with the EA), Existing runoff rates are calculated as follows:

- a. Brownfield site = 140 l/s/ha (in accordance with The Building Regulations 2007, Part H.3) or
- b. Undeveloped sites = 1.4 l/s/ha (agricultural runoff rates).

Storage volume calculations, using computer modelling, must accommodate a 1 in 30-year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1 in 100- year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If no connected impermeable areas (if the site has no previous development i.e.(Greenfield) then an Agricultural runoff rate of 1.4 l/s/ha shall be used.

Notes: In some instances, there may be no flow from the site that discharges to a watercourse and the land may be waterlogged. Development of such a site will require the compensatory attenuation of flow elsewhere to maintain the status quo.

Agricultural runoff rate of 1.4 l/s/ha is currently quoted to developers. However, it is recognised that this empirical figure may not be appropriate for all soil types and modelling carried out as part of the flood risk assessment specific to a particular development site may establish a different existing runoff from the site on which a design can be based and agreed.

2. Surface water from developments shall not connect to combined drains or sewers, if a suitable surface water sewer is available and unless expressly authorised by Yorkshire Water.

Note: This is to prevent overloading of the sewerage system and prevent unnecessary treatment of surface water. Some areas are wholly combined systems of drainage (e.g. city centre).

3. All full planning applications shall have complete drainage details (including Flood Risk Assessments when applicable) to include calculations and invert levels (to AOD) of both the existing and proposed drainage system included with the submission, to enable the assessment of the impact of flows on the catchment and downstream watercourse to be made. Existing and proposed surfacing shall be specified.

Note: This should be confirmed at plans processing stage and the application rejected when insufficient detail is provided, thus preventing the promotion of inappropriate development. This will also

reduce the need for conditions related to drainage and provide clarity for enforcement purposes.

4. Sustainable Urban Drainage (SUDS) methods of source control and water quality improvement should be utilised wherever possible for all new developments in the catchment.

Notes: In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table.

5. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (if possible carried out in winter) - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

Where permeable paving is proposed the same BRE Digest 365 assessment should be carried out to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the paving itself.

City of York Council's Drainage Section should witness the BRE Digest 365 test.

Notes: The suitability of the use of soakaways and swales within York will be limited, due to the unsuitable clay ground encountered throughout most of the city. There should be a presumption that these will be unsuitable unless proven otherwise.

Should follow on with other options, if infiltration does not work, i.e. on site retention, sewers, watercourses as per Building Regulations - Part H (Drainage & Waste Disposal) 2002 Edition.

6. Ground water / land drainage from proposed developments shall not be connected to public sewers and existing land-drainage systems should be maintained.

Note: Yorkshire Water will not allow the connection of ground water to public sewers, to prevent hydraulic over-loading of the sewerage system and problems associated with siltation.

7. Applications for smaller scale developments in relation to surface water drainage, which are part of larger sites that already have

outline permission, must comply with any conditions that were applied to the larger site.

Note: This is to prevent a 'piecemeal' approach to SUD/drainage schemes. This will apply to both large-scale housing and industrial developments, where the drainage system should be designed "as a whole".

8. Proposed development near to existing areas served by combined sewerage systems (typically pre-1930 terraced housing and inner-city) will need careful consideration with regards to additional hydraulic loading

Note: Yorkshire Water should be consulted at an early stage for all developments over 10 dwellings or sites exceeding 0.5ha, as new connections to sewers suffering from under capacity may result in exacerbation of any existing problems. The proposed site may also flood itself due to surcharge during intense summer storms.

- 8.25 The Council's Core Strategy, a key part of its Local Development Framework, was submitted to the Secretary of State in February 2012, but has subsequently been withdrawn. However, Policy CS22 Flood Risk contained therein is a further confirmation of the requirement to control surface water risk during the planning process, both strategically and at application level. It is unlikely that these requirements will be amended in the revised submission, as the basic principles of the policy are confirmed by the NPPF and associated guidance. Policy CS22 is included in Appendix 4.
- 8.26 The Council's Flood Risk Management team takes a very proactive role in development management and aims to resolve drainage and flood risk design issues at application stage to avoid the need for planning conditions. Without considering flood risk and drainage as a fundamental element of the design, options to provide sustainable solutions at a late stage of the process are difficult or impossible to achieve. Close working with the Development Management Team is necessary to ensure applications are dealt with appropriately in accordance with the SFRA and NPPF..
- 8.27 This principle is supported by the Flood and Water Management Act 2010 which requires LLFAs to establish a Sustainable Drainage Systems Approving Body (SAB). This body must approve drainage systems in new developments and re-developments before construction begins. The Act also removes the automatic right of connection to the sewerage system. Enactment of this part of the Act is expected in 2013.
- 8.28 The preferred option for a SUDS design is for it to mimic the pre development drainage of the site, which would ideally be achieved by the use of soakaways. However, due to the clay ground conditions prevalent across the majority of the York area, opportunities for infiltration drainage are very limited. As a result, sustainable drainage solutions are, of necessity,









most frequently based on the retention of surface water on the site using ponds or tanks, with a controlled discharge to the downstream sewer or watercourse. While this can help to reduce the peak rate of flow of the runoff from the site, and the total volume of flow will remain the same, the duration of flow will be extended. This may lead to extended periods of higher water levels in receiving watercourses or drains and the impact of this will depend on the scale of the development and the characteristics of the downstream infrastructure. While small developments may not have a great impact the cumulative impact of many developments may be a cause for concern.

- 8.29 Should there be concerns regarding the effects of development on flood risk in an area there is legislation available which might help to manage it. The Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2006 allows for a Local Planning Authority to designate an area within Flood Zone 1 which has critical drainage problems, as a Critical Drainage Area. The Council has not so far designated any areas but will consider it if is necessary to manage flood risk in specific areas.
- 8.30 It is of concern that the above procedures will not cover the effect of highway works on flood risk, which do not require planning approval. However, there is a clear requirement in the F&WMA for highway authorities (S27 (3)(d)) *“...to make a contribution towards the achievement of sustainable development”*. This is expected to be clarified on the enactment of the part of the Act referred to above and the Flood Risk Management team will work with highway engineers to ensure that there is compliance.


Control of Development: Recommendations

- 8.31 Taking the above into consideration it is recommended that:
- 1) Development is only permitted strictly in accordance with the NPPF and SFRA.
 - 2) The Flood Risk Management team continues to take a proactive role in development management with the aims of minimising the number of approvals that are given with drainage conditions attached.
 - 3) Where drainage conditions are attached to approvals the Flood Risk Management team will ensure that they are realistic and achievable.
 - 4) The Council sets up procedures to become the SuDS Approval Body when the relevant part of the Act is enacted and guidance is issued.
 - 5) The Flood Risk Management team works with highway maintenance and design engineers to ensure that they fully understand the need for sustainable drainage in their work, and that suitable designs are implemented.

Appendices

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| Appendix 1 |  | Hydraulic Modelling Report Halcrow June 2011 |
| Appendix 2 | | City of York Council Traffic Asset Management Plan September 2006 |
| |  | Section 10 Highway Drainage |
| |  | Paragraph 1.3 Assets Included |
| Appendix 3 | | Well-maintained Highways Code of Practice for Highway Maintenance Management |
| |  | Section 9.11 Service inspection Of Highway Drainage Systems |
| |  | Section 10.7 Condition Of Highway Drainage Systems |
| |  | Section 14.4 Flooding From Inadequate Drainage |
| Appendix 4 |  | City of York Council Strategic Flood Risk Assessment (rev 2011) Section 4 |
| Appendix 5 |  | Gritting and Gully Cleaning Routes |

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| Cabinet | 4 December 2012 |
| Report of the Cabinet Leader | |

LORD MAYORALTY 2013/14

Summary

1. The purpose of this report is to ask the Cabinet to consider the points system for the annual nomination of the Lord Mayor for City of York Council and confirm that the Group with the most points under that system should be invited to appoint the Lord Mayor for the coming municipal year, 2013/2014.

Background

2. Members will be aware that the system for nominating the Lord Mayor is based on an accumulation of points determined by the number of seats held by each particular group on the Council. The party having the largest cumulative total of points on Lord Mayor's Day each year is invited to nominate the Lord Mayor for the following year. A party loses 47 points when nominating the Lord Mayor. It should be noted that a nominee for Lord Mayor requires at least five years' service as a City of York Councillor.
3. Under the system, a party which loses all its seats on the City Council may have any accumulated points frozen until seats are once again gained by that party on the council.

4. Under the current points system, the number of points accumulated by each party is as follows:

| PARTY | POINTS FOR 2012/2013 | LOSS FOR LM | POINTS FOR 2013/2014 |
|---------------------|----------------------|-------------|----------------------|
| Labour | 22 | | $22+25 = 47$ |
| Lib Dem | 27 | -47 | $27-47+8 = -12$ |
| Green | 18 | | $18+2 = 20$ |
| Conservatives | 13 | | $13+10 = 23$ |
| Councillor Warters | 1 | | $1 + 1 = 2$ |
| Councillor Jeffries | 0 | | 1 |

5. The above table shows that the Labour group with a total of 47 points will qualify for the Lord Mayoralty in 2013/2014.

Consultation

6. The political groups are aware that this is the process usually applied to select the mayoralty for the year ahead. Beyond this, there is no specific need for consultation.

Options

7. Option 1

To invite the Labour group to nominate the Lord Mayor for the municipal year 2013/2014.

Option 2

To review the points system current adopted for nominations

Analysis

8. **Option 1** is in accordance with the agreed procedure.

Option 2 would require development and consideration by Members of a new process, with subsequent approval by Council as a change to its previously agreed procedure.

Council Plan 2011-2015

9. The appointment of the Lord Mayor forms part of the Council's civic leadership and assists in the improvement of leadership at all levels, which contributes to one of the Plan's core capabilities in providing a confident and collaborative organisation.

Implications

7. There are no specific direct implications in relation to financial, human resource, legal or equalities implications arising from the recommendations in this report, which is concerned with the process for and invitation to nominate for the appointment of a Lord Mayor.

Risk Management

8. Failure to appoint a Lord Mayor in the second most traditional city outside of London could have a significant impact on the Council's reputation in terms of maintaining its civic heritage. It is important that an equitable and robust system is applied to the nomination process.

Recommendations

9. Members are asked to invite the Labour group to nominate the Lord Mayor for 2013/2014, in line with the existing accumulated points system.

Reason: To ensure that the Council secures the necessary leadership to undertake its civic functions and provides continuity for future selection.

Contact Details

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|--|--|---|----------------------|
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| | Report Approved | √ | Date 12.11.12 |
| Wards Affected: <i>All</i> | | | |

For further information please contact the author of the report

Background Papers/Annexes:

None